

# 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**

Friday, May 5, 1967

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

Prayer by the Rev. Mr. Warren Benner of Hallowell.

The journal of yesterday was read and approved.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I have conferred with the Speaker as to the remarks that I am about to make.

Earlier this week we heard comments from Mr. McNally, a member of this body and others concerned, concerning our Exhibit at the World's Fair. I have heard since, although I have not had the pleasure of going to Montreal, I have been contacted since by several people who have been to Montreal, including another member of our body, the Representative from Lewiston, Mr. Cote, and several others throughout the state, and as one man described it to me last night, he made comment that particularly since the article in the New York Times, that the Maine Exhibit at the World's Fair is the talk of the World, and I think that we would be remiss today if we did not recognize the Department of Economic Development for its work and certainly the fact this Legislature through the Appropriations Committee in appropriating monies for the building and particularly recently for the operation of the Exposition.

I have in mind a young man who has been a devoted employee of the State, the Economic Department, who is here in our Hall this morning, who has been in complete command of the Exhibit in Montreal. He came here to visit some of us and this comes I know as a surprise to him—I speak of Mr. Clarence McKay who I would call the Chief Architect and Engineer of this program in Montreal and I know that the House would like to rise and applaud him and wish him well for continued success as far

as the Exhibit in Montreal is concerned. Mr. Clarence McKay.

The SPEAKER: Will Mr. McKay step inside the rail and be recognized?

Whereupon, Clarence E. McKay stepped forward and was greeted by applause of the House.

The SPEAKER: On behalf of the House, Mr. McKay, we offer you our sincere congratulations for the accolades you have been receiving throughout the country for our Exhibit at the '67 Expo at Montreal. I am sure you are rewarded by these tributes and by the applause of this House.

Mr. CLARENCE E. MCKAY: Thank you very much, sir. (Applause)

**Papers from the Senate**

From the Senate:

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Maine School Building Authority Bonds (S. P. 622) (L. D. 1624)

Came from the Senate referred to the Committee on Education.

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

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill: "An Act Concerning Collective Bargaining by Municipalities", Legislative Document No. 1073, introduced at the regular session of the 103rd Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report its findings and recommendations to the 104th Legislature (S. P. 624)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

**Senate Reports of Committees Ought Not to Pass**

Report of the Committee on Highways reporting "Ought not to

pass" on Bill "An Act relating to State Aid and Third Class Road Bridges" (S. P. 451) (L. D. 1131)

Report of the Committee on Labor reporting same on Bill "An Act Concerning Collective Bargaining by Municipalities" (S. P. 408) (L. D. 1073)

Report of the Committee on Natural Resources reporting same on Bill "An Act relating to Disposal of Income of Organized Townships Fund" (S. P. 130) (L. D. 265)

Came from the Senate read and accepted.

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

#### Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act to Share Costs in School Administrative Districts on a Basis other than State Valuation" (S. P. 223) (L. D. 549) reporting same in a new draft (S. P. 621) (L. D. 1617) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and assigned the next legislative day.

#### Ought to Pass with Committee Amendment

Report of the Committee on Election Laws on Bill "An Act Authorizing Use of Electronic Voting Systems in Elections and Granting Rule-Making Authority" (S. P. 425) (L. D. 1079) 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 assigned for third reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Labor on Bill "An Act Increasing Minimum Wages" (S. P. 48) (L. D. 38) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. JOHNSON of Somerset  
GOOD of Cumberland  
NORRIS of Oxford

—of the Senate.

Messrs. EWER of Bangor  
HOOVER of Philips  
DRUMMOND of Sidney  
DURGIN of Raymond  
BEDARD of Saco  
COUTURE of Lewiston

—of the House.

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

Report was signed by the following member:

Mr. HUBER of Rockland

—of the House.

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

In the House: Reports were read.

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

Mr. EWER: Mr. Speaker and Members of the House: I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. HUBER: Mr. Speaker and Members of the House: This was the first of many obviously controversial bills to be voted on in the Labor Committee, and I guess an explanation for the Minority vote is in order so that there will be no misunderstanding regarding my personal feelings about this specific bill.

I think everyone has their own particular philosophy regarding the presentation of legislation. I

think the Labor Committee could have made a better effort to present you with a composite bill for consideration. This represents a rather piecemeal approach that to me is a bit disturbing and in this instance one reason for the one-man rebellion. There are, incidentally, two more L. D.'s waiting in the wings that cover the same general law as does L. D. 38.

L. D. 38, that I think is lacking some reasonable provisions, deals with Title 26, Labor and Industry, Chapter 7, sub-chapter III, Section No. 664, entitled "Compliance required." This is the section that was amended by the 102nd Legislature to effect the present \$1.25 minimum wage which became law last October.

The Legislature also made some changes in the hours worked, spelling out the time and a half over 48 hours provision and then exempting certain job categories from the overtime feature.

The immediately preceding section, Section No. 663, is also important to the minimum wage consideration. 663 contains a dozen specific categories that are exempted from the whole Chapter. This, of course, includes the minimum wage and the overtime provision.

Our Labor Committee was presented with six bills with proposed changes in Section 664, two with minimum wage increases and four with additions or changes in the overtime provisions, which also clarify some work classifications. We could have incorporated all the related bills suggesting changes in both sections 663 and 664 and given you a much more realistic piece of legislation to consider.

L. D. 38 will grant a 12 percent increase in the minimum hourly rate to \$1.40 within the year, and the increase to \$1.50 after twelve months will be the fourth increase in four years.

I have not heard, nor have I expressed any opposition to a minimum wage rate increase and I am not doing any such thing right now. What I do object to is the reluctance to add reasonable

exemptions. Objectively speaking, minimum wage is after all only a relative figure or rate at best, a sort of comparative level from which labor figures its income and business figures its expense. \$1.40 as you know is now the Federal minimum wage rate that will go to \$1.60 next February. This was probably the intention of the bill, to emulate the Federal program, but whether or not, there are other provisions of the Federal law that we should consider for L. D. 38 before we actually print this into the Maine laws.

Let's take a quick look at some of the exemptions from the Minimum Wage found in the Federal law as amended in 1966. Some, incidentally some of these are included in the Maine law. Executive, administrative and professional employees — these are exemptions. Employees of certain seasonal amusement or recreational establishments, of motion picture theaters; of certain small newspapers; switchboard operators of telephone companies which have fewer than 750 telephones. Seamen employed on vessels other than American vessels; fish farmers and fishermen; certain farm workers; employees engaged in certain operations relating to specified agricultural or horticultural commodities; and employees in small forestry and logging operations.

And, employees of a retail or service establishment that makes most of its sales within the state and has less than \$250,000 annual sales. This one makes sense, and for a state like Maine with relatively small population pockets in a large land area with our many small retail outlets, this would seem to be a practical addition to this law, and there may be other possible exemptions, additional from the overtime provisions and/or the minimum wage coverage to be considered.

Now, if you're going home this weekend, you can do me a great big favor if you will check with the small businessman on Main Street, check him and check his employees regarding this particular piece of legislation that we are

talking about. These people represent a very big part of the strength and the character of this state.

Two more objections. Many municipalities, a good many businesses, of course budget for the calendar year, and because of new additional coverage to some municipal employees under the minimum wage law enacted two years ago, we really should change the effective date of this bill to January 1st.

One other thing; in our haste to add the Committee amendment I think we slipped — the amendment says "motels, hotels and restaurants." I could be wrong but I think it also should include Class "A" restaurants.

In the next few days you and I are going to see if we can't improve on this proposed legislation!

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Clerk and adopted in Concurrence and the Bill assigned for third reading the next legislative day.

#### Non-Concurrent Matter

Bill "An Act Establishing the Policemen's Arbitration Law" (S. P. 342) (L. D. 926) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on April 28.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed without Amendment, and asking for a Committee of Conference.

In the House: On motion of Mr. Huber of Rockland, the House voted to insist and join in the Committee of Conference.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Taxation of Television Sets" (H. P. 287) (L. D. 407) on which the House accepted the Majority "Ought to pass" Report of the Committee on Taxation and passed the Bill to be engrossed on April 28.

Came from the Senate with the Minority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

Mr. QUINN: Mr. Speaker, the person that sponsored this bill is not in the House at present I would suggest that someone table it to the next legislative day.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending further consideration and specially assigned for Tuesday, May 9.

#### Non-Concurrent Matter

Bill "An Act to Relieve Elderly Persons from Increases in the Property Tax" (H. P. 953) (L. D. 1384) which was passed to be engrossed as amended by House Amendment "A" in the House on April 21.

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

In the House: On motion of Mr. Philbrook of South Portland, the House voted to insist and ask for a Committee of Conference.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 9, at ten o'clock in the morning. (S. P. 634)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### House Reports of Committees Ought Not to Pass

Mr. Quimby from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse Barbara W. Smart of Kennebunkport for Property and Well Damage by Highway Construction (H. P. 477) (L. D. 690)

Report was read and accepted and sent up for concurrence.

### Ought to Pass in New Draft New Drafts Printed

Mrs. Carswell from the Committee on Indian Affairs on Bill "An Act relating to the Education of Indian Children Living on Reservations" (H. P. 484) (L. D. 697) reported same in a new draft (H. P. 1145) (L. D. 1636) under same title and that it "Ought to pass"

Mr. Dennett from the Committee on Indian Affairs on Bill "An Act relating to Clerks of Indian Tribes and Excise Taxes on Motor Vehicles Paid by Members of Passamaquoddy Tribe of Indians" (H. P. 745) (L. D. 1067) reported same in a new draft (H. P. 1146) (L. D. 1637) under title of "An Act relating to Clerks of Indian Tribes and Excise Taxes Paid by Residents of the Various Indian Reservations" and that it "Ought to pass"

Same gentleman from the Committee on State Government on Bill "An Act relating to the Financing of the State Liquor Commission" (H. P. 1024) (L. D. 1490) reported same in a new draft (H. P. 1147) (L. D. 1638) under same title and that it "Ought to pass"

Mr. Rideout from the Committee on State Government on Bill "An Act to Establish the Maine Municipal Police Training Council" (H. P. 725) (L. D. 1049) reported same in a new draft (H. P. 1148) (L. D. 1639) under title of "An Act to Establish the Maine Law Enforcement Training Council" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

### Ought to Pass Printed Bill

Mr. Soulas from the Committee on Health and Institutional Services reported "Ought to pass" on Bill "An Act Permitting the Use of the Reformatory for Women for the Confinement of Federal Prisoners" (H. P. 1109) (L. D. 1578)

Report was read and accepted, the Bill read twice and assigned the next legislative day.

### Ought to Pass with Committee Amendment

Mr. Fraser from the Committee on Claims on Resolve to Reimburse Raymond Goodwin of Kittery for Well Damage Resulting from Highway Construction (H. P. 441) (L. D. 616) 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. 441, L. D. 616, Resolve, to Reimburse Raymond Goodwin of Kittery for Well Damage Resulting from Highway Construction.

Amend said Resolve in the 2nd line (same in L. D. 616) by striking out the figure "\$840" and inserting in place thereof the figure '\$600'

Committee Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

Mr. Harvey from the Committee on Claims on Resolve to Reimburse James Robinson of Palmyra for Property and Well Damage by Highway Construction (H. P. 94) (L. D. 122) 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. 94, L. D. 122, Resolve, to Reimburse James Robinson of Palmyra for Property and Well Damage by Highway Construction.

Amend said Resolve by striking out in the 2nd line (same in L. D. 122) the figure "\$2,000" and inserting in place thereof the figure '\$1,200'

Committee Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

### Tabled and Assigned

Mr. Quimby from the Committee on Claims on Resolve to Reimburse Elmer Hannigan of Portland for Property Damage by Highway

Construction (H. P. 734) (L. D. 1057) 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. 734, L. D. 1057, Resolve, to Reimburse Elmer Hannigan of Portland for Property Damage by Highway Construction.

Amend said Resolve by striking out in the 2nd line (same in L. D. 1057) the figure "\$1,425" and inserting in place thereof the figure '\$300'

Committee Amendment "A" was adopted.

(On motion of Mrs. Lincoln of Bethel, tabled pending assignment for second reading and specially assigned for Wednesday, May 10.)

Mr. Townsend from the Committee on Claims on Resolve to Reimburse Elinor Nichols of Poland for Well Damage by Deposit of Salt on Highway (H. P. 968) (L. D. 1410) 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. 968, L. D. 1410, Resolve, to Reimburse Elinor Nichols of Poland for Well Damage by Deposit of Salt on Highway.

Amend said Resolve in the 2nd line (same in L. D. 1410) by striking out the figure "\$1,800" and inserting in place thereof the figure '\$600'

Committee Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

Mr. Shute from the Committee on Education on Bill "An Act relating to the Computation of Secondary School Tuition" (H. P. 979) (L. D. 1421) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 979, L. D. 1421, Bill, "An Act Relating to the Computation of Secondary School Tuition."

Amend said Bill by inserting at the beginning after the enacting clause the following:

'Sec. 1. R. S., T. 20, § 1291, amended. The first sentence of the 2nd paragraph of section 1291 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 371 of the public laws of 1965, is repealed and the following inserted in place thereof:

**In the case of any youth attending school, under conditions as provided for in the preceding paragraph and the school offers at least 2 occupational courses, the annual tuition shall not exceed the average cost per pupil in all secondary schools of the State which offer 2 or more occupational courses. In schools not offering at least 2 occupational courses, the tuition shall not exceed the average cost per pupil in all secondary schools of the State of that type.'**

Further amend said Bill by inserting at the beginning of the first line (same in L. D. 1421) the underlined abbreviation and figure 'Sec. 2.'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mrs. Carswell from the Committee on Indian Affairs on Bill "An Act relating to Police Officers of Indian Tribes" (H. P. 750) (L. D. 1097) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 750, L. D. 1097, Bill, "An Act Relating to Police Officers of Indian Tribes."

Amend said Bill in that part designated "\$4716" by striking out all of the last underlined sentence in subsection 2.

Committee Amendment "A" was adopted and the Bill assigned for



third reading the next legislative day.

Mr. Dennett from the Committee on State Government on Bill "An Act relating to Length of Leases by State for State Facilities" (H. P. 379) (L. D. 526) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 379, L. D. 526, Bill, "An Act Relating to Length of Leases by State for State Facilities."

Amend said Bill in the 4th line (3rd line of L. D. 526) by striking out the underlined figure "30" and inserting in place thereof the underlined figure "20"

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. Martin from the Committee on State Government on Bill "An Act to Provide for an Economic Survey to Establish an Industrial Foreign Trade Zone" (H. P. 1029) (L. D. 1495) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1029, L. D. 1495, Bill, "An Act to Provide for an Economic Survey to Establish an Industrial Foreign Trade Zone."

Amend said Bill in the 3rd line (2nd line in L. D. 1495) by striking out the figure "\$25,000" and inserting in place thereof the figure "\$7,500"

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Insurance

Transactions through Credit Card Facilities" (H. P. 876) (L. D. 1288)

Report was signed by the following members:

Messrs. MacLEOD of Penobscot  
HARDING of Aroostook  
KATZ of Kennebec  
—of the Senate.

Messrs. SULLIVAN of Portland  
HARRIMAN of Hollis  
FECTEAU of Biddeford  
—of the House.

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

Report was signed by the following members:

Messrs. TRASK of Milo  
GAUTHIER of Sanford  
SCOTT of Presque Isle  
SCOTT of Wilton  
—of the House.

Reports were read.

(On motion of Mr. Scott of Wilton, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Indian Affairs reporting "Ought not to pass" on Bill "An Act relating to Rights and Privileges of Members of the Indian Tribes at the Legislature" (H. P. 117) (L. D. 188)

Report was signed by the following members:

Messrs. BECKETT of Washington  
CURTIS of Penobscot  
—of the Senate.

Messrs. COOKSON of Glenburn  
RIDEOUT of Manchester  
DENNETT of Kittery  
JANNELLE

of Scarborough  
—of the House.

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

Report was signed by the following members:

Mr. NORRIS of Oxford  
—of the Senate.

Mrs. CARSWELL of Portland  
Messrs. DANTON

of Old Orchard Beach  
MILIANO of Eastport  
—of the House.

Reports were read.

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

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 119) (L. D. 145)

Report was signed by the following members:

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

Messrs. MARTIN of Eagle Lake  
STARBIRD

of Kingman Township  
Mrs. CORNELL of Orono  
—of the House.

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

Report was signed by the following members:

Messrs. DENNETT of Kittery  
WATTS of Machias  
RIDEOUT of Manchester  
PHILBROOK

of South Portland  
—of the House.

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I move that this item, item 17, and the following items—items 18, 19, 20, 21, 22, 23, 24, and 25, which appear on pages five through eight of the House Advance Journal and Calendar, be tabled until Wednesday, May 10, in each instance pending acceptance of either Report.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that items 17, 18, 19, 20, 21, 22, 23, 24 and 25 inclusive be tabled until Wednesday, May 10, pending acceptance of either Report.

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

Mr. JALBERT: Mr. Speaker, is that with the understanding that the rules are suspended?

The SPEAKER: The rules do not need to be suspended for tabling.

Thereupon, L. D. 145 and both Reports were tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (H. P. 247) (L. D. 355)

Report was signed by the following members:

Messrs. WYMAN of Washington  
LUND of Kennebec  
—of the Senate.

Messrs. DENNETT of Kittery  
WATTS of Machias  
Mrs. CORNELL of Orono  
Messrs. RIDEOUT of Manchester  
PHILBROOK

of South Portland  
—of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
—of the Senate.

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

Reports were read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Treasurer of

State by the Governor (H. P. 248)  
(L. D. 356)

Report was signed by the following members:

Messrs. WYMAN of Washington  
LUND of Kennebec  
—of the Senate.

Messrs. DENNETT of Kittery  
WATTS of Machias

Mrs. CORNELL of Orono

Messrs. RIDEOUT of Manchester  
PHILBROOK  
of South Portland  
—of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
—of the Senate.

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

Reports were read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant Governor and Providing for Succession of Office of the Governor (H. P. 236) (L. D. 406)

Report was signed by the following members:

Mr. LUND of Kennebec  
— of the Senate.

Messrs. DENNETT of Kittery  
WATTS of Machias

Mrs. CORNELL of Orono

Messrs. RIDEOUT of Manchester  
PHILBROOK  
of South Portland  
— of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington

STERN of Penobscot  
— of the Senate.

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

Reports were read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (H. P. 329) (L. D. 463)

Report was signed by the following members:

Messrs. WYMAN of Washington  
LUND of Kennebec  
— of the Senate.

Messrs. DENNETT of Kittery  
PHILBROOK

of South Portland  
WATTS of Machias

Mrs. CORNELL of Orono

Mr. RIDEOUT of Manchester  
— of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
— of the Senate.

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

Reports were read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Abolish the Council

and Make Changes in the Matter of Gubernatorial Appointments and their Confirmation (H. P. 330) (L. D. 464)

Report was signed by the following members:

Messrs. WYMAN of Washington  
LUND of Kennebec  
— of the Senate.

Messrs. DENNETT of Kittery  
WATTS of Machias

Mrs. CORNELL of Orono

Messrs. RIDEOUT of Manchester  
PHILBROOK  
of South Portland  
— of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
— of the Senate.

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

Reports were read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

#### Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms (H. P. 767) (L. D. 1114)

Report was signed by the following members:

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

Messrs. DENNETT of Kittery  
PHILBROOK

of South Portland  
WATTS of Machias

Mrs. CORNELL of Orono

Messrs. RIDEOUT of Manchester  
MARTIN of Eagle Lake  
— of the House.

Minority Report of same Committee on same Resolve reporting same in a new draft (H. P. 1149)

(L. D. 1640) under title of "Resolve Proposing an Amendment to the Constitution Changing the Election of Sheriffs to Appointment by the Governor and Council" and that it "Ought to pass"

Report was signed by the following member:

Mr. STARBIRD  
of Kingman Township  
— of the House.

Reports were read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

#### Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Conferring Upon Others the Powers now Vested in the Executive Council" (H. P. 1022) (L. D. 1550)

Report was signed by the following members:

Messrs. WYMAN of Washington  
LUND of Kennebec  
— of the Senate.

Messrs. DENNETT of Kittery  
PHILBROOK

of South Portland  
WATTS of Machias

Mrs. CORNELL of Orono

Mr. RIDEOUT of Manchester  
— of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
— of the Senate.

Messrs. MARTIN of Eagle Lake  
STARBIRD

of Kingman Township  
— of the House.

Reports were read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

#### Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting

"Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Legislature to a One Body System (H. P. 1034) (L. D. 1500)

Report was signed by the following members:

Messrs. WYMAN of Washington  
LUND of Kennebec  
—of the Senate.

Messrs. DENNETT of Kittery  
WATTS of Machias  
RIDEOUT of Manchester

Mrs. CORNELL of Orono  
Messrs. MARTIN of Eagle Lake  
PHILBROOK

of South Portland  
—of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
—of the Senate.

Mr. STARBIRD  
of Kingman Township  
—of the House.

Reports were read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.)

#### Passed to Be Engrossed

Bill "An Act relating to Adult Education" (S. P. 394) (L. D. 1027)

Bill "An Act relating to Driver Education" (S. P. 402) (L. D. 1033)

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

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 to Clarify the Status of Passenger Tramway Devices" (S. P. 554) (L. D. 1486)

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

(On motion of Mr. Berman of Houlton, tabled pending passage to be engrossed and specially assigned for Wednesday, May 10.)

Bill "An Act to Permit Savings

and Loan Associations and Savings Banks to Act as Trustee Under Self-employed Individuals Tax Retirement Act of 1962" (S. P. 614) (L. D. 1604)

Bill "An Act to Regulate the Practice of Psychologists" (S. P. 619) (L. D. 1611)

Bill "An Act relating to List of Prospective Jurors and Selection of Jurors" (S. P. 620) (L. D. 1612)

Bill "An Act relating to Guides Under Fish and Game Laws" (H. P. 353) (L. D. 500)

Bill "An Act relating to Registration of Farm Motor Trucks Having Two or Three Axles" (H. P. 669) (L. D. 924)

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

#### Amended Bills

Bill "An Act Revising the Laws Relating to Dentists and Dental Hygienists" (S. P. 551) (L. D. 1448)

Resolve to Reimburse Marguerite Spohrer of York for Well Damage Resulting from Use of Salt on Route 1 (H. P. 93) (L. D. 121)

Resolve to Reimburse L. D. Durgin, of Limington, for Well Damage Resulting from Highway Construction (H. P. 401) (L. D. 567)

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

#### Third Reader

##### Tabled and Assigned

Resolve to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway (H. P. 969) (L. D. 1411)

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

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

Mr. FOSTER: Mr. Speaker, I guess I need a little aid here. I have three of these well damage cases. I would like to get them corralled into one measure, I think I can save time this morning, and I have in mind trying to get

them lined up for Wednesday, I believe the other two would be in order at that time. So I was just wondering what motion should be made on this, if any, at this present time.

The SPEAKER: Would the gentleman like to have this tabled until Wednesday next pending passage to be engrossed?

Thereupon, tabled pending passage to be engrossed and specially assigned for Wednesday, May 10.

Resolve to Reimburse Enzly Nason of Linneus for Well Damage by Highway Maintenance (H. P. 1051) (L. D. 1523)

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.

Mr. Birt of East Millinocket presented the following Joint Resolution out of order and move its adoption:

WHEREAS, John H. Reed was recently appointed to the National Transportation Safety Board where he will continue to serve his Nation as he has served his State with vision, distinction and honor; and

WHEREAS, John H. Reed has faithfully and honorably served and with the deepest sense of dedication as a member of the Maine House and Senate and as Senate President; and

WHEREAS, his countless contributions as a conscientious and competent legislator were heightened and expanded by a distinguished career as Governor of Maine and as Chairman of the National Governors Conference and Chairman of the New England Governors Conference; now, therefore, be it

RESOLVED: That the Members of the House and Senate of the 103rd Legislature extend heartiest congratulations to our former Governor and their most sincere wishes for good luck and God speed in his new office; and be it further

RESOLVED: That the Clerk of the House cause a certified copy of this resolution to be presented to the Honorable John H. Reed as a token of our esteem. (H. P. 1150)

The Joint Resolution was adopted and sent up for concurrence.

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think probably this morning the loyal opposition also wants to stand up with Representative Birt of East Millinocket, in recognition of a former Governor, John H. Reed. I think probably we as Democrats in this House at this session of the Legislature, and possibly in the last session of the Legislature, have recognized the capabilities of the then Governor of our State, And, also not only we as Democrats in the Maine House of Representatives, but also on the national level have seen fit to recognize former Governor John H. Reed, by giving him the appointment to the National Safety Council. Thank you.

#### Passed to Be Enacted Emergency Measure

An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1968 and June 30, 1969 (H. P. 82) (L. D. 112)

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. 121 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 Exempting Water and Air Pollution Control Facilities from Sales and Use Taxes (S. P. 413) (L. D. 1042)

An Act relating to the Length Provision in the Sale or Packaging of Herring (S. P. 444) (L. D. 1124)

An Act relating to Public Policy on Higher Education (S. P. 498) (L. D. 1259)

An Act to Regulate the Alteration of Wetlands (S. P. 612) (L. D. 1597)

An Act relating to the Practice of Hairdressing and Beauty Culture (H. P. 348) (L. D. 496)

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

An Act Clarifying Compensation for Disfigurement Under the Workmen's Compensation Act (H. P. 608) (L. D. 852)

An Act Providing Funds for a Redevelopment Plan of the Portland and South Portland Waterfront (H. P. 657) (L. D. 912)

An Act Increasing Tax on Milk Producers for Promotional Purposes (H. P. 775) (L. D. 1137)

An Act to Increase Borrowing Capacity of the Fort Fairfield Utilities District (H. P. 806) (L. D. 1182)

An Act Appropriating Funds for Classroom Building at Erskine Academy (H. P. 930) (L. D. 1346)

An Act relating to Taxation of Buildings on Leased Land in Unorganized Territory (H. P. 1129) (L. D. 1602)

#### Finally Passed

Resolve to Authorize a Professional Review and Analysis of Maine's World Trade Potential (H. P. 495) (L. D. 708)

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

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

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

Tabled—May 2, by Mr. Benson of Southwest Harbor.

Pending—Acceptance.

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

Mr. BENSON: Mr. Speaker and Members of the House: I now move that we substitute the Bill for the Report, and I will speak to the motion.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, now moves that the House substitute the Bill for the Report on L. D. 1314, and the gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: Many of you have been contacted by your respective community hospitals in regard to this piece of legislation.

This Bill will provide a lien only on a recovery to the patient from the person who caused the injury. Let me give you an example: Auto accident between A and B. A is at fault, and B is injured. B has hospital bills of \$500. B sues A, and the Jury awards B \$500 for medical expenses, plus \$1500 for damages.

This legislation provides that the \$500 for medical costs will be awarded to the hospital, if the hospital has filed a lien and has notified the liable person and his insurance carrier by registered mail.

I would like to emphasize that this is not a lien on the injured person's house, car or bank account, but is only on the money awarded him from the person who caused this injury.

Now let us explore for a moment the need for such legislation.

Let us say that a New Jersey resident is in an automobile accident in the lovely Town of Bar Harbor. He is taken to the Mt. Desert Island Hospital and before he is discharged runs up a bill of approximately \$500. He is discharged from the hospital and returns to his home in New Jersey. Six months later the adjuster for the insurance company, who insures the person who caused the accident, comes and settles the case for \$2,000. Neither the New Jersey adjuster nor the New Jersey resident care whether the Mt. Desert Island Hospital bill is paid or the hospital even knows the settlement has been made, including the amount given for the hospital bill, which probably has now been spent.

Now to get a lien a hospital must record in the Municipal Clerk's office under the name of the patient and person alleged liable. Two, it must notify by

registered mail, return receipt requested, the person alleged liable and his insurance carrier. The lien is only for reasonable charges for services rendered, is only against the third party and not against the patient himself. Such lien takes no precedence over any other existing lien.

Ladies and gentlemen of the House, I submit to you that this is extremely important to the community hospitals of our grand State of Maine, and I urge your support of the motion to substitute the Bill for the Report. Thank you.

The SPEAKER The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: I would like to add, or clarify I should say, what the gentleman from Southwest Harbor, Mr. Benson, stated in regard to this bill.

Now, L. D. 1314 had a very extensive and lengthy hearing before the Committee on Legal Affairs, and it was reported out, unanimous "Ought not to pass." At the hearing we had the benefit and the testimony of many of the credit managers from some of the larger general hospitals in the State of Maine, and it was the conclusion and the opinion of the Committee that this bill would not accomplish what it is designed to do.

Now if you read carefully in the bill, you will notice that it creates many, many problems. If we were to be assured that that bill would result in reducing hospital rates, without a doubt it would have received a contrary report by the Committee.

Now there are many objections to this bill. First of all the question was raised whether or not there was a very real need for this legislation. A member of the Committee asked a credit manager whether in his opinion in the past three years in how many cases if any would there have been recovery if this law had been in effect. And he answered, that possibly in three cases there may have been recovery.

Now I must take issue and differ with the gentleman from Southwest Harbor as to the nature of this lien that does not run against the person. It certainly does run against the person. It runs against something that is his or his alone, that is his claim against a third party. Now the Maine law itself is a very technical field. I know that attorneys differ, it is difficult to perfect this lien.

You will notice that it places a burden first of all on the hospital, that the hospital must within ten days file this notice of a lien in the Town Clerk's office where the hospital is located. There is an additional burden placed on the Town Clerk. It means every municipality must establish what is known as a hospital lien docket, another one which will again add to the responsibilities of the Town Clerk.

In addition to that the hospital must serve notice on the alleged party, or both I should say, on the person who was injured and the person who was alleged to be responsible. Now the problem arises, what if they do not serve notice on them, what if for some reason or another they are unable to do so, will this affect the lien?

Now the bill further goes on to say that if an injured party, or the person who was allegedly responsible in good faith pays the injured party, not knowing that there is this lien, this law would permit the hospital to give them an additional year after payment to attempt to recover again. Now this could possibly result in a double payment.

Now we could extend this lien a little further, I believe. Certainly if the hospital is entitled to a lien through the period or for the reasonable cost of the services, why shouldn't the doctor or physician be responsible for a lien for his services through the period of the injured party's recovery.

Possibly the landlord should also recover for the money that he is not receiving while the injured party is recovering. In addition to this, while the person is



out and injured, why don't we extend this to the grocer, permit the grocer to place a lien on the action or cause of action claim that the injured party might have against the third party?

Now during the hearing it was brought out that this law is designed or directed toward the non-residents. It was clearly established, at least if my recollection serves me correctly, that there were very few problems if any with residents of the State of Maine. They were talking about the unusual case as cited by Mr. Benson as to the out-of-state or non-resident who was injured here in Maine and the case was settled out of state. Now as to the frequency or the number of cases involved, no one was able to supply us with any figures.

Now I would again like to remind you that this bill received the unanimous "ought not to pass" report of the Committee and I strongly urge you all here today to support the Committee and defeat the gentleman from Southwest Harbor's motion to substitute the bill for the report.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In my individual capacity and as an attorney, but not as a majority floor leader, I rise in support of the motion from the gentleman from Southwest Harbor, Mr. Benson, and I would like to respond very briefly to some comments made by the gentleman from Rumford, Mr. Beliveau.

We're not talking about grocery bills and doctor's fees; we're talking about hospital costs, which are rising at a rate which is almost unbelievable unless you happen to have someone in the hospital recently as I have and you realize what costs are, not for anything fancy, just for reasonable hospital care.

Now if I may, I would like to describe for you the situation that this bill was designed to correct. Let us assume that my friend, Mr. Shaw, is involved in an accident and that he comes to me and as

his attorney I bring an action against the gentleman from Southwest Harbor, Mr. Benson, for damages, and that my client has an extended period of hospitalization but for various reasons is unable to pay, and say that he is billed a thousand dollars, the hospital bill.

Now under our present law, when Mr. Benson's insurance carrier comes to me as the attorney for the injured party, and wants to settle the case, I have pretty much of an open book, so that if they offer \$3,000 in settlement, under the current practice of law in the State of Maine, it's perfectly permissible for me to take one third right off the top, that's \$1,000, and give \$2,000 to my injured client. Now suppose that at this point in the proceedings, the hospital comes along and says, "Mr. Richardson, you're a fine fellow, but remember that we put a thousand dollars worth of services into bringing your client back to the state of health. What about us?" Under the present law of this state, ladies and gentlemen, the attorney says, "It's so nice to talk with you, I'll take care of your problem when I get around to it."

Now many, many states, I believe in excess of twenty, have hospital lien laws. There's nothing wrong with them. The Attorney's Protective Association doesn't like this bill because they want to be able to drive a hard bargain with the hospital. So that in the case that I have given you, when the hospital comes to me and says, "How about our thousand dollars," which isn't a grocery bill, "that's been expended directly in helping the patient back to health" and I as an attorney under our present law am able to say, "Well, I'm close to settling this case, I've got the \$3,000 offer from the insurance company. Now, if you'd like to take twenty-five cents on the dollar or nothing, just let me know when you're ready to make a choice."

Now I think this is a dismal state of the law and I don't see anything wrong with this bill. The lien that we're talking about is only against the recovery, the

right to recover, that's the cause of action; it doesn't run to anything else that the patient owes. I submit to you when a man seeks treatment at a hospital, he should be willing to pay for it and if he can't, and he recovers as a result, money out of that treatment and that cause of action that he has, then the hospital should have a claim against him. The administrative burden has been described as this business of serving notices and registered mail, and all that. This burden is placed on the hospitals, nobody else, and if they're willing to assume that burden we shouldn't stand here and say it's too cumbersome for them to bear.

Finally, and in all sincerity, this bill isn't going to make or break the great State of Maine, but it is to an extent clearly in the public interest to help reduce hospital costs, to make the indigent person who gets involved in litigation, who has a cause of action, who makes a substantial recovery and makes him honor his obligation and it makes the attorneys of the profession which I am proud to be a member, assume responsibility and see to it that the hospital with a valid claim for services, a reasonable claim, is paid, and I urge you to vote in favor of substituting the bill for the report and I request a division when the vote is taken. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I rise this morning with some feeling of trepidation when I see my good friends, the gentlemen from Cumberland, Mr. Richardson, and the gentleman from Southwest Harbor, Mr. Benson, offering to support a motion to substitute the bill for the report. And I say this because as I understand our legislative process here in the State of Maine, the committee system is at the heart of this entire procedure.

Now I am not going to stand here this morning and debate the pros and cons of a bill which have been very ably expressed and will probably be more ably expressed

by the people who will go through the merits. But it seems to me that when you have a ten-member committee on Legal Affairs made up of such sterling people as set forth on page 92 of the Senate and House Register, and not one of those ten members were able to be convinced of the value of the bill, it doesn't seem to me in keeping with sound legislative procedure to have individuals who favor the bill ask that the bill be substituted for the report.

Now this is all I am going to say on the bill. I am going to be very interested to see how this House votes on this particular bill, mainly because of whether our committee system is going to work well or whether we're going to start chopping away at it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have discussed this bill with the gentleman from Cumberland, Mr. Richardson; I have discussed it with my seatmate, the gentleman from Rumford, Mr. Beliveau. In reading the first chapter I can see here where the attorneys would come first. If I read, it states under this act that "nothing enacted by this chapter shall be construed so as to give such lien precedence over the claim or contract of an attorney for legal services rendered with respect to the claim of the injured party."

According to this it certainly, and I can see no reason against it but I can see where the attorneys are well protected. In going back to the instance as stated by the good gentleman from Cumberland, Mr. Richardson, using his example of \$3,000, when he states that if he settled a case for \$3,000, he was then supposed to take a thousand dollars off the top — I would make the observation that the very good gentleman is a very shrewd lawyer in a very profitable business.

The SPEAKER: The Chair recognizes the gentlewoman from Orono, Mrs. Cornell.

Mrs. CORNELL: Mr. Speaker and Members of the House: I

contacted Frank Curran, who is the Administrator at the Eastern Maine General, the other day to see if they had ever done a study around my area on this question. He told me that ten years ago they did a study on this same subject and found out that in one year there was \$12,000 owed to them which had already been paid to people by insurance companies which they should have been able to collect, and they collected none of it.

Now, Eastern Maine General strongly urges Penobscot County to vote in favor of this measure.

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

Mr. QUINN: Mr. Speaker and Members of the House: This bill was brought to my attention from two sources. One, one of our local hospitals who urged that I support the bill, and another by a member of the Legal Affairs Committee who was not a lawyer.

The Legal Affairs Committee has four lawyers and six non-lawyers, and one of the six discussed the bill with me because that person did not entirely understand all the angles to the bill. Consequently it has resulted in me examining, because of those two requests, the bill a little more carefully, and after examination of it it appears to me that this bill is of considerable service and value to the hospitals of our state.

Now when an injured person is brought in an emergency to a hospital, the hospital doesn't sit down and say "what have you got in the way of money to pay us for this service we are about to give you?" Maybe the person coming there is in no condition to discuss ways and means of paying the bill. The hospital takes that patient in, the hospital gives that patient every care and medical attention that is necessary to put that patient back on his or her feet. Now why shouldn't the hospital be reimbursed for that timely service?

You look at the bill, it says, all the bill will do is to create a lien. Now, first, in the first instance there is an implied contract be-

tween the patient and the hospital, that the patient will pay the bill. Now, there's no, absolutely no contract, or no right in tort to the hospital against the person that's done the damage, and against whom the patient may have a claim, but this bill would give them a lien, in spite of that fact, on any monies that would be due that injured person, because the bill says: "entitled to a lien for the reasonable charges for hospital care, treatment and maintenance of an injured person upon any and all causes of action, suits, claims, counter-claims or demands accruing to the person to whom such care, treatment or maintenance was furnished x x x x x" So if that patient had some rights against another party under our tort law, then this lien would give the hospital a right over the monies that were to be paid that patient, which if they were paid might never get into the hospital funds in payment of the claim.

So, I say to you, it is a good bill and a bill that's worth considerable to our hospitals.

We often wonder why it costs so much to be hospitalized these days, and the reason for it to a large degree, is the fact that these hospitals are rendering service for which they get no pay, so in order to take care of their overhead somebody has to do something about paying for them.

Now by passing this bill, we're going to make some monies available that otherwise would not be available to these hospitals for them to render the service that they're all doing so finely, and I feel it's our duty to go along and do everything we can to support them in that endeavor.

Now in case this third person to whom the hospital has no contractual relation, owes a duty to the patient with whom the hospital has a contractual relation, and that patient sues the third party, one of the elements of damage is that hospital bill, and that patient may recover and not spend one cent of that money in payment of his hospital bill. But with this lien he can't do that, and the insurance company, if it is an insurance com-

pany that is paying for the wrongdoer's damages, this lien if it's properly recorded will make that insurance money available, and if the insurance company does not honor that lien they will be responsible for the bill. Therefore, I urge you all to support the gentleman's motion that the bill be substituted for the report.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: There has been a great deal of discussion on this, and I think that after listening to a great deal of this I have concluded that it appears that the hospitals presently do not have any recourse or there is no way they can collect this claim.

Now a great deal of discussion has been also centered around insurance companies. The problem rises very frequently, as to an accident involving an uninsured motorist, a person who is not at all familiar with the legal mechanics, or is not at all familiar with the verbal cobwebs and legal cobwebs that seem to exist concerning matters of this nature.

Now if a person who is uninsured, and believe me that there are a great many of them here in the State of Maine, is allegedly responsible or supposedly liable in a personal injury case, and he in good faith pays the injured party, the hospital could go against him again within a year from the date of payment for a repayment. Now today the hospitals, as any other creditor, have the right to institute a law suit for recovery of its claims or its debt, and it is done very frequently; and you will notice in the bill itself that they retain this right. They understand, they realize that they do have this right and they resort to it frequently.

Now again I must necessarily return to the hearing—to the testimony. Now there can be a lot of suggestions made here, arguments presented that are difficult for us to rebut because we're dealing with third parties, but the Committee had an opportunity, it had the benefit of the testimony of those who will be charged with the administration of this bill, and I asked

them the same question that was raised here today. If this law is enacted and administered properly, will this result in a reduction of hospital cost? They said no, it will not. And then I asked a further question which I cited earlier as to—and this is the fifth largest general hospital in the State that I queried, and they replied that possibly in three cases in the past three years they would have recovered.

Now it is my opinion and I know it is the opinion, the unanimous opinion of the Legal Affairs Committee, that this bill will not accomplish what it is designed to do. I certainly sympathize with the hospitals, and I also sympathize with the other parties involved here. This bill would create a very real burden. It would create a burden first of all on the injured party, secondly on the municipality, thirdly on the person allegedly liable, and fourthly this is a very real one on the hospital itself.

So again I strongly urge the members of this House to oppose and vote against the gentleman from Southwest Harbor's motion to substitute the bill for the report.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Very briefly, in response to what I view to be a question from the gentleman from Lewiston, Mr. Jalbert, the bill very surely makes an attempt to placate the attorneys' objections by saying that this Act would not give such lien precedence over the claim or contract of an attorney for legal services.

Now, of course, in the technical sense of the word, the attorneys don't have a lien now anyhow. What they have is control over this payment. The insurance company makes a check out to the injured party and to the attorney; the attorney distributes the proceeds. Now in the situation I've given you, when the attorney takes his thousand dollars off the top, there are \$2,000 remaining.

He's under no obligation to the hospital whatever, so what does he do? Very frequently, ladies and gentlemen, he gives the \$2,000 to the claimant. Now unfortunately, some people don't meet their obligations, and so this fellow would take his \$2,000 — he can go out and drink it up, he can go take a trip to Bimini or whatever he wishes, and the hospital is left holding the bag.

This lien law would satisfy the problem of those people who just don't pay their bills and are unwilling to do so and that very small group who join with them and take advantage of, as the gentleman from Bangor, Mr. Quinn, has so ably pointed out, the public-spirited hospital system of the State of Maine.

This bill has nothing to do with uninsured motorists at all, and I would urge you to vote in favor of substituting the bill for the report. Thank you.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am always, it's true, getting into these legal arguments because I certainly do not know these legal technicalities, and I certainly respect the fine lawyers. But here am I getting a communication from the executives of the Mercy Hospital telling me to support this bill. So, I think I'll have to support this bill.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: It is quite apparent to me that this bill is not an attempt only against auto accidents. I have a letter here sent to me by an administrator of a hospital in our area, I won't give the name of the hospital, neither the name of the person, but anybody who would wish to see it may. The letter is entirely a mess of sarcasm and criticism of the legal profession and of the legislators as a whole. I have received letters before asking for support of bills but I've never seen one like this.

Now I'll read one paragraph: "If all parties concerned paid their hospital exactly what we charged, the charge and cost would be equal, but when certain third-party agencies such as Federal Government and Medicare, Blue Cross, State Aid and State Welfare, bears the cost that it takes the State Welfare for below cost, the hospital is required to make their charges higher than the actual cost. I'm not at all certain why the Lawyers Association should feel that any person should be paying less than what the hospital charges, because when we do not collect what it costs to run a hospital we must up those charges and the other people pay it. For instance, the Blue Cross does not pay us full charges; but commercial insurance companies always pay full charges. The person who pays their hospital bill out of their own pocket without any third-party agency such as insurances have to pay for those who do not pay."

In other words, because they can't get from other agencies what they need—and believe me I'm in favor of them getting all that's coming to them—but why should they put a lien on my policy and having that lien—forgive me for saying this, some of them do pad their bills, because I've had such bills, and for that reason I don't want to give them that power.

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

Mr. ROSS: Mr. Speaker and Members of the House: I have just one very short question to ask the gentleman from Cumberland, Mr. Richardson. If your client had been less fortunate and met the same fate as some of my L. D.'s and died, would the undertaker have had some sort of priority claim against a man's estate?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he so desires.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I want to repeat an old bromide that I used last year, for the benefit of

those who were not here. This bit of free legal advice is worth just about what Mr. Ross of Bath is paying for it! Yes, the undertaker does have a lien.

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

Mr. PENDERGAST: Mr. Speaker and Members of the House: I have letters from the three hospitals in my area urging me to vote for this measure and they are the St. Joseph's Hospital, the Webber Hospital, the Saco Osteopathic Hospital. Therefore, I do support the motion to substitute the Bill for the Report. Thank you.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: The attorney who drew this bill up for the Maine Hospital Association said that the Hospital Association voted unanimously in favor of this legislation, and I asked how many hospitals belonged to this Association and I understand all but one. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker and Members of the House: I am not a lawyer. This question has been so ably debated that I need not add anything, but I am Chairman of the Hospital Board in Dover-Foxcroft, Mayo Memorial Hospital, and we have been talking about a bill like this for years. Someone wanted to know if it would lower the rates. Rates we have to change very often, and if we did not have to write off so many bills every year, probably costs would not be so great. This is one avenue where perhaps we can regain a little from these bad bills. But I certainly want to go along with the gentleman from Southwest Harbor, Mr. Benson.

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

Mr. McMANN: Mr. Speaker, if the hospital has a good administrator, like we have down our way, they would be smart to have the hospital's name on the check. They

may come addressed to the lawyer with the lawyer's name on it, of course most of them are smart enough to do that, but if the hospital administrator is smart enough why they will have their name on it too.

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

Mr. HARVEY: Mr. Speaker, I hadn't intended to speak on this bill. However, many aspects haven't been taken up as an old life insurance salesman. For instance, when you sell a policy to an individual, he pays for the policy, when he is hospitalized he has more than one bill. There is a bill for food, there is a bill for rent, and many other things that aren't paid while he is in the hospital. Now don't you think that an individual should have the right to pay a proportionate share to the other individuals who he owes money? Another thing is that I have cooperated with the hospitals a great many times in taking to the hospital a slip, the hospitalized will sign a slip authorizing the insurance company to pay so much of the total bill to the hospital, and I have taken those checks to the hospital, so if the hospitals wish they can receive their money by a letter of authorization or a note of authorization; but me, I pay a good fee for hospitalization, for different kinds of health insurance and I think I want the privilege and the pleasure of paying the bills I have accrued through this hospitalization for sickness the way I see fit. If we pass this to the hospitals, in the next session we can pass it for the grocer and the real estate rents so on and so forth so that they can get a lien on that same fellow's check. Thank you.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: Speaking in favor with the gentleman from Southwest Harbor, Mr. Benson, I will probably be very unpopular with many of the attorneys and probably all other insurance agents, probably be looking for another job when I get

through today with my own insurance company. But I personally checked the hospitals in the Bangor area and I was told that many, many people did receive money that was through an insurance policy and this money was not used to pay the hospital.

Now if you had an automobile accident and you went to a repair man and he made an estimate for damages, many times this bill is submitted to the company and they make out a check to the auto agency and also to you as the insured and many times that money goes directly to the auto agent. Now why should this be any different in this case? This money was intended to take care of hospital insurance, and to take precedent with the gentleman who also sold insurance, insurance policies are also provided for many other items. There are such policies as disability, income, life insurance, these things we know, but these policies are directly used for hospital expenses, and I feel that the House should vote in favor of this measure.

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

Mr. BENSON: Mr. Speaker and Members of the House: I think it should be made amply clear that this bill has nothing to do with the personal insurance carried by the injured person.

We are asked individually each and every year to support our community hospitals, and I feel very strongly that we should do as best we can for these institutions. I would like to see this bill passed. I think it would have a tremendous impact on the recovery that is now being neglected in the field of recoveries from third persons, and I would like to ask for a roll call, Mr. Speaker.

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

Mr. ROY: Mr. Speaker and Members of the House: I have been sitting here this morning listening to the debate on this subject and kind of hesitate to rise due to the broad coverage that it has, but as a municipal officer and being involved in han-

dling a great deal of state cases that are admitted to the hospital, I think that we should recognize our obligation to the hospitals as to the amount of expenditures that have arisen because of state cases that these hospitals take. I think that the loss of the hospitals today are not just due to individuals that do not pay their bills or the uncollected bills, but a great deal of the state cases that the hospital handles also. We shouldn't get confused as to where the losses lie here and I certainly hope that the bill will receive your support.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In my individual capacity as a member of this House and certainly not as the Minority Floor Leader this morning, I fail to see where this is going to accomplish very much, either for the hospitals, for the attorneys or for the injured person or the insurance companies. By the same token, if we are trying to help the hospitals we should also try to help the repair man that is going to repair the car if it is an automobile, the small businessman that everybody is trying to protect, he is going to have bills. We are trying to protect one segment that I think the gentleman from Rumford, Mr. Beliveau has pointed out, that out of three years one of the big hospitals in the State of Maine possibly could have collected three in three years, so I think probably the hospitals in our own state none of which have contacted me, but I think they are shrewd enough business people that they can have other means of collecting their monies other than having this means through a lien, and certainly if this should be right, then the order of being able to pay from the amount received from an insurance company should possibly be the hospitals, the attorneys, the merchants, the auto dealers or the repairman and everybody else, but not limited to one segment of the society that presently has got all the means available through their business administration of collecting whatever money

is due them for services rendered. Thank you.

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

Mr. QUINN: Mr. Speaker, there has been many references here to the grocer and the grocer's bills. Now the grocer can extend credit or not as he sees fit. He doesn't have to give his groceries to anyone, and if he gives his groceries to someone he can use his own judgment on whether or not he is going to get paid for them. The hospital, when this poor emaciated body comes to it don't have that same privilege. They go to work. They told about the mechanic that repairs the car. That boy has a good statutory lien. When he gets done repairing that car, if he doesn't see fit to give the car up until it is paid for, he doesn't have to, he holds it for his money.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very brief, I wonder if any of you have ever had the experience of trying to admit somebody in the hospital only to find out refusal because they didn't have any insurance coverage?

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

Mr. CONLEY: Mr. Speaker, I pose a question to the gentleman from Cumberland, Mr. Richardson, and would ask if there is any guarantee that the hospital rates would decline if this bill was passed?

The SPEAKER: The gentleman from Portland, Mr. Conley, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson who may answer if he chooses and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In response to the gentleman's question, I would say that obviously it is impossible for me or anyone else that I know of to predict with great accuracy whether and to what extent hospital costs would be reduced. I should think if we just kept them

at their present level for a while we would be pretty well off.

Now the question of the indigent who comes in, as the gentleman from Bangor—

The SPEAKER: The gentleman will confine his answer to the question unless he requests permission to speak a third time.

Mr. RICHARDSON: No, I don't request permission, I simply state that it is impossible to tell, but there is certainly no question but that this represents a significant portion of hospital costs and this is a step in the right direction. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Southwest Harbor, Mr. Benson, that the House substitute the bill for the report, and a roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call will vote yes, those opposed will vote no and the Chair will open the vote.

82 voted in the affirmative and 32 voted in the negative.

The SPEAKER: Obviously, a sufficient number having expressed the desire for a roll call a roll call is ordered. The pending question is the motion of the gentleman from Southwest Harbor, Mr. Benson, that the Bill "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons," H. P. 901, L. D. 1314, be substituted for the "Ought not to pass" Committee Report. All of those in favor of the motion will vote yes, those opposed will vote no, and the Chair will open the vote.

## ROLL CALL

YEA — Allen, Baker, R. E.; Benson, Birt, Bragdon, Buck, Bunker, Burnham, Carrier, Carswell, Clark, Cornell, Cottrell, Crockett, Dudley, Dunn, Durgin, Edwards, Eustis, Evans, Ewer, Fecteau, Fuller, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Haynes, Healy, Henley, Hichens, Hinds, Hoover, Huber, Humphrey, Hunter, Jameson, Jewell, Lewin, Lewis, Lincoln, Littlefield, Lowery, Ly-



cette, Maddox, Martin, McMann, McNally, Meisner, Miliano, Minkowsky, Noyes, Pendergast, Philbrook, Pike, Porter, Prince, Quinn, Rackliff, Richardson, H L.; Rideout, Robertson, Robinson, Ross, Sahagian, Sawyer, Scott, C. F.; Shute, Snow, P. J.; Soulas, Susi, Thompson, Townsend, Truman, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

NAY — Baker, E. B.; Bedard, Belanger, Beliveau, Berman, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Brown, Carey, Carroll, Champagne, Conley, Cote, Couture, Crommett, Curran, Cushing, D'Alfonso, Darey, Drigotas, Drummond, Farrington, Fortier, Foster, Fraser, Gaudreau, Harnois, Harvey, Hawes, Hennessey, Hewes, Hodgkins, Immonen, J Albert, Keyte, Kilroy, Lebel, Levesque, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Quimby, Roy, Scott, G. W.; Scribner, Shaw, Starbird, Tanguay, Trask, Wheeler.

ABSENT — Bradstreet, Cookson, Crosby, Danton, Dennett, Dickinson, Gauthier, Giroux, Harriman, Jannelle, Kyes, Payson, Richardson, G. A.; Rocheleau, Snowe, P.; Sullivan.

82, yes; 53, no; absent, 16.

The SPEAKER: 82 having voted in the affirmative and 53 in the negative, the motion to substitute the bill for the report does prevail.

Thereupon, the Bill was read twice and assigned for third reading the next legislative day.

The Chair laid before the House the second item of Unfinished Business:

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

Tabled—May 2, by Mr. Benson of Southwest Harbor.

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

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker and Members of the House: I said my little piece the other day, but we were interrupted by Bob Crocker Day, a very fine thing. I won't repeat that talk, but I would like to summarize the points I made just in case my winged words might have flown from your memory.

From the point of view of the State, I believe that we should not be taking on private institutions for support or guarantees until we have looked fully after our responsibilities and our commitments to our public institutions, including the elementary, the secondary schools, the University, the State Colleges and the Vocational Institutes.

Second, I do not really think that we should be extending freely, lending our credit to other institutions. We have done some of that already. One of these days some of those chickens may come home to roost, but the more freely we extend our credit, the less credit we have left, and it looks to me as though we're going to have enough bond issues for this summer and this fall that our credit may come almost to the stretching point.

The third one is that educational institutions, whether public or private, very seldom have any spare money. They only have usually two sources of revenue which could reasonably be bonded. One is dining halls and the other one is the dormitory facilities. In some cases they don't even have those.

From the point of view of the private institution, I would refer you to the speech made by the President of Bates shortly following our interruption, extolling the private institutions. Well, as a graduate of a private academy and a private college and one who has substantially contributed to each of them, I feel that separation of the two is in the best interests of both the State and the institutions, and that we could very easily get our private institutions

in a bind if they have trouble meeting the obligations for which we had extended credit.

I won't talk any more. I think I've said my piece.

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: We have both high regard and deep respect for the opinion registered by the gentleman from Lubec, Mr. Pike, on this bill. We listened with great interest to his remarks on Bob Crocker Day. On that occasion, incidentally, we were pleased to note that the President of Bates College unwittingly provided us with an effective rebuttal to the position taken by the gentleman from Lubec, Mr. Pike.

Now, Legislative Document 73 proposes an amendment to the Constitution pledging the credit of the State of Maine so that private colleges may use this credit for construction and expansion of their facilities. Its companion vehicle Legislative Document 72 would create the Maine Higher Education Loan Authority, which would be the administrative body responsible for carrying out this Constitutional Amendment. One of the areas delved into by the Academy for Educational Development was to project this movement in our institutions of higher education. Their investigations show that there are approximately 25,000 students currently enrolled in higher education institutions within our State. They tell us further that by 1975 there'll be over 55,000 students seeking training beyond high school, and then by 1985 this number will grow to 75,000 students. Now even if these figures are on the high side, the need for many new facilities in both our private and public institutions is readily apparent. The AED report emphasizes again and again that there has been far too little communication and cooperation between our public and private institutions. In fact, one of their recommendations is that our public institutions contract with the private colleges to undertake programs in certain

areas of study not presently available in our public schools. Another of their recommendations was that a higher education development authority be established for the purpose of coordination of Federal higher education programs and funds in Maine. This has already been accomplished through the formation of this association with Dr. Kenneth Brooks of Gorham as its first chairman.

The legislation that you are now considering would be another step forward — first, to help provide much needed facilities for our private schools and second, to further extend cooperation between the public and private areas.

True, this is a new concept in financing private higher education facilities. Many states, including Maine, have guaranteed bonds for industrial expansion and economic development, as the gentleman from Lubec has suggested. Many cities in Maine now issue bonds, build or buy factories, and then lease them to private business. These bonds are tax exempt, and therefore a very attractive investment to many investors. The bonds that would be issued under this legislation would also be tax-free and should command a lower interest rate than bonds issued by the individual private schools. The scarcity of money in recent months has forced many private schools to postpone planned expansion because of high interest costs. The passage of this resolve, we believe would help alleviate the situation.

L. D. 72 would provide that these institutions would contract with the Loan Authority to repay any bonds that were issued and any incidental expenses that accompanied the issuing of the bonds.

If the State provides this funding vehicle for our private colleges we will have done more as a legislature to help higher education, and at less cost than ever before in our history.

Now, no bonds will be issued under this act unless there is a default on the part of any of the borrowing institutions. Now as you know, a bank is a pretty hard-headed people when it comes to

lending money, regardless of whose name is on the paper. You can rest assured that whoever makes an application under this act and sees that application accepted, there will be high merit to the need and high degree of responsibility accepted by the institution.

In every community in which there is located an institution of higher learning, be it public or private, there is generated therefrom a tremendous amount of local business. In my own community of Farmington, our economy is enhanced considerably by expenditures of the State College, its students and faculty, whose homes help to pay local property taxes. The same can be said of Sanford, Waterville, Lewiston, Bangor, Portland, Windham, Presque Isle, Machias and Fort Kent, wherever there may be such institutions.

The State pledges its credit to finance a sardine factory employing as few as twelve or sixteen people. The State pledges its credit to enable recreation areas, bowling alleys included, to provide economic assurance for healthy financial beginnings. Should we do less for our institutions of higher learning? Institutions generating millions of dollars in business in our state each year?

Ladies and gentlemen, this is a bargain for the State of Maine and for its people. It would be hard to duplicate this type of bargain. We are walking down a new path if we, as a Legislature, approve these two bills, but that should not deter us. We are living in a changing and fascinating world. Let us not be afraid to take the action necessary to better provide our young people with the knowledge and the education necessary to meet the challenges of this changing world. I surely hope that the motion to indefinitely postpone this act does not prevail.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I think there is very little that I can add to what the previous speaker has just said, Mr.

Shute from Farmington. I do, however, feel very strongly about this method of assisting the private schools in the State of Maine.

I'll point out to you that we are only pledging the credit of the State—I think there are sufficient safeguards built in, only insuring these private institutions that they will be able to hire money at an interest rate much less than they are now able to do. We certainly must place the confidence in our banking institutions who will go over any loan that is applied for. We certainly must have confidence in the Governor and Executive Council for approving finally. We certainly must look at the fact that we will not be taking public tax dollars directly from our pockets as we do in our State institutions, such as the University of Maine. I feel very strongly that this is a new area by which this Legislature can act to further the cause of education and fill a very, very substantial gap, so that we, as taxpayers in the State of Maine, will not have to pay directly, but confine it in those private institutions who want to make progress and want to take advantage of the wealth of this great State, and I heartily, I sincerely, hope that this measure will pass. Thank you very much.

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

Mrs. HANSON: Mr. Speaker and Members of the House: One of the objections that has been raised on this bill is perhaps there were not enough Maine students in these schools, and I understand that in the ten schools involved there are sixty-five thousand students of which perhaps twenty-five hundred to three thousand would be Maine students—I mean sixty-five hundred. I hope the motion to indefinitely postpone does not prevail.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a question to anyone who could answer if they choose. In this bill, is the State

pledging its credit, period, or are we loaning the money directly?

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

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

Mr. SHUTE: Mr. Speaker and Members of the House: Under the provisions of this document the State is merely pledging its credit, and as I stated before no bonds are issued under this Act unless there is a default on the part of any of the borrowing institutions. It's pledging its credit as it has pledged credit for sardine factories and recreation areas through other Acts adopted by previous Legislatures.

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

Mr. JALBERT: Mr. Speaker, I am looking at the bill and I does it state that no bonds are issued unless there is a default—in the bill? If it doesn't, I would think that after this, if this passes I would think it would be amended to clarify this situation.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: Perhaps you folks noticed in the Portland paper this last Sunday, in the lead editorial on the educational program that the State of Maine is now involved in, and it comes to some three billion dollars for the next few years that we will be expending on education. I'd like to bring this bill into perspective with this amount. This bill provides for an amount of twenty-five million dollars which you clearly understand isn't to be expended—it is a revolving fund which will be made available to our private colleges if they need it. Now if it were an expenditure it would still amount to less than one percent of the program that we are now involved in in education.

I personally feel that private colleges and private education generally in Maine have been neglected. I think that whenever

private colleges or schools operate in Maine they are in effect offering us a real bargain. At the present time we hardly at all participate in the expenses of building their buildings or operating these schools. It's true that there isn't a high percentage of Maine children in these schools but everyone that goes there goes at much less expense to our State than in the cases where they go to the publicly-supported institutions.

Just the other day our gentleman from Caribou, Mr. Allen, of the Education Committee received from somewhere this little booklet, the name of it is, "Higher Education in Vermont." Now I think that the State of Vermont is a comparable state to Maine in resources and location, and all. This pamphlet lists nineteen private colleges in the State of Vermont, and it refers in various descriptions of colleges in here to the programs that the State of Vermont has to help the development and promotion of private colleges in Vermont. I think their policy is a very wise one. I think that a slight move in that direction here in Maine could pay off beautifully for us. I think that the gentleman from Farmington, Mr. Shute, has pointed out what a desirable industry this is and how many millions of dollars there are involved in the operation of these schools. We can be proud of them. Up here in New England we have the reputation of having the finest colleges in the whole United States and perhaps even in the world. People come literally from all over the world to come to New England to our colleges. Here we are in New England, we have beautiful countryside up here with loads of recreational and athletic facilities available to the students who come into these New England colleges and I personally feel that we are missing the boat in not promoting them to a greater extent.

One other point, I am convinced that there is a strong feeling amongst the private secondary level and college level that there is a lack of sympathy here in Au-

gusta for the private school operations, and in line with the plea that was made by the President of Bates College in which he asked us for support, without specifying what type of support, he asked for support for private colleges. I think that the plea was well grounded, I hope that we can respond to it in voting against the indefinite postponement of this bill. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As you have probably noticed I had voted the Minority "Ought not to pass" Report on this document previously because of some serious reservations as to the purpose of this act.

As most of you probably know, we did not and still do not provide this kind of availability of funds for our own municipal elementary and secondary schools at the present time. However, I have been assured by a member of the other branch on the Education Committee, that there will be a bill forthcoming that will provide relatively the same kind of vehicle to give the municipalities the opportunity of availability of money to further their school system. With that objection removed, I certainly would want to be one of the first ones to stand up here on this House Floor this morning in defense of higher education, whether they be private or public, but in some areas it has been quite questionable as to whether the private colleges in our state would actually take advantage of this to the full extent. There is some reasonable doubt in the Department of Education as to whether the major colleges would actually have the need for this versus the other private colleges that might be questionable if they could borrow this kind of money and have the State behind it. So those are some of the objections that I had by signing the minority report. Now some of these objections have been removed and it is my feeling that we are going to do to the private colleges of our state the same as we are going to be able to do for

our own elementary and secondary school systems.

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

Mr. ROBERTSON: Mr. Speaker, I am not going to belabor this question, but ladies and gentlemen of the House there are two or three points which I think have not been made.

There are ten colleges in the State of Maine that would be affected by the passage of this particular bill. They are Thomas, St. Joseph's, Husson, Ricker, Colby, Nasson, Bates, Bowdoin, Westbrook Junior and St. Francis and of course we have added two more, Beal and Bliss. Now there are students in these schools a majority of which are from the State of Maine. In these ten schools there are 6500 students approximately; 2500 to 3,000 are from the State of Maine, which means that thirty-eight to forty percent of all students in these schools are Maine people.

I am going to take for example, Husson College, located in Bangor. Ninety percent of the students of Husson College are Maine students. Now Husson, perhaps you are not familiar with this college, started a tremendous building program last year. They have approximately 1100 students now; I am sure within a very short time after this building is completed in the new campus they will have over 2,000 students, because they have had to constantly turn away students because they had inadequate space to attend this fine school. And so there is an example of an institution which put on a tremendous drive to find the possible money to erect this school which has a tremendous economic impact not only on the Bangor area, but the entire State of Maine. And all of these colleges, if you go over them, you will find eighty or ninety-percent in many of them are Maine students. They are spending in excess of twenty-five million dollars in hiring Maine people and buying supplies from our Maine suppliers, maybe in your particular area or throughout the State of Maine. So I think, ladies and gentlemen of the House, that

the passage of this bill is going to be of tremendous importance to the institutions which I have named and secondly, I think that we should take the fact into consideration that this is not going to cost the State of Maine money, it is an investment in the future education of the State of Maine and I think we in this legislature should take action to see that we take steps in that direction and thank you very much.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: My heart bleeds for the Reporter, and I now move the previous question.

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

Mr. BRAGDON: Mr. Speaker?

The SPEAKER: The previous question is not debatable. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

42 voted in the affirmative and 72 voted in the negative.

The SPEAKER: Forty-two having voted in the affirmative and seventy-two having voted in the negative, a sufficient number has not made the desire for the previous question and the question is still debatable.

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

Mr. HEALY: Mr. Speaker, may I inquire what percentage is required for a sufficient number?

The SPEAKER: One-third. A sufficient number not having expressed a desire for the entertainment of the previous question, the previous question is not in order.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of this House: I arise with pains in my heart for the private colleges, and much anxiety for the private colleges, but the greatest anxiety I have in my heart is for the student of the State of Maine, and I believe that Maine should come first, and the children of the State of Maine should come first, and this was my reason, the greatest reason for my objections to this bill.

They put out literature which said that fifty percent of one college was taking Maine students. In their record, that fifty percent says sixteen percent, this is one of their brochures that they put out in that college. I questioned the President of some of these colleges that came before us. I asked them how many Maine students do you have? One man said eight percent. Another of our colleges said nine percent. Another of our prominent colleges said eleven percent, and then Dr. Brooks was there and so I asked him, what percentage of your students come from the State of Maine and he said ninety-nine percent, so I am all for putting all the resources, our credit and everything we possess in the State of Maine behind our State colleges.

Let's get our State colleges up there, let's get them accredited, from one end of this State to the other, let's put our State resources behind our State facilities, and when we have completed our work with our State facilities if you've got a lot of credit left over that you want to pass around on a platter, go ahead and pass it around, but I think it is time we began to look out for the credit of the State of Maine just a little bit and I think it is time that these private colleges instead of taking ten percent that they take fifty percent, and if you insist on passing this bill, I hope an amendment will come on this that says in order to use the credit of the State of Maine that fifty percent of their students must be from the State of Maine, and if you do that, then I am sure you will be thinking of the children of the State of Maine and not of what you can do for

the out-of-state people. Everyone says take care of the out-of-stater, take care of the out-of-stater. Well it so happens I'm an in-stater; I want to take care of the children of the State of Maine, and I think the children of the State of Maine should come first in your deliberations here today.

The SPEAKER: The Chair must apologize to the gentleman from Portland, Mr. Healy. The Chair finds that he needs a computer on the rostrum. One third having voted for the previous question, the motion now will be, shall the main question be put now. This is debatable by any member for five minutes.

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

Mr. BRAGDON: Mr. Speaker, I feel that I am barred from speaking on this. I would hope that we would vote against the previous question. I hardly know how to get out of this, I do wish to speak and I find I am barred.

The SPEAKER: The question now is, shall the main question be put now? All those in favor of the main question being put now will say yes, those opposed, no.

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

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I know that as the session goes on we all get tired of hearing speeches and so forth and so on, but I would urge you not to vote in favor of closing off debate at this time. We have got to give everyone here an opportunity to be heard in order that they may faithfully represent the people who elected them to come down here, and I hope that you will not vote in favor of the previous question.

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

Mr. LEVESQUE: Mr. Speaker, your loyal opposition leader also feels that any debate that should be had, any opportunity that any man has in this House should have it on the floor of this House to de-

bate any and all measures if they so desire.

The SPEAKER: As many as are in favor of the main question being put now will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

11 having voted in the affirmative and 106 having voted in the negative, the main question was not ordered.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Thank you, ladies and gentlemen.

I arise today to state that I concur with the remarks made last week by the gentleman from Lubec, Mr. Pike, on the subject matter of L.D. 73.

I would say at this point that perhaps if I felt that the affairs of the State of Maine—if I could feel assured that they would rest in such hands as those of the gentleman from Farmington, Mr. Shute, who has spoken so ably for this bill, and many others who have spoken in favor of it, people like that would remain forever in the control of the affairs of the State government that probably I would refrain from taking any time to talk to you today.

To get back to the issue, I think that Mr. Pike ably demonstrated that our obligations in the area of higher education are primarily to fulfill the needs of the public institutions before we consider the needs of the private institutions. I had intended to quote from his remarks which he made last week, but since he touched on the particular point that I had in mind, I will refrain from that this morning.

I believe that legislation such as is proposed under L.D. 73 and its accompanying documents will probably reduce the endowments of our private institutions. People no longer will feel the obligation to provide endowment funds for these worthy institutions if the credit of the State of Maine is available to them and large endowments are no longer necessary.

Money which ordinarily would be left for endowment purposes will probably be diverted to other less worthy causes.

At this point, Mr. Speaker, I would like to dwell briefly on the whole area of State guaranteed loans. Now I picked up this sheet the other day, dated April 29, 1967, and it is the list of all the loans guaranteed by the Maine Industrial Building Authority from 1959 when the first loans under this Act were made to the present date and the grand total is only \$18,572,515. This is not a large amount for the time that they've been in operation. About 2 million a year have been guaranteed.

Projects in Aroostook County account for over one-half or \$9,482,900. Apparently, we have fared very well. Of course, the largest loans are to the Vahlsing Industries and the Maine Sugar Industries Incorporated; one, \$1,618,800 and the other for \$6,000,000, a total of \$7,618,800 to these industries.

Now, do not let anyone misconstrue my remarks. I am not implying that any of these insured investments were ill-advised. In the case of Maine Sugar Industries Incorporated the pressure upon the Authority was considerable. Even if they had had misgivings with regard to this loan, and when I say "they" I am referring, of course, to the Maine Industrial Building Authority, it would have been difficult to resist the public pressure exerted at that time.

How well I remember the victory dinner at the Vahlsing Plant where all assembled dined on sugar beet greens and lobster newburg and all the fixings. A numerous crowd was assembled. Freddie Vahlsing acted as toastmaster. Among those at the head table were Senator Muskie, Congressman Hathaway, Governor Reed, DED Commissioner Bachman, Frank Hussey from the Agriculture Department from Washington, State Senator Harding and others. It was the celebration of a glorious achievement and justly so. During the course of Senator Muskie's remarks, he looked over at me where I sat at a nearby table and com-

mented, as nearly as I can recall in these words. "There are those among us who feel that there are certain areas in this sugar beet deal that have not been properly solved" and, he continued, "but if I know Aroostook people, they will overcome all of these obstacles." I felt at that time the Senator had been apprised of the fact that I felt we had not properly sold the deal to the farmers who would have to be the potential beet growers of Aroostook and would have to supply the plant.

I hope the Senator was right. However, last year, we had only enough beets to operate this refinery for a week. My understanding is at the present time, after a frantic acreage sales program, we have about three times the planted acreage of last year, which, if my previous assumption was correct, would account for only three weeks operation. I understand that they are now buying sugar in the world markets, cane sugar to operate this refinery. I also know that the world price of sugar is the lowest since 1941.

You who were here in the last Legislature will recall that we were asked to lower the classification of Prestile Stream on which these two industries are located in order that they could continue to operate. This move was a step backward by those who espouse the cause of clean water and clean air. You may recall also that Washington has provided Vahlsing Industries with \$350,000 for a study on how to prevent pollution of a little trout brook such as the Prestile Stream that has to take care of the waste of two mammoth industries now set astride its banks. I presume that this money was provided at the suggestion of the Junior Senator from Maine. My only hope is that the \$10,000 study of the Spruce Budworm Spray Program which Washington forced us into, will produce more tangible results than the \$350,000 pollution study just referred to. At least the people of Mars Hill will tell you that the Prestile Stream still stinks.

Hopefully, all of the loans on this sheet are basically good, sound



business transactions. The Board of the Maine Industrial Building Authority is made up of men wise in the field of finance. I was going to say conservative, but conservative is a word somewhat in disrepute these days, so perhaps we had better omit it. This field of State guaranteed loans has served a valuable purpose and its record is good. However, I shudder to think what it could do to the credit of the State of Maine should the management of these State guaranteed loan authorities fall into over-enthusiastic and inexperienced hands. I do not believe that now is the time to extend ourselves in this area.

I understand there is presently before this Legislature a bill, L. D. 1538, heard last Thursday, which seeks to reorganize the Department of Economic Development and possibly combine it with these State guaranteed loan authorities. The obvious intent of this legislation is to accelerate the activities of these loan Associations. I understand that this was violently opposed by both the DED and the Maine Industrial Building Authority at this hearing. When it comes before us, I feel it deserves our most careful consideration. This document is as I said, L. D. 1538, "An Act to Reorganize the Department of Economic Development and Revise the Maine Industrial Building Authority and Maine Recreational Authority By-laws," and is presented by the Senator from Aroostook, Senator Harding.

I have here a copy of the remarks of Arnold Gellerson of Dover-Foxcroft speaking in opposition to this bill. I would like to take time to read these into the records — I think they're worth your careful perusal and scrutiny. I will refrain from it and I will hope that you will obtain his remarks and look them over.

It is my feeling further that this Legislature must be very selective in the Bond proposals which we submit to the electorate at the close of the session. All of us will recall what happened to the Airport Bill of the last session when it came before the people. We will also recall the three bond

issues killed by the people in the last three years. I presume we have many must bond issues — I know we have many must bond issues before us. Now, perhaps some of you would put at the top of such a list the one to meet the construction aid costs imposed upon us by the lump sum payment Act enacted by the 102nd Legislature; others might place the Highway Bond Issue at the top of such a list; perhaps others would select other necessary Bond Issues in a top priority. I believe the Governor has recommended a total bond package of over \$50,000,000. In my opinion we must hold these totals within very reasonable bounds.

Finally, I think we should recognize that the proposals encompassed by L. D. 73 and its accompanying documents represent still another contingent liability for the State. We have before us nearly \$140,000,000 worth of proposed direct and indirect bond issues which, in effect, pledge the credit of the State of Maine. At the present time our bonded indebtedness for all purposes is somewhere in the vicinity of \$90,000,000. Certainly we're not going to more than double our bonded indebtedness in one session of the Legislature.

If too many of the bond issues, both direct and indirect, before this Legislature are enacted and approved by the people, certainly Maine's Triple A credit rating will be reexamined. The indirect or contingent liabilities such as proposed under L. D. 73 and as already exist under the MIBA and the Maine Recreational Authority amendments to the Constitution will be taken into consideration by Standard & Poor's or Moody's in evaluating Maine's credit. The continued existence of a Triple A credit rating is questionable right now. Certainly if we enact too many of the well-meaning but expensive documents before this Legislature, a Double A or Single A is a certainty in the foreseeable future. The cost of the State to the State will increase tremendously as the opinion of bond houses with respect to the obligations of the State of Maine declines.

I hope you will go along with the motion of the gentleman from Lubec, Mr. Pike, and indefinitely postpone this bill.

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

Mr. JALBERT: Mr. Speaker, I have made several inquiries since I first posed my question to the gentleman from Farmington, Mr. Shute, and I find that generally I am correct. This bill as it is presently drafted and as it presently reads, we are not pledging the credit, we are actually committing ourselves to borrowing the money, and on that basis I would be forced to vote against the bill. However, I am assured by the sponsor of the bill, and I am assured generally, that should the bill remain alive that this inequity, in my opinion, in the bill will be corrected by amendment. For that basis I would hope that we would keep the bill alive so that this amendment would be presented, and then we can debate and vote on the bill as it is drafted the way we want it drafted.

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

Mr. LEVESQUE: Mr. Speaker, at what stage in our procedure is the document now, prior to the present motion?

The SPEAKER: The Chair would advise the gentleman that if the indefinite postponement should fail it is ready for final passage.

The Chair recognizes the gentleman from Bath, Mr. McMann.

Mr. McMANN: Mr. Speaker and Members of the House: I fail to see where the MIBA comes into this, but I had the privilege on the Committee of sitting and listening to the members of the MIBA Commission, and they are men of high intelligence and high station, and I will take their word that they are doing a good job rather than somebody else's. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Lubec, Mr. Pike, that this Resolve Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds

Not Exceeding, at Any One Time Issued and Outstanding, Twenty-five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities, S. P. 60, L. D. 73, be indefinitely postponed. 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.

66 having voted in the affirmative and 59 having voted in the negative the motion prevailed, the Resolve was indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

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

Tabled—May 2, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

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

Mr. DUNN: Mr. Speaker, I would like to ask a question. In light of what has just happened to the preceding measure, just why do we need this L. D. 72? I wonder if anyone could answer that.

The SPEAKER: The gentleman from Denmark, Mr. Dunn, poses a question through the Chair to any member who may answer if they choose and the Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think probably the L. D. 72 would serve as a vehicle should the act be properly amended in the other branch and would be coming back to us. I think we still need the vehicle to implement any action that is going to be taken by this legislature.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Is it my understanding that the measure we voted on previously will be held in this branch and amended and submitted to this branch on the

next legislative day? For the reasons that I stated before, for that purpose, to save time and to give the amendment a fair shuffle at the same time, I would hope that this measure here would be tabled until Tuesday. If the amendment keeping the bill alive does not pass concerning the previous bill, automatically this bill would have to be killed. Otherwise than that I would hope we would table this thing until Tuesday to save time.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Tuesday, May 9.

The Chair laid before the House the fourth item of Unfinished Business:

SENATE REPORT—Ought Not to Pass—Committee on Legal Affairs on Bill “An Act relating to Certification of Qualifications of Candidates for Municipal Office in City of Lewiston” (S. P. 476) (L. D. 1197)

(In Senate, Bill substituted for Report and passed to be engrossed as amended by Senate Amendment “A”) (S-101)

Tabled—May 3, by Mrs. Baker of Orrington.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker—the Chair would advise the gentlewoman to move to substitute the bill for the Report if she wishes to be in concurrence with the Senate.

Mrs. BAKER: I so move.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This bill as originally presented relating to certification of qualifications of candidates for municipal office in the City of Lewiston would have had the Chairman of the Board of Registration decide as to what the qualifications of a candidate for

office in the City of Lewiston would be. This bill, in my opinion and in the opinion of the experts that I have discussed it with, would be unconstitutional in its original form.

Also, I might state as an aside, that in this particular instance the Chairman of the Board of Registration in Lewiston happens to be a sister of mine.

The bill received the unanimous “Ought not to pass” Report of the Committee on Legal Affairs, and I respected that report. I have talked with the several members of the Legal Affairs Committee concerning the amendment, which reads “Certification of qualifications,” it would strike out section 6, it would strike out the whole bill and the new bill would read:

“Certification of qualifications. Before the city clerk proceeds to have ballots printed according to section 5 of this article, he shall examine the qualifications of all candidates for municipal offices and ascertain that each such candidate fulfills all requirements of this charter as regards to qualifications for holding public office in this city.”

Now this is actually the duty of the City Clerk anyway, whether it is in Lewiston or any community, and it is my humble opinion that this verges on the basis of lollipop amendments.

I am speaking after conferring with the majority—I didn’t confer with one and I just forgot, with the majority of my colleagues in the Lewiston delegation who agree with me on this measure.

I would like to thank the gentlewoman from Orrington, Mrs. Baker, for tabling this measure for us. I have discussed it with her and it was my understanding that she agreed with me that the amendment had not too much of a meaning. For that reason, Mr. Speaker, I would hope that we would not vote to recede and concur, so that I can then move to accept the “Ought not to pass” unanimous Report of the Committee.

The SPEAKER: The Chair would advise the gentleman that the pending question is the motion of

the gentlewoman from Orrington, Mrs. Baker, to substitute the bill for the report. The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker, I hope that the motion of the fine gentlewoman does not prevail so I can move to accept the unanimous Report "Ought not to pass" of the Committee.

Whereupon, Mrs. Baker of Orrington withdrew her motion to substitute the bill for the report without objection.

On motion of Mr. Jalbert of Lewiston, the "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

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

HOUSE MAJORITY REPORT (7)—Ought Not to Pass—Committee on Agriculture on Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 958) (L. D. 1529) — MINORITY REPORT (3)—Ought to Pass

Tabled—April 27, by Mrs. Wheeler of Portland.

Pending—Motion of Mr. Evans of Freedom to accept Majority Report.

On motion of Mr. Evans of Freedom, retabled pending his motion to accept the Majority Report and specially assigned for Tuesday, May 9.

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

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

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

Pending—Passage to be enacted.

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

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

HOUSE REPORT—Ought Not to Pass—Committee on Labor on Bill "An Act Providing for Unemployment Compensation for

State Employees" (H. P. 713) (L. D. 1008)

Tabled—May 3, by Mr. Martin of Eagle Lake.

Pending—Acceptance.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I have spoken with the members of the Labor Committee on this bill, as you well know I was the sponsor of this L. D. which would provide for unemployment compensation for state employees. It was felt by members of the committee that more exhaustive study should be given to the idea before such a bill should be passed, and with this in mind, Mr. Speaker, I move that we accept the Committee Report "Ought not to pass."

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

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

HOUSE MAJORITY REPORT (8)—Ought Not to Pass—Committee on Labor on Bill "An Act relating to Benefit Amounts Under Employment Security Law" (H. P. 1007) (L. D. 1474)—MINORITY REPORT (2)—Ought to Pass.

Tabled—May 3, by Mr. Brennan of Portland.

Pending—Acceptance of either Report.

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

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen of the House: I would move that on L. D. 1474, the Minority "Ought to pass" Report be accepted and I shall speak to the motion.

The SPEAKER: The gentleman from Portland, Mr. D'Alfonso, now moves that the House accept the Minority "Ought to pass" Report and the gentleman may proceed.

Mr. D'ALFONSO: Mr. Speaker and Members, Legislative Document 1474 to use a rather displeasing connotation of the bill,

is a labor bill, but it attempts to do something that I think is very much needed and has been needed for a long time.

The bill itself has five objectives. Very briefly, the first objective provides a table whereby those with dependents would receive additional benefits under the unemployment compensation laws. The second objective would increase the benefit weeks from twenty-six to thirty-nine. The third objective eliminates the one week waiting period under the law. The fourth objective attempts to strengthen the law in that it would require that beneficiaries be truly attached to the labor force, and the fifth objective is to increase the amount that the employer would pay for employees from \$3,000 to \$4,200 in order to increase the fund of the unemployment compensation funds.

This bill, I am not sorry to say, did receive opposition from the usual people, those who would deny the people who need money the most the right to have it. A lot of people always give us the argument that we should compare ourselves with other states. They are always saying X number of states are doing this and X number of states are doing that, should the State of Maine do it or not do it? My feeling is we should always decide what is best for the State of Maine, setting aside what the other states are doing. If we feel there is a demonstrated need to do something, let's go ahead and do it.

In this particular case, anyone who can say that people who must collect unemployment benefits shouldn't collect a little bit more because they have dependent children, do not agree with my philosophy. In this particular bill, we are trying to do something for the person who needs it most. The argument has been given that this bill is a premium on procreation. Procreation deserves a premium; without it, this world will perish. The argument is given that there are too many people who abuse their benefit rights under the unemployment compensation funds but the argument is al-

ways presumptuous, they always go to the extreme.

The best argument is the one that says if I have five children and I must collect unemployment benefits, don't you think that I deserve a little bit more than the person who has no dependents? My obligations I think are that much more than the other person. Do we have a right to deny these people a few more dollars? Of course we do right now, but we have been trying for a long time to actually correct the inequity.

I would only ask, even admitting freely that this came out "ought not to pass" eight to two, that if you think people who have children deserve a few more dollars if they are unemployed, that you would

Mr. Durgin of Raymond re-

Mr. Durgin of Raymond requested a vote.

The SPEAKER: A vote has been requested on the motion to accept the Minority "Ought to pass" Report.

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

Mr. D'ALFONSO: I would request that when the vote be taken that it be taken by the yeas and nays.

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

Thereupon, on motion of Mr. Ewer of Bangor, tabled pending the motion of Mr. D'Alfonso to accept the Minority Report and specially assigned for Tuesday, May 9.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" (H-233) — Committee on Legal Affairs on Bill "An Act relating to Meetings of Board of Veterinary Examiners" (H. P. 1071) (L. D. 1536)

Tabled — May 3, by Mrs. Baker of Orrington.

Pending — Acceptance.

The Report was accepted and the Bill read twice. Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 1071, L. D. 1536, Bill, "An Act Relating to Meetings of Board of Veterinary Examiners."

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

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

Whereas, meetings of the Board of Veterinary Examiners are essential for the board to carry out the duties entrusted to it by law; and

Whereas, the following legislation is vitally necessary for the board to meet in July, 1966; and

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

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

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

Mrs. Baker of Orrington offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 1071, L. D. 1536, Bill, "An Act Relating to Meetings of Board of Veterinary Examiners."

Amend said Amendment in the 10th line by striking out the figure "1966" and inserting in place thereof the figure '1967'

House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for third reading the next legislative day.

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

HOUSE REPORT — Ought to Pass in New Draft — Committee on Taxation on Bill "An Act Providing for a Tax on Real Estate Transfers" (H. P. 645) (L. D. 900) —New Draft (H. P. 1143) (L. D. 1627)

Tabled — May 4, by Mr. Foster of Mechanic Falls.

Pending — Acceptance.

On motion of Mr. Pendergast of Kennebunkport, retabled pending acceptance of the Report and specially assigned for Wednesday, May 10.

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

HOUSE REPORT — Ought to Pass — as amended by Committee Amendment "A" (H-249) — 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)

Tabled — May 4, by Mr. Foster of Mechanic Falls.

Pending—Acceptance.

On motion of Mr. Foster of Mechanic Falls, retabled pending acceptance and specially assigned for Wednesday, May 10.

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

House Majority Report (7)—Ought Not to Pass—Committee on Election Laws on Bill "An Act relating to Opening and Closing Time for Polls" (H. P. 577) (L. D. 809)—Minority Report (3)—Ought to Pass as amended by Committee Amendment "A" (H-251)

Tabled—May 4, by Mrs. White of Guilford.

Pending—Acceptance of either Report.

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

Mr. HAWES: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Union, Mr. Hawes, now moves the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: This is my bill and I would make just the following short comment. It definitely is an attempt to establish state-wide uniform opening and closing hours of the polls on election day. This would be a fine thing if it could be done satisfactorily. Of course in small towns like I have in my area with maybe ten to twenty voters they don't want to stay open from 7:00 until 9:00 as in the original bill or from 7:00 to 7:00 as is in the amendment.

Now the report of the committee indicates that probably it cannot be done to the satisfaction of the greatest number of people concerned, and I feel at this point it is up to the members of the Legislature to indicate whether or not they feel any change should be made. Thank you.

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

Mr. ROBERTSON: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize with the problem which the good lady has presented to us in this bill and it is a problem in the small towns. However, I think as far as our larger communities are concerned

that opening at 7:00 o'clock in the morning is not going to be beneficial because most of the voters do not vote in the morning. The 7:00 o'clock is not going to allow the factory worker to vote because he has to be at work at 7:00. It is only going to be beneficial to a small segment and possibly those office workers that might go at 8:00 o'clock. At least in my community I find that very few people take advantage if we are open earlier in the day, that the heavy voting is from noontime until closing. Consequently, because these workers have to work long hours at small rates of pay, I do not feel that they should be forced to come in at 7:00 o'clock in the morning to take care of ten or fifteen votes that might drift in unexpectedly. For that reason, I don't think that we should pass this measure as amended.

The SPEAKER: Is it the pleasure of the House to accept the Majority "Ought not to pass" Report?

The motion prevailed. Sent up for concurrence.

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On motion of Mr. Richardson of Cumberland,

Adjourned until Tuesday, May 9, at ten o'clock in the morning.