

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

*One Hundred and Third  
Legislature*

**OF THE**

**STATE OF MAINE**

**Volume II**

**May 10 to June 15, 1967**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Tuesday, May 16, 1967

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

Prayer by the Rev. Mr. George Mills of Farmingdale.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 648)

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

May 12, 1967

To the Honorable Senate and House of Representatives of the 103rd Legislature

In accordance with the provisions of the Joint Order S. P. 341, establishing the Interim Election Laws Study Committee, there is being filed on this date, for consideration by the Legislature, An Act Relating to Recount and Other Election Procedures and Changing the Primary Election Date.

Respectfully,

(Signed) RICHARD N. BERRY  
Chairman

Interim Study Committee

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

**Senate Reports of Committees Ought to Pass in New Draft**

Report of the Committee on Education on Resolve Appropriating Funds for Operation of Advisory Committee on Education (S. P. 387) (L. D. 1021) reporting a Bill (S. P. 645) (L. D. 1651) under title of "An Act Appropriating Funds for Operation of the Governor's Advisory Committee on Education" 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 tomorrow assigned.

**Ought to Pass Tabled and Assigned**

Report of the Committee on Industrial and Recreational Development reporting "Ought to pass" on Bill "An Act to Preserve and Enhance Scenic Values in the State of Maine" (S. P. 500) (L. D. 1215)

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

In the House, the Report was read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance and specially assigned for Thursday, May 18.)

Report of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act Directing Review of the Liquor Laws" (S. P. 274) (L. D. 654)

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

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

**Ought to Pass with Committee Amendment**

Report of the Committee on Labor on Bill "An Act Revising the Minimum Wage Law" (S. P. 91) (L. D. 172) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

**Divided Report Tabled and Assigned**

Majority Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act to Authorize Lincoln County to Raise Money for Court

House Capital Improvements" (S. P. 485) (L. D. 1206)

Report was signed by the following members:

Mr. COUTURIER  
                   of Androscoggin  
 Mrs. SPROUL of Lincoln  
 Mr. MILLS of Franklin  
                   —of the Senate.  
 Messrs. FARRINGTON of China  
           CROMMETT  
                   of Millinocket  
           WIGHT of Presque Isle  
           MEISNER  
                   of Dover-Foxcroft  
                   —of the House.

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

Report was signed by the following members:

Messrs. ROBERTSON of Brewer  
           SNOWE of Auburn  
           NADEAU of Sanford  
                   —of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Wal-doboro, Mr. Waltz.

Mr. WALTZ: Mr. Speaker and Members of the House: At the committee hearing I opposed this bill as it is written, particularly the amount of money involved. Prior to the hearing, the four members of the Lincoln County delegation discussed this quite extensively. All of us concurred in the opinion that some addition was needed to the present Court House. We didn't feel that the amount of money involved would equal the amount that was asked for in this bill.

I am reluctant to bother you with something that is purely pertaining to my county, but if any of you would care to refer to the first paragraph of number 1206 you will note that they are asking — the county commissioners are asking for the \$200,000 for alterations, renovations and addition. Now to me this thing is rather ambiguous and I think quite a bit deceiving in that the county commissioners up until about thirty days ago had plans made entirely upon another

building separated some two hundred odd feet from the present Court House. In this building their big talking point was court room space to provide a court room for the district judge.

I have had letters from Chief Justice Williamson and from Judge Paul MacDonald of the district court in our area, in which both of these gentlemen state that there is no conflict between the used or the present court room used by the two different judges.

Further, and I think to me this is much more important than anything else, is this. Many people in my district and outside of my district in Lincoln County have come to me expressing opposition to this amount of money, feeling that an obligation of \$200,000 on the party of the County of Lincoln was a little bit more than what they as taxpayers would like to see. I have not heard anyone express themselves in favor of this particular bond issue.

I sincerely hope that this House will go along with me in accepting the Minority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Members of the House: I might explain the Committee's position on this being only permissive legislation. The County has asked for improvements on their Court House and if you accept the "Ought not to pass" report this will not allow any improvements at this time. They ask for 200,000 and this is at the discretion of the commissioners how much they should spend and how they should spend it. It seems to me the delegation should get together with them and the money requested should be raised, and I ask for a division on this "Ought not to pass" report.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: I feel I should rise to justify the Minority Report which I signed from the Towns and Counties Committee

regarding this particular bill. As far as I am concerned, personally of course, it has no particular purpose one way or another; but I would like to bring out that most of the testimony that was heard at the Committee was in opposition to this addition, at least in the amount of \$200,000. I think perhaps the Committee, realizing the chairman was from this county, this somewhat influenced the decision perhaps in going along with this bill.

The comments that were brought out—and I am going to be very brief, were the fact that they did not need these additions; others commented from different localities that they couldn't afford these additions. There was brought out that there were no available plans and no definite knowledge of the cost and what plans were available did not seem to be satisfactory from the attorneys' point of view who were going to be using the building. And as Representative Waltz has brought out, Justice Williamson more or less opposed this in a letter which was presented to the Committee. In fact some of the members thought it should go to referendum because they were assured that the majority of the residents of the area did not approve this expenditure.

I would merely state, representing the Minority Report, that I feel that if this bill is to be passed it probably should be amended. I will make no further comments, and thank you.

Thereupon, on motion of Mr. Buck of Southport, tabled pending the motion of Mr. Waltz of Waldoboro to accept the Minority "Ought not to pass" Report and specially assigned for Thursday, May 18.

#### Non-Concurrent Matter

An Act relating to Protecting Source of Public Water Supply (S. P. 435) (L. D. 1154) which was passed to be enacted in the House on April 18 and passed to be engrossed as amended by Committee Amendment "A" on April 14.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Sen-

ate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act to Clarify the Status of Passenger Tramway Devices" (S. P. 554) (L. D. 1486) which was indefinitely postponed in non-concurrence in the House on May 11.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed, and asking for a Committee of Conference.

In the House:

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

Mr. BERMAN: Mr. Speaker and Members of the House: Last week as I recall from looking at the House journal, this matter was very thoroughly discussed both by the gentleman from Cape Elizabeth, my able colleague, Mr. Hewes, and myself. The vote as I recall was something in the vicinity of 114 to 3, although the journal does not so indicate—there was some typographical error. Therefore I suggest that if only three members out of 117 members voting favored this bill while 114 did not, there seems to be little point in having this go to a Committee of Conference. And therefore I move that this House adhere to its previous action.

Thereupon, the House voted to adhere to its previous action.

#### Non-Concurrent Matter

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing for Pensions for Widows of Former Governors" (H. P. 1050) (L. D. 1522) which Report and Bill were recommended to the Committee on Appropriations and Financial Affairs in the House on May 12.

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

In the House: On motion of Mr. Bragdon of Perham, the House

voted to recede and concur with the Senate.

### Orders

On motion of Mr. Curran of Bangor it was

ORDERED, that Rev. John Humme of Burlington be invited to officiate as Chaplain of the House on Wednesday, May 17, 1967.

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

Mr. GAUDREAU: Mr. Speaker, is the House in possession of L. D. 1343?

The SPEAKER: The answer is in the affirmative.

Mr. GAUDREAU: Mr. Speaker, I move that we reconsider our action of yesterday whereby this Bill "An Act relating to Constitution of Police Department of City of Lewiston," Senate Paper 487, was passed to be engrossed.

The SPEAKER: The gentleman from Lewiston, Mr. Gaudreau, now moves that the House reconsider its action whereby this bill was passed to be engrossed.

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

Mr. MINKOWSKY: Mr. Speaker and Members of the House: I respectfully request a division on this reconsideration motion and ask that the members of this House honor my request by voting against reconsideration of L. D. 1343, as it had a unanimous committee report "ought to pass."

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

Mr. JALBERT: Mr. Speaker and Members of the House: I ask the members to vote "yes" on reconsideration so that we can briefly debate this issue once and for all.

The SPEAKER: Is the House ready for the question? All those in favor of reconsidering our action whereby on yesterday L. D. 1343 was passed to be engrossed, those in favor of reconsideration will vote yes; those opposed will vote no. And the Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 56 having voted in the negative, the motion to reconsider did prevail.

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

Mrs. WHEELER: Mr. Speaker, I move we reconsider our action whereby the House failed to indefinitely postpone this bill.

The SPEAKER: The gentlewoman from Portland, Mrs. Wheeler, now moves that the House reconsider its action whereby it failed to indefinitely postpone L. D. 1343.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: When the committee report on this bill came out, I was one of the "ought to pass" signers of the bill. Since then I have had several things explained to me and I now feel that I would rather vote on the opposite side of this bill. Therefore I hope that we will reconsider.

The SPEAKER: The House has reconsidered its action. Now the pending question is to reconsider our action whereby this bill failed of indefinite postponement.

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

Mr. MINKOWSKY: Mr. Speaker and Members of the House: I feel personally that this was screened and analyzed again very thoroughly by this very capable committee and the merits of this measure far outweigh any personal opposition that has been voiced against it. And from an excerpt from an article in a Lewiston paper, which was dated last Friday, the following remark was made: "It means giving to the people of Lewiston the power that rightfully belongs in Lewiston and not in Augusta. It is about time that some of the people leave to Lewiston City Hall its rightful powers and not to try to run City Hall from Augusta."

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

Mr. GAUDREAU: Mr. Speaker and Members of the House: I

sponsored two major changes in our charter and this was an honest attempt to, number one, strengthen our charter; number two, upgrade our Police Department by appropriating money for the continuous education of our police officers. The proponents of this measure before us oppose these changes with claims that I was pecking away at the charter and doing it piecemeal.

This measure is certainly pecking away at their charter and does nothing to improve it. To the contrary, this would put our police officers under added pressure of demotion. This is just a power move. Thank you.

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

Mr. MINKOWSKY: Again, Mr. Speaker, when the vote is taken I respectfully request a roll call for the very obvious reason that there will be no misunderstanding by the citizens of Lewiston, again, on how this delegation voted on this matter.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Certainly I don't have any objection to a roll call and I assure you that I was home last evening and my list of names of phone calls to make was this long, and I went to a restaurant with twenty-seven people today and twenty-seven to nothing were against this measure.

Now I'm going to go back to this situation of what the gentleman from Lewiston, Mr. Minkowsky, read to you about the gentleman from the other branch who was the sponsor of this measure, who states in the press that we should take care of our own affairs in Lewiston and not come to Augusta. I'm attempting to do that. I have no charter bills. It seems strange that the gentleman would make that comment; yet since he's made that comment he has presented five amendments to the charter — and they came to Augusta and he has lobbied them in Augusta, which is his prerogative as it would be mine.

But let's not say one thing this way and say another thing another way. Now insofar as unanimous reports of committees are concerned, certainly generally they are honored; but there is no rule that says they cannot be discussed one way or another or there is no rule that says one cannot change their thinking as one member of the Legal Affairs Committee has already indicated this morning by speaking, the honorable gentleman from Stonington, Mr. Richardson, and by the motion of the lady member of the Legal Affairs Committee, the gentlewoman from Portland, Mrs. Wheeler.

Now as far as the "ought to pass" or "ought not to pass" reports of the Committee, the same gentleman from the unmentionable branch who proposes this measure had another one of his measures with a straight "ought not to pass" report of the Committee, that came out of the Committee, and it landed on the table in the other branch and was kept there for three weeks, and then an amendment was put to it in spite of the fact that the report of the Committee was unanimous "ought not to pass."

It seems strange also that there are three other measures in the other branch tabled by the same —

The SPEAKER: The Chair would advise the gentleman not to use the other branch to influence the members of this body.

Mr. JALBERT: That's right — I'm sorry. There are three other measures with a straight "ought to pass" report of committee and they are nestled in the unmentionable branch also.

The truth of the matter of this measure is this. That this would be giving the Police Commission the extra powers. My major reason for objecting to this bill is the tactics used by this Commission. Ten days after, a member of the other branch became also a member of the Police Commission. Seven members of the Lewiston Police Department were suspended by the Police Commission because they had put a sticker on their car for another candidate for mayor, who was not of their choice. I speak of the honorable

gentleman from Lewiston, Mr. Cote.

Now I don't mind anyone using a little pressure or a little arm twisting, but it seems to me that when people are suspended without pay from their job because they exercised their American privileges by putting a sign on a car, I think that's going a little too far — and those are the hard, cold-turkey facts. Incidentally, one of the automobiles that had a sign on their car for a candidate of their choice belonged to the wife of a police officer and he borrowed it to drive back and forth from work. Another one had the audacity to put a sign on his lawn, on a tree on his lawn, or a branch on a lawn of the land that he owned, and that was such an offense that he was suspended for one day. This is the Commission that wants more power.

Now seventeen years ago I put an end to this by presenting a bill that the Legislature voted upon unanimously, and there was no argument about it; and it was a Lewiston measure, and it passed, that would stop this practice. I certainly am of the thinking that when five members of a committee are members on a six—from a branch of the Legislature would be against something, it should be fair enough. And certainly the argument of the unanimous report is now shattered when two members have arisen and changed their thinking, of the members of the Legal Affairs Committee.

So I certainly hope that you will go along with the action of Representative Cote and the four other members of the Lewiston delegation in their wishes to kill this measure.

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

Mr. MINKOWSKY: Mr. Speaker, to be very brief and right to the point I don't believe the arguments proposed by Representative Jalbert of Lewiston are relevant to 1343, but it does indicate the need for this measure, according to my very dear dear friend and colleague from Lewiston, Mr. Jalbert.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I agree with that great Democrat, Representative Jalbert from Lewiston. I agree with him on balance. Thank you.

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

Mr. COTE: Mr. Speaker and Members of the House: I think I said all I had to say on this bill yesterday, but there is one thing I want to make sure, I will not substitute home rule at any time for boss rule.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: Relative to the roll call, I am a Lewiston legislator and the roll call will not change my vote. Yesterday I voted against this measure and today with or without the roll call I will vote against it.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentlewoman from Portland, Mrs. Wheeler, that the House reconsider its action whereby on yesterday this bill failed of indefinite postponement. 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. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Wheeler, on reconsideration whereby Bill "An Act relating to Constitution of Police Department of City of Lewiston," Senate Paper 487, L. D. 1343, failed of indefinite postponement on yesterday. All those desiring to reconsider will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Allen, Baker, R. E.; Bedard, Belanger, Binnette, Birt, Bourgoin, Brown, Champagne, Clark, Cote, Crockett, Crosby, Curran, Danton, Darey, Drummond, Eustis, Evans, Gaudreau, Hall, Hanson, B. B.; Hanson, P. K.; Hawes, Haynes, Healy, Henley, Hinds, Hodgkins, Hoover, Huber, Humphrey, Jalbert, Jameson, Kyes, Levesque, Lewin, Lewis, Littlefield, Lowery, Lycette, Maddox, Meisner, Pike, Porter, Prince, Rackliff, Richardson, G. A.; Rideout, Ross, Roy, Sawyer, Shute, Soulas, Sullivan, Tanguay, Truman, Waltz, Wheeler, Wood.

NAY — Baker, E. B.; Beliveau, Benson, Berman, Boudreau, Bragdon, Brennan, Buck, Bunker, Carrier, Carswell, Cornell, Cottrell, Crommett, Cushing, Drigotas, Dudley, Dunn, Durgin, Edwards, Ewer, Farrington, Fecteau, Fraser, Fuller, Gauthier, Gill, Giroux, Hanson, H. L.; Harnois, Harriman, Hennessey, Hewes, Hichens, Immonen, Jewell, Keyte, Kilroy, Lebel, Lincoln, Martin, McMann, McNally, Minkowsky, Mosher, Nadeau, J. F. R.; Pendergast, Philbrook, Quimby, Quinn, Richardson, H. L.; Robinson, Rocheleau, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Snow, P. J.; Snowe, P.; Susi, Townsend, Trask, Watts, Wight, Williams.

ABSENT — Bernard, Bradstreet, Burnham, Carey, Carroll, Conley, Cookson, Couture, D'Alfonso, Dennett, Dickinson, Fortier, Foster, Harvey, Hunter, Jannelle, Miliano, Nadeau, N. L.; Noyes, Payson, Robertson, Sahagian, Starbird, Thompson, White.

Yes, 60; No. 65; Absent, 25.

The SPEAKER: Sixty having voted in the affirmative and sixty-five in the negative, the motion to reconsider whereby this bill failed of indefinite postponement does not prevail.

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

Mr. Richardson of Stonington was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I personally would like to extend my wholehearted congratulations to the State of Maine for their pavilion at the Montreal exposition. I'm in wholehearted agreement with Representative Jalbert and with Representative McNally in that it is a very very excellent job. There is a waiting line in front of the pavilion, there is a long waiting line in front of the booth where the Maine picture is being shown. Originally it was planned, as I understand it, to show the picture twelve minutes in French and twelve minutes in English on the hour, but as it is now taking place they are showing it continually. Therefore, I would like to express my congratulations to the Department of Economic Development for a very very fine job. Thank you.

(Off Record Remarks)

### House Reports of Committees Ought to Pass in New Draft

Mr. Hinds from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and the Maine Maritime Academy, and the Issuance of Not Exceeding \$5,227,300 Bonds of the State of Maine for the Financing Thereof" (H. P. 87) (L. D. 117) reported same in a new draft (H. P. 1160) (L. D. 1659) under title of "An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and the Issuance of Not Exceeding \$5,400,000 Bonds of the State of Maine for the Financing Thereof" and that it "Ought to pass."

Report was read and accepted, the New Draft read twice and tomorrow assigned.

### Passed to Be Engrossed

Bill "An Act relating to Sources of Supply and Purposes of North Jay Water District" (S. P. 608) (L. D. 1596)

Was reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed and sent to the Senate.

**Third Reader  
Tabled and Assigned**

Bill "An Act Creating a State Employees' Suggestion Awards Board" (S. P. 643) (L. D. 1648)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Bill "An Act relating to Powers of Administrative Hearing Commissioner Concerning Minors Under the Liquor Laws" (H. P. 1159) (L. D. 1656)

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

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

**Amended Bills**

Bill "An Act relating to Appeals from Land Damage Board" (S. P. 231) (L. D. 556)

Bill "An Act relating to Corporate Sale of Installment Bonds" (S. P. 267) (L. D. 648)

Bill "An Act Requiring Approval of County Commissioners of Court Term Bills" (S. P. 459) (L. D. 1359)

Bill "An Act Creating the Uniform Act on Paternity" (S. P. 472) (L. D. 1164)

Bill "An Act Providing Appropriations for Payment of School Construction Aid to the Cities of Westbrook and South Portland" (H. P. 1124) (L. D. 1601)

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

**Passed to Be Enacted  
Emergency Measure**

An Act to Establish an Office of Mental Retardation (S. P. 631) (L. D. 1632)

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. 117 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.

**Emergency Measure**

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

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. 120 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.

**Emergency Measure**

An Act to Incorporate the Town of Richmond School District (H. P. 1052) (L. D. 1526)

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

**Passed to Be Enacted**

An Act relating to Licensing of Elevator Mechanics (S. P. 109) (L. D. 180)

An Act relating to Certificates of Organizations of Corporations Filed Prior to January 1, 1966 (S. P. 318) (L. D. 841)

An Act relating to Amount of Wages Subject to Trustee Process (S. P. 377) (L. D. 991)

An Act relating to Eligibility for School Construction Aid (S. P. 395) (L. D. 1028)

An Act Creating the Uniform Rendition of Prisoners as Wit-

nesses in Criminal Proceedings Act (S. P. 546) (L. D. 1394)

An Act relating to Leave of Absence for Teachers Serving in the Legislature (S. P. 560) (L. D. 1432)

An Act Providing for Reexamination of Accident-prone Drivers (S. P. 616) (L. D. 1610)

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

An Act relating to Possession, Storage and Handling of Explosives (H. P. 107) (L. D. 134)

An Act relating to Aid for Persons Injured in Hunting Accidents (H. P. 272) (L. D. 472)

An Act relating to Publication of Notice for Public Hearings for Applications for Liquor Licenses (H. P. 854) (L. D. 1267)

An Act relating to Disposition of District Court Funds (H. P. 1000) (L. D. 1462)

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

#### Orders of the Day

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

**SENATE REPORT** — Leave to Withdraw—Committee on Judiciary on Bill “An Act relating to Challenges of Jurors in Criminal Cases” (S. P. 159) (L. D. 330) (In Senate, read and accepted)

Tabled—May 12, by Mr. Richardson of Cumberland.

Pending—Acceptance in concurrence.

On motion of Mr. Richardson of Cumberland, retabled pending acceptance in concurrence and specially assigned for Thursday, May 18.

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

**SENATE REPORT**—Ought Not to Pass—Committee on Appropriations and Financial Affairs on Bill “An Act to Authorize Construction of Self-liquidating Student Housing and Dining Facilities for the Eastern Maine Vocational-Technical Institute and the Issuance of not Exceeding One Million One Hun-

dred and Twenty-seven Thousand Dollar Bonds of the State for the Financing Thereof.” (S. P. 423) (L. D. 1077) (In Senate, read and accepted)

Tabled—May 12, by Mr. Quinn of Bangor.

Pending—Acceptance in concurrence.

On motion of Mr. Quinn of Bangor, the “Ought not to pass” Report was accepted in concurrence.

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

**HOUSE MAJORITY REPORT** (6)—Ought Not to Pass—Committee on Liquor Control on Bill “An Act relating to Sunday Sale of Liquor” (H. P. 908) (L. D. 1318)—**MINORITY REPORT** (4)—Ought to Pass in new draft (H. P. 1158) (L. D. 1655)

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

Pending—Motion of Mr. Hichens of Eliot to accept Majority Report.

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

Mr. **RIDEOUT**: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion to accept the “Ought not to pass” Report of the Committee. I would point out that the “Ought not to pass” Report concerns L. D. 1318, a Sunday sale proposal which differs greatly from the bill that I have introduced. You will note, however, that the Minority Report is “Ought to pass” in a new draft, being L. D. 1655. This bill, in many respects, is similar to the bill which I introduced, permitting Sunday sale of liquor. I felt that my bill was a moderate proposal. I feel even more strongly that the new draft is even more moderate.

We have heard much of the result of the referendum vote on the Sunday sale bill passed by the 102nd Legislature. We are told that the people have spoken on this issue. I would differ with the opponents on this. The difference between the bill defeated by some 1,000 votes out of 200,000 cast, and the bill which we are considering today, is the difference between day and night. That bill provided

for Sunday sales of liquor in hotels, clubs, Class A restaurants and grocery stores. There was no referendum attached to it, although one was initiated. There was no provision for local option on that bill. This new bill does not include the right to sell in grocery stores. This bill has a provision for State-wide referendum in the primaries of 1968. This bill provides that on voter approval and referendum, local communities shall have the right to decide with local option whether they will permit Sunday sales in hotels, clubs, or Class A restaurants, with a local option question for each class of license, whereby the community may give approval to all three types of licenses, to one, to two, or to none.

On the basis of local option vote on weekday sales, the bill defeated in referendum could have provided for Sunday sales in several hundred communities, and with the possibility of up to twenty-three or twenty-four hundred licenses being granted. This bill, if approved and on the basis of local option vote, would affect only sixty odd communities out of five hundred in this State. The total number of licenses involved in this bill is a little over three hundred. I think, therefore, that you would agree that there can be no comparison between the bill defeated in 1965 and the bill that we are considering today.

This bill provides for a \$100 license fee for each establishment in addition to the weekday licenses now required. It provides stringent penalties as a strong deterrent for sales in violation of the law. The hours of sale are reasonable, 12:00 p.m. to 9:00 p.m., which hours coincide with the noon and evening meals. If this bill were passed and approved by the people, Sunday sales would not become effective in any community until January of 1969, and then in only those communities which approved it after a local option vote.

I believe that L.D. 1655 is a good bill; it is a moderate bill; it is a reasonable bill, and it is needed in the State of Maine. This bill does not advocate a "business as usual" approach to the Sabbath, instead it is intended to be re-

strictive with the realization that there are economic factors involved which in my opinion deserve recognition.

First and foremost is the tourist. As I have pointed out the Sunday sales would be restricted to hotels, Class A restaurants and clubs as defined in section two of the present law. This is designed to cater to the tourist. Now we all realize that tourism is one of the largest industries in our State. Probably with all its ancillary benefits it is the biggest industry.

Now I'm not going to insult your intelligence by trying to tell you that tourists planning a trip look up the liquor laws of the state before deciding to visit that state. Of course, this is not true. However, I think that it is undeniably true that the more pleasant and enjoyable we can make the tourist's vacation here in Maine the more apt that tourist is to return a second and third time. This bill is an attempt to insure that a tourist can enjoy his liberties while vacationing in Maine, and not be faced with another artificial barrier to the enjoyment of his vacation.

I think it is reasonable to suppose that at one time or another every member of this House has had the personal knowledge of the unbelieving complaint of a first-time visitor to Maine that you cannot buy a drink under legal conditions in "Vacationland" on the day of rest. It has become very apparent and most obvious to me that the weekends are the "apogee" of the business curve of tourism in our state. We are attempting nationwide to build an image of Maine as a four-season vacationland, and we expect and hope that private enterprise will provide the necessary lodging and eating establishments to cater to and serve the tourist in Maine.

Because of the seasonal nature of our tourist cycles, it's not easy for a person or a business establishment to succeed and expand in such limited seasons. For example, along our magnificent coastline with its beaches and resorts, you know yourself that at the outside the summer tourist season lasts but three to three and one-half months. This is also true in our

beautiful lake regions, in one of which I live. It is also true that our winter sports areas enjoy a very limited season of operation. The same thing can be said for our golf clubs and courses, and our hotels and restaurants which cater to the hunter and fisherman, and business conventions. All have a limited season in which to prosper.

As I have said, we expect private enterprise to provide the facilities, for food and lodging and certain entertainment for our tourist trade; yet, if you accept the rather obvious fact that the weekend is the prime business time for tourism, then we are hamstringing these operations by limiting one scope of their function, in its prime time.

We in Maine are definitely in the competitive market place for the tourist dollar, summer, winter, fall and spring. The more attractions we as a state can offer, the biggest share of this tourist dollar we will rate. Our case in point might be the state's bid for the Winter Olympics in 1976. Here again we are going to depend on the initiative of private enterprise to offer to the touring public the facilities necessary to accommodate an international group. We as a state must face the fact that we are living in the last half of the twentieth century. People's habits and tastes have changed. I feel that we in the market place must adapt to the change in the tastes and habits of the customer, the American buying public, in this case the tourist. And, by the way, we are the only state in New England which does not permit Sunday sales, and we are in competition with all of them.

However, I want to see the change made for the good of the goal, not "business as usual" on Sunday but a restricted approach to appeal to those who have come to our State for recreation. This is why I believe this bill, which does restrict Sunday sales to hotels, Class A restaurants and clubs for a limited time on Sunday, is the best compromise and solution.

There can be no doubt in anyone's mind that there is a demand for this type of legislation. Resort

owners, the various Chambers of Commerce, have indicated time and again the value to this state of this type of legislation. The leading newspapers of the State including the Portland Press Herald, the Bangor Daily News, the Lewiston Sun, have all editorialized time and again in favor of the legal sale of alcoholic beverages on Sunday.

I would like to quote briefly from the most recent editorial in the Portland Press Herald, and I quote: "We support this measure chiefly on the grounds that this bill makes available to the Maine people and their summer guests, the same privileges that they could enjoy in other states. We subscribe to it and Maine will gain some revenue from the tax of liquor sold on Sunday, and at the same time there would be considerable benefit derived by hotels doing a large convention business, to say nothing of others who must earn most of their revenues during the seasonal months."

In view of these new safeguards, it is difficult to believe that if this bill comes off the table in the House this week it will not be approved.

To summarize, ladies and gentlemen of this House, this bill satisfies an economic need in the State of Maine. It meets a demand of many people who believe in moderation and yet it leaves the final decision in the hands of the people who must approve the principle of Sunday sales by a statewide option vote. I believe that the people are entitled to decide this issue, and I urge each of you to give them this opportunity by opposing the motion to accept the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Members of the House: I made the motion last Friday that the Majority Report be accepted for several reasons.

First, as a member of the Liquor Control Committee, I was impressed by the lack of support that this bill engendered. If it was needed as we have heard in order to increase the tourist trade, why

didn't some show up at the hearing? Only a very small handful came. On the other hand, people from all over the State came to oppose the bill. It was probably one of the largest hearings of this session. Secondly, we had just had a referendum fourteen months ago and the people in my area voted about two to one against Sunday liquor. I feel that I am here to represent them. Some will say that they voted against beer and ale, but I think that whereas many of them drink beer that this vote reflected the fact that they did not want the sale of liquor on Sunday.

A very interesting note was apparent in last Sunday's Portland Telegram. In a write-up of the week's activities, the reporter stated that lobbyists representing the beer sellers were the only ones pressing for the passage of this bill, and yet beer is not included in this bill whatsoever or the sales in local stores. I cannot help but wonder what their purpose is in pressing so hard for the bill at this time unless they are looking into the future, that this may be a step in the direction which they hope will come to pass. I feel it is a slap in the face of the people to consider trying to override the vote, taking the referendum just fourteen short months ago.

The speaker preceding me has pressed the fact on tourism, yet in 1965 Maine was the only New England state that showed an increase in tourism with some 2,600,000 tourists who spent \$327,000,000 within our State; and in 1966 after the papers all over the country had printed the fact that the dries had won in the State of Maine, we had over 3,000,000 tourists who spent \$332,000,000 last year in those summer months.

I am a toll-taker on the New Hampshire Interstate Bridge as many of you know, and I have in my hand the Fourteenth Biennial Report of the Maine-New Hampshire Interstate Bridge Authority. In 1962, \$585,623 was collected in tolls on that one bridge coming into the State of Maine. In 1963 that was up by \$5,000. In 1964 it went up \$50,000. In 1965 it went up \$22,000. In 1966 when people

knew that our state was still dry on Sunday, it went up another \$25,000. You might argue the fact that many trucks pass over that bridge and the tolls collected add to that total, but I also have the figures on the amount of passenger cars that went across the bridge in these years.

In 1962 4,707,383 cars paid a ten cent toll, went across that bridge. In 1963 it went up five percent. In 1964, it went up eight percent. In 1965 it went up three percent. In 1966 it went up another three percent. In other words, in 1966 there were 701,801 cars more passed over that bridge than there were in 1962. These cars were loaded with vacationers, loaded with youngsters, people who were out for a good time.

At Valle's Restaurant, the very nearest restaurant to the New Hampshire border line, I spoke to the manager last fall concerning the business that he had had in 1966. He said, "on Sundays from 1:00 to 10:00 p.m. we had lines of over 150 to 200 people waiting to be served all afternoon." Do we need liquor in this restaurant in order to keep people from going just one and a half miles across the line to restaurants in New Hampshire where they can be served this liquor which we are told they so much desire?

Let's kill this bill today. Let's send it to the Senate and get on with more important business. I thank you.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: Ninety-nine percent or more of the time, I just drink Maine milk!

Some of these statements made by the previous speaker are absolutely ridiculous, in my opinion. The fact of the matter is, as anyone that's had a little experience knows, that anyone in a hotel on Sunday can get all the liquor they want from bootleggers! That's fine—in other words they are forced to buy liquor illegally, and the bootlegger doesn't pay one cent of taxes and unquestionably doesn't report the income he gets

probably on his income tax. And the hotels pay taxes!

Further, the gentleman refers how they, these tourists come into this state loaded with other tourists, and loaded with their families, et cetera, et cetera, et cetera. What he says is basically and fundamentally true. However, he forgets to state that many of them are also loaded with liquor which they buy on the way up here in New Hampshire! And also, anybody that has a little experience knows that a tremendous amount of people from Maine on the way up through they buy their liquor in the State liquor stores in New Hampshire before they go over the Kittery Bridge. So, some of these statements are absolutely fantastic.

He refers to the fact that at that hearing there were hundreds of people opposed. Of course — because they are organized! And really, I know, in fact Sunday morning my ESP—I get the best results when everything is quiet, somewhere between half past two and three o'clock — and last Sunday I am quite sure that this communication I received, I received from my good friend, the Reverend Ernest Smith; and when I decoded it, and I'm quite sure I'm substantially right, I believe what Ernest is really in favor of, he wants more high-grade liquor sold on Sunday. Thank you.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I'm neither an expert on highways, bridges or liquor. Neither am I a total abstainer. I rise to support the remarks of the gentleman from Eliot, Mr. Hichens, not that I feel that I can prove everything he said is true or untrue. I am mostly basing my opinions on the fact that we here are supposed to be representing the people. If we're representing the people, are we representing them or special interests? It seems to me that everyone who has contacted me for Sunday sales, whether it be liquor, wine or whatever, have been special interests. Some of my best friends have con-

tacted me on Sunday sales because they are in business, and they hope that if the law was passed they'd be able to push it through a local option for a front. I concur with Mr. Hichens. Less than two years ago, in fact a little over a year ago, regardless of the fact that it may have been a small majority, the people of the state more or less mandated what they wanted for the Sunday liquor law.

Mr. Rideout, the gentleman from Manchester, mentioned tourism. Ladies and gentlemen, I submit, how far are we going in the State of Maine to knuckle to tourism? How much of our consciences and our thoughts of decency are we going to throw away for the sake of a few extra dollars for special interests? Again, all of the mail and phone calls that I have received, I don't know about the rest of the ladies and gentlemen of this House, have been in opposition to Sunday sales, with the exception of special interests. The Committee found 6 to 4 in favor of "Ought not to pass." We at sometime do overturn the Majority Report to committees, but a good many times it's because of the human interests involved or possibly the fact that it involves the general public, and they have no opportunity to state their desires at the committee hearing.

I've been given to understand that this was aired very carefully before the committee and it was almost overwhelmingly against this bill or any bill on Sunday sales.

It is interesting to note that the four committee members who were for this bill were generally from one area of the state. With all just honors to those gentlemen, who I have no fault with, they are representing their people; possibly that area is all for the Sunday sales, but in general I feel statewide that the people very definitely do not want Sunday sales of any kind of liquor, and as Mr. Hichens so ably demonstrated, there is no sign or no figures to show that the State of Maine has lost tourists because of the inability to buy liquor in restaurants or any place else on Sunday. Bootlegging there may be, but I fail to understand

why we should knuckle to any specific law because of possible failure to enforce a law.

Lastly, as far as the tourists are concerned, if the law should be passed, then as Mr. Rideout, the gentleman from Manchester states, if only certain spotted towns and cities here and there vote for this law, isn't the tourist going to be more confused than ever? If he can buy it in this restaurant in this town—he drives along fifty miles and wants another drink and he can't buy it. So if we've got to have a law that's only spotty, here and there, I feel that the law has no value as far as tourists are concerned. So, I urge you to vote for Mr. Hichen's recommendation that this bill ought not to pass.

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

Mr. ROY: Mr. Speaker and Members of the House: As a member of the Liquor Control Committee, to keep the record straight, as the good gentleman from Norway, Mr. Henley, stated that all the members had voted for Sunday sales were all from one area of the state. Well, out of the four members that voted for it, three come from Lewiston, and myself, I represent Winslow. I don't consider Winslow part of Lewiston.

As far as the Sunday sale or malt beverage is concerned, Winslow has always voted wet, as I as an individual of the committee have voted for Sunday sales because I feel that the people I represent, and I have talked to those in the area, are in favor of Sunday sales. I can assure you out of due respect to each and every one of you in this House, those that represent the areas that do not wish the sale of alcoholic beverages on Sunday or even during the weekdays, have voiced their opinions in the past as well as those that do wish to have the consumption of alcohol in their communities have also voiced their feelings.

I don't think we can direct our arguments entirely on tourism. I think we can direct our feelings towards the people that we represent in this House. As far as

the hearing is concerned, having served about three terms on the Liquor Control Committee, we've had overwhelming turnouts in regards to the Sunday sales in the past. This last turnout we felt was moderate, it wasn't the largest turnout that we have had down here this session. The results of the last referendum I felt was kind of close as to what the true feeling of the public was at the time. There was some strong feeling as to the retail outlets being allowed to sell liquor on Sunday. If we were to pass this last Sunday sale bill that we had before us in the last session, I think the State of Maine would have become the wettest State in the Union at that time.

The State of Maine is ready at this time for some form of Sunday sale, and out of the committee I can assure you, with due respect to the other committee members who represent the areas that do not allow any consumption of alcohol in any of their communities, felt that they had to vote to their conscience in support of their people. So did the members that represent the communities that are wet.

So I ask you today, those that are from the areas that represent the consumption of alcohol in their communities, to support the Sunday sale bill. Thank you.

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

Mr. ROSS: Mr. Speaker and Members of the House: Today I am going to vote against this bill and for the Majority Report. I would like to clarify this stand since I have voted for the bill in the past. I thought at that time that it would be a real help economically in certain areas. I felt it would be of no harm for us to be in conformity with the Sunday laws in other states in the area. But last session it was with great reluctance that I cast an affirmative vote because, like a great many others, I dislike the "beer to take out" section. Until the last minute at that time I thought that this was going to be amended out of the bill, as a matter of fact, but now after a reappraisal of the

situation I really doubt the economic advantage statewide. I feel that it would help in only a few areas, not in the state as a whole.

But, there is another much more basic reason why I shall vote against this. After the House and Senate passed it last time the opponents with hard work and diligence forced a referendum according to Article IV, Section 17 of the Constitution of the State of Maine. The outcome, of course, is well known, and it alone certainly would not influence my decision. However, many months ago some of the proponents came to me and asked me what I thought their chances were of having a Sunday sale bill approved. I said that I certainly didn't know, but if they were really serious after that referendum vote, they should follow the procedure set forth in Section 18, under Article IV of the Constitution, and initiate legislation by petition. It would require only the same number of signatures and the same hard work that the opponents went through after the last session.

I mentioned this several times to many persons and each time they thought that it might be a good idea. However, evidently they felt that it was not worth their effort, because it was not done; and if it is not that important to them, it certainly is not that important to me today.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: I am not going to make a lengthy talk on this measure. I feel I should express an opinion. I want to rise in support of the motion now before the House presented by Mr. Hichens. I think this measure was voted on in a very costly referendum last year. Again, it's before us and the prerogative is now ours to make another decision.

We have a report from the Liquor Control Commission not recommending the passage of this bill. Certainly I do not feel I can reconcile the economic factors and ignore the cost of human life; the additional accidents that could be incurred by the more available

use of liquor. I feel the tourist as well as the residents of the State of Maine, and that includes myself and my family, should have an opportunity to drive upon the highway on Sunday with some degree of safety — certainly the passage of this measure is not going to increase that degree.

This bill brought out that the tourist industry has increased despite the fact they do not have Sunday liquor; it has decreased in other states that do have Sunday liquor, so that argument seems rather null and void. I must only conclude that I represent the citizens of the State of Maine, the citizens of Penobscot County and the citizens of the City of Brewer. In each instance they have voted against the use of Sunday liquor, I must go along with my constituency and vote that way in this Legislature. Thank you.

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

Mr. LYCETTE: Mr. Speaker and Members of the House: In the spirit of brevity and the desire to get on with the program my remarks will not be lengthy, and I pray I shall not appear to be pontifical. I imagine everyone has already decided on how they will vote. However, as a sort of a middle-roader in my thinking, I find that my preconceived ideas are sometimes changed after I hear all the arguments.

Theoretically, I have no interest in how much liquor my fellow citizens purchase or drink. In fact, it's none of my business. However, I am interested if after he or she drinks, they drive their automobiles on our highways.

The amount of food or drink we consume is to a great degree predicated by prices and availability. Of course some of those who drive under the influence doubtless bought the liquor on a so-called weekday. However, many more are impulsive purchasers who individually or with friends get together on Sunday and decide they want to get high. State stores notwithstanding, our County at least has some bootleggers. But, as a matter of self-preservation I know

they are very cautious and do not sell indiscriminately.

I was a police officer back in the days of prohibition and for many years thereafter. During the first mentioned era when they had to drive over the international border to buy at the liquor control outlets or pay their local bootleggers exorbitant prices, no one but the well-heeled fellow could afford much liquor. By the same token, there were fewer arrests for driving under the influence.

Regardless of whether or not my conclusions have any merit, I have discovered through inquiry that many people who like a drink are not in favor of changing the status quo and furthermore, many more felt that as our population in Maine is comparatively static last year's mandate as exemplified in the referendum should have satisfied everyone for a few years at least. At that referendum my town went over three to one dry. I am not a politician and my I.Q. is very low, but that vote in itself is a pretty good mandate as to how I shall vote on this bill.

Incidentally, the County voted 66 percent dry on the referendum.

No matter if this bill is not similar to the proviso incorporated in the referendum, it would further liberalize our present liquor laws. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: The referendum vote was 59 percent dry over the State of Maine. Twelve of the sixteen counties voted dry. In the letters and petitions that I have received from my constituents, they were all dry. I most certainly am not going to vote contrary to their wishes.

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

Mr. HANSON: Mr. Speaker and Members of the House: Just one comment. Much has been said about the effect of being dry on tourists. I would suggest that there might well be a number of tourists, potential tourists, who would be attracted to the state because they wouldn't be faced with Sun-

day liquor. This might bring some other people into the state. Thank you.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: During this debate I have taken a few notes; this is often my custom. I'll agree with Mr. Roy of Winslow that it was a very close vote statewide — approximately 50 percent of the people who voted were in favor of Sunday liquor and approximately 50 percent were against it. I also agree with him that those who come from dry areas should represent their people and vote that way, and that those from wet areas should do likewise. I agree with Mr. Ross that probably in this state, very few people will be directly benefited financially.

I would also like to remark on the statements of Mr. Rideout of Manchester. He made mention of the local option clause in this bill we are considering this morning, and only a month or so ago we adopted a bill that for all intents and purposes is abolished in local option throughout this State. I see no reason to revive it in this one matter, and I am thoroughly in accord with abolishing local option.

I would also think that in my own area which encompasses — I believe if I remember right, about an area which would be about eight tenths of the size of the State of Rhode Island encompassing eighteen towns and plantations and some odds and ends of wild townships besides with a few people in them, this area I represent, these people that I represent, according to my own calculations turned down Sunday liquor almost two to one. They didn't do it, I believe, because the beer and ale were attached to it, because for their own interests, for the interests of any particular person in that area, beer and ale should have been the deciding factor.

There are no places to my knowledge that would qualify as a Class A hotel or restaurant in my area, and so therefore I think that they were against Sunday

liquor in toto, and to represent them I think I shall have to be against it also.

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

Mr. PORTER: Mr. Speaker and Members of the House: I shall derive a great deal of enjoyment out of this vote. I can't see any vote that I've taken that is going to be so enjoyable as this one.

My town voted 547 against; 310 for. I would like to reflect their thinking; it will give me a great deal of satisfaction doing it.

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

Mr. MEISNER: Mr. Speaker and Members of the House: I'm not going to make a long speech this morning because the ground has been pretty well covered, but I don't feel that I could go from this session without saying something on this subject how I feel.

I'd like to call your attention just for a few moments to the Liquor Control Committee Report that was brought out on this bill. I think some of you have been here much longer than I have and I don't think you ever saw a report come from the Liquor Control Committee as this one with Majority Report that the bill "ought to pass." We've had a lot of bills in the Liquor Control Committee this year. I don't know whether you have noticed or not, but nearly all of them have come out unanimously either "ought to pass" or "ought not to pass" or "leave to withdraw." I think it shows that we've had a good committee and that we've been able to get together on most of these bills and pass them out in a unanimous report.

I just want to speak for a few moments; the financial part of this bill has been covered, and I want to say in the first place that I don't like the whole bill too well. I wonder if you have all read it. There are some things in the bill besides Sunday liquor. I hadn't realized that liquor was sold on Memorial Day at any time, but in this bill, if you pass it it will be sold from noon on Memorial Day. Now

Memorial Day is a very sacred day to us. I think it's been kind of a holy day, and I don't believe that we want certain people to go out and desecrate it by getting filled with liquor Memorial Day afternoon.

I also notice some other things in this bill. I do not like these local options. Local options have been proven in the past that they haven't worked. Supposing one town in the center of a group of towns were to vote for Sunday liquor, the rest of the towns probably would feel that they were compelled to do the same. Traffic between the towns would be more dangerous on Sunday than any other day. But I'm not going to belabor this point very much because I'm going to speak to you a little while on another point that is dear to me. I'm not going to preach to you, but call your attention to the fact that the arguments which have been set forth here this morning, most all from the material point of view. Now I feel there are other things enter into our lives besides the material things; perhaps material things are getting too great a hold upon us.

There's a group of people that I represent, that I have much to do with and I am much interested in. That is the young people of our communities. I have had, up until my coming down here, a group of young people that I have been leading. We've discussed all kinds of problems, amongst those problems has been the liquor problem. These young people have always been very definite on this point, that they didn't want Sunday liquor. Perhaps you would say this isn't a privileged class, but it is. But I read many things, the testimonies of young people, how they resent the civilization that we are passing on to them and the many problems. Letters have been written from these teenagers and high school scholars. These are the people that I am interested in.

I am also interested in our Sabbath Day, the Sabbath Day that has come down to us—it must have been a good day or it wouldn't have lived as long as it has. Three

thousand years ago Moses came out with this law that we call the Ten Commandments; the Fourth Commandment is to "Remember the Sabbath Day, to keep it holy." And, we know that we do not want to return to the old Puritan Sabbath any more, but still I feel that the Sabbath Day is losing some of its power and force which it has over us. The Sabbath Day, the day of worship, recreation—it is a home day, and people gather together with their families; they like to go for a ride to the beach or to their cottage, wherever it may be and they like to go with the feeling that the road is going to be comparatively safe to drive upon. This day has meant much down through the ages and it should mean much to us today.

Now it won't make too much difference to me personally I suppose just which way the vote goes on this bill, but I am particularly interested in those that are coming after me. I'd like to feel that I've made a little contribution to make life a little easier for them.

As a young man, seventeen years old, wrote to an editor a little while ago, and he said if we protest the problems that the grown up generation are handing over to us in our generation, we feel that there should be a crusade augmented to make the older people think what they are handing on to us in our generation that is to come. And we all know that; we're handing over to them many things and problems to be solved.

Now I'm not going to go on any further with this, only to state that I think that I shall close what I have to say, perhaps this will be my last speech that I may make in the Legislature. The chances are that I will not return.

In my freshman year here, there was a bill similar to this, an enlargement of the Sunday liquor, and at that time I asked you to go along with me in the indefinite postponement of that bill. I have not asked you for many things, I've not made many speeches this year, and I would like to have the feeling when I finish my experience here in the Legislature that this bill that I have been in op-

position to and now that it has an opportunity, that you should vote along with the majority of this committee, that this bill ought not to pass.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Members of the House. I would bring an end to these arguments with the words of Nestor, the great Greek philosopher as he spoke to a group of students several centuries ago. I quote: "I counsel all of you then to strengthen your minds by making yourself useful in politics to fellow citizens of the world, but in the degraded state of politics one must be content with the opportunity for free expression of the mind and benefiting one and all by educating them, by encouraging virtue, by teaching them to comprehend the will of God, and to have a good conscience." In all good conscience, representing the people of the State of Maine, I ask for a vote of the yeas and nays.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: Last session I voted against the liquor bill. I felt that we were mousetrapping the people by tying the two things together. I noticed, too, that probably ninety percent of those who have spoken against this bill, after Representative Rideout's very sane, comprehensive presentation of the economy and our responsible hospitality in this state, I notice that perhaps ninety percent have come from towns where there was a three to one vote against—in the last local option election five to one. But I also noticed, too, perhaps that they do not represent the great tourist business of our great Vacationland.

I think that a representative sometimes must face a tough decision, whether or not he is going to represent his own district or whether or not he is going to represent the best interests perhaps of the State. I don't think we should legislate morality in this particular case of hospitality and I think

the way the bill is drawn and the way it is going to be presented, separately, each provision separately, to the people of the State, is a very equitable arrangement. And so this year I am going to vote for this bill and I hope in the long look by everyone at this problem they may also support this bill.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker, when the vote is taken I hope that it will be taken by the yeas and nays.

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

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Eliot, Mr. Hichens, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Sunday Sale of Liquor," House Paper 908, L. D. 1318. All those in favor of accepting that Report will vote yes and those opposed will vote no. The Chair opens the vote.

### ROLL CALL

YEA—Allen, Baker, E. B.; Baker, R. E.; Berman, Birt, Bragdon, Buck, Bunker, Carrier, Clark, Crockett, Crommett, Cushing, Darey, Drummond, Dudley, Dunn, Durgin, Edwards, Eustis, Evans, Ewer, Farrington, Fecteau, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Haynes, Henley, Hennessey, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Hunter, Immonen, Jannelle, Jewell, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Minkowsky, Mosher, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Robertson, Robinson, Ross, Sawyer, Scott, C. F.;

Scott, G. W.; Shaw, Snow, P. J.; Starbird, Thompson, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

NAY—Bedard, Belanger, Beliveau, Benson, Binnette, Boudreau, Bourgoin, Brennan, Brown, Burnham, Carswell, Champagne, Conley, Cornell, Cote, Cottrell, Crosby, Curran, D'Alfonso, Danton, Dennett, Drigotas, Fortier, Foster, Fraser, Fuller, Gaudreau, Gauthier, Gill, Giroux, Harnois, Harvey, Healy, Hewes, Huber, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Lowery, Martin, Nadeau, J. F. R.; Nadeau, N. L.; Richardson, H. L.; Rideout, Rocheleau, Roy, Scribner, Snowe, P.; Soulas, Sullivan, Susi, Tanguay, Truman, Wheeler.

ABSENT—Bernard, Bradstreet, Carey, Carroll, Cookson, Couture, Dickinson, Hawes, Kyes, Miliano, Noyes, Payson, Pendergast, Sahagian, Shute.

Yes, 79; No, 57; Absent, 15.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-seven in the negative, the motion does prevail.

Sent up for concurrence.

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

Bill "An Act relating to Insurance Transactions Through Credit Card Facilities" (H. P. 876) (L. D. 1288)

Tabled—May 12, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

Mr. HARRIMAN: Mr. Speaker, I move for indefinite postponement of L. D. 1288 and I would like to speak to my motion.

The SPEAKER: The gentleman from Hollis, Mr. Harriman, moves indefinite postponement of L. D. 1288, and the gentleman may proceed.

Mr. HARRIMAN: Mr. Speaker and Members of the House: This bill should be rejected because it is discriminatory and unjustifiably

regulates competition. The only thing this bill does is to make it impossible to pay insurance premiums through credit card billing, a convenient way that bills are paid by many thousands of people in the State of Maine and throughout the country. This credit card method of payment now in use is offered by responsible insurance companies, licensed, regulated and taxed in this State, who only offer this option to their customers as an easier and less burdensome way of payment rather than on a lump sum basis.

This bill does not, and I repeat does not, affect the solicitation, negotiation or terms of the policies. These matters are now closely regulated by the State Insurance Commissioner. The application for insurance and all matters relating to coverage are handled by the insurance companies. The only function of the companies having credit cards is to collect for the insurance premiums if the insured elects to pay his premiums in this manner. This bill is an example of restrictive, discriminatory class legislation and should not be passed. And when the vote is taken I request a division.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Members of the House: I don't want to waste your time on debate of this measure this morning. It was thoroughly debated last week and I thank you for supporting me on this measure. I have plenty of information here to refute what Mr. Harriman has said, but I would urge you to defeat his motion. Thank you.

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

Mr. FRASER: Mr. Speaker and Members of the House: I suppose once an insurance man always an insurance man, and I feel that insurance of any type should be sold in the presence of the person buying it so that he may enjoy the advice and counsel of the person who knows what they're talking about.

Paying for a premium once you've bought the policy is another

thing; credit cards may be all right. But I believe the initial sale should be done by personal touch. Anyone buying this form of insurance should have the benefit of counsel by a person who has shown the Commissioner of Insurance that he is qualified to give this advice. And for that reason I am going to go along with this bill.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I hate to go against my committee member Mr. Harriman, but I feel that the people when they're buying insurance are buying coverage. They want to know what they're buying, and the reason they're buying is for protection in case of loss. And I feel that under the credit card they do not get this.

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

Mr. HARRIMAN: Mr. Speaker, the credit cards only serve as we all know, to collect the premiums. The credit cards are used for the collection of insurance premiums by responsible companies like Mobile, Diner's Club, Shell Oil, American Oil and so forth. They're not going to jeopardize their good will by collecting insurance premiums from outfits that are not responsible in selling their insurance policies. I believe that the insurance purchaser is going to get more for his insurance dollar through this method of selling, but I may be wrong. But I think if it dies it should die a natural death and not die through legislation.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Hollis, Mr. Harriman, that L. D. 1288, Bill "An Act relating to Insurance Transactions Through Credit Card Facilities," be indefinitely postponed, and the Chair will order a vote. All those in favor of indefinite postponement will vote yes and those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 59 having voted in the affirmative and 51 having voted in the

negative, the Bill was indefinitely postponed and sent up for concurrence.

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

Bill "An Act Providing for a Tax on Real Estate Transfers" (H. P. 1143) (L. D. 1627)

Tabled—May 12, by Mr. Beliveau of Rumford.

Pending — Passage to be engrossed.

Mr. Beliveau of Rumford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1143, L. D. 1627, Bill "An Act Providing for a Tax on Real Estate Transfers."

Amend said Bill in section 1 by striking out in the first line of the 5th paragraph of that part designated "\$4643" (same in L. D. 1627) the underlined figure "10th" and inserting in place thereof the underlined figure "20th"

Further amend said Bill in section 1 by striking out all of those parts designated "\$4645, \$4646, \$4651 and \$4652"

Further amend said Bill by renumbering \$4647, \$4648, \$4649 and \$4650 to be \$4645, \$4646, \$4647 and \$4648.

On motion of Mr. Hanson of Gardiner, tabled pending adoption of House Amendment "A" and specially assigned for Thursday, May 18.

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

Bill "An Act Concerning the Practice of Public Accountancy" (H. P. 1153) (L. D. 1649)

Tabled—May 12, by Mr. Minkowsky of Lewiston.

Pending—Passage to be engrossed.

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

Mr. MINKOWSKY: Mr. Speaker and Honorable Members of this Body: The prime and fundamental purpose of my tabling motion until today on L. D. 1508, now under a

new draft L. D. 1649 as amended is for further consideration and analysis and discussion. We all realize that there must be sound and reasonable standards necessary to safeguard the regulation of the public accounting profession, in the State of Maine. A high moral code of practice set forth by the National Society of Public Accountants should be required of those who are permitted to offer their professional services to our Maine citizens and its varied businesses. Standards for the guidance of the public in using public accountants' services should be based upon fair and equitable treatment to all qualified practitioners. In a democracy, all persons who possess demonstrated ability to practice a profession should be encouraged to engage in it and develop their talents for the improvement and advancement of themselves and the community and the state of which they are an integral part.

It has been stated by many public accountants that the intent of L. D. 1649, as endorsed by the Certified Public Accountants of Maine, are nothing more than personal motivated reasons to monopolize this profession. To say that everyone desiring to enter the accounting profession should be a C.P.A. is completely unrealistic and impractical. Many students as well as some persons now practicing as public accountants will ultimately become C.P.A.'s, but there are numerous others that will not attain this plateau. It is therefore imperative that we provide a vehicle for these future practitioners to enter the recognized public accounting profession. Now, if these practitioners are licensed as provided in L. D. 1649, there is no doubt that it would upgrade this profession as a whole and it definitely would enhance the C. P. A. certificate as the history in other states has proven on legislation of this type.

This professional group of public accountants that I speak of desire to be licensed and brought under statutory regulation and are unselfish and dedicated to serving the general public and the profession

it wants to protect. However, there is only one drawback to L. D. 1649 as amended. The public accountants, so-called now, will be a dying class. Any person who meets the requirements of the board as a public accountant may register on or before the 30th of June 1969.

Also, applicants will have until the 30th day of June 1974 to make final application. After that date, honorable members of this Body, this field will be closed entirely to any future public accountant practitioner. The only ones authorized to practice and use the name public accountant will be those registered as of June 30th, 1974.

Some of the remarks conveyed to me by public accountants are as follows: If the C.P.A.'s are to be the only recognized accountants in the State of Maine, many problems will be created at the expense of the citizens of this State; namely, the C.P.A. group would have a monopoly on all accounting and our Maine citizens would all become their prey. The second remark, there are not enough C.P.A.'s in this State to do all the work and most have all the work they can handle on their own time presently. If they become the Caesar of this profession many things would happen as a result. Among them might be the lowering of the standard for the C.P.A. examinations; another might be short cutting their services and of course they would have to increase their own staff with men who are public accountants. In effect what the C.P.A.'s are saying is that the public accountant is not qualified to do the work now but would be qualified if he were working for them.

I'd like to read a portion of a letter received from a public accountant:

"I am reviewing with the anticipation of taking my C.P.A. examination this fall, I still am not in favor of L. D. now 1508.

"For your information I have been in the practice of Public Accountancy since 1948 and finally established my own full time accounting practice in February of 1958. For one thing, I sincerely believe that the practice of Public

Accountancy should be governed by C.P.A.'s and P.A.'s even though the C.P.A.'s try to give the public the impression that they are a 'Know - It - All' group. I firmly believe they have much to learn. If you will read national magazines and newspapers you will find, generally speaking, that it is the C.P.A. firms that are being sued for lack of diligent work performed. To me this speaks for itself."

A final remark voiced, "I believe in some governing body to protect the public, but cannot see how this would be accomplished by creating a C.P.A. monopoly."

Honorable Members of this Body, I have projected my ideas and those voiced by qualified public accountants here in the State of Maine. What do you think? Thank you.

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

Mr. SCRIBNER: Mr. Speaker and Ladies and Gentlemen of the House: This bill has been before the Legislature for the last several sessions. It was presented to the 100th, 101st, 102nd and the current session. It was heard by the Legal Affairs Committee or the Business Legislation Committee, or a combination of both, during those years.

Those who served on these two committees in the past will remember the long and stormy public hearings that were held then because the accountants themselves could not agree on the grandfather and registration provisions. This is similar to the situation that currently exists between the engineers and the surveyors who have not been able to agree on a registration law. However, this year there has been a difference regarding the accountants. At the public hearing on April 19, a compromise was suggested and the Business Legislation Committee asked the thirty-five to forty accountants at the hearing to stand if they supported the compromise. All of them stood up except one. Accordingly, the committee asked that a redraft be prepared which incorporated the compromise provisions. This was done and it re-

ceived the unanimous support of the Committee.

In the past few weeks I have received many letters supporting the compromise and members of the Committee have told me that they have also. A week ago, the gentleman from Lewiston, Mr. Minkowsky, told me that he received nineteen letters on one day supporting the compromise bill, and seven the following day, but not one letter opposed. My mail has indicated the same general trend. Unanimous support for any bill with grandfather and registration provisions is never possible, but in this case it is very high, I would estimate close to 100 percent support, at any rate 95 percent.

Briefly the grandfather and registration clauses are as follows: All public accountants, all CPA's and their staff employees in practice on the effective date, which will be sometime next September, will be grandfathered in. All Federal and State government general accountants and auditors may be grandfathered in and excused from paying the annual fees as long as they work for the government. This will give them a certificate in the event they retire or leave government service. Special provisions are made for those in the armed forces as well.

Under the future registration provisions, those who pass the C.P.A. exam will qualify and those who pass a special exam during the next seven years will also qualify. Those who come under the reciprocity provisions with other states will also qualify. This will provide an adequate supply in future years including the approximately four hundred persons who will be grandfathered in.

I think that we have before us today a fair bill that will protect everyone in the profession and the Committee reported it out unanimously "Ought to pass." The gentleman from Lewiston, Mr. Minkowsky, feels that it is not perfect, but I feel that it is a good, fair and adequate compromise that has taken nearly seven years to achieve. Thank you.

The SPEAKER: The pending question is the passage to be engrossed.

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

Mr. ROBERTSON: Mr. Speaker and Ladies and Gentlemen of the House: We have before us today a compromise of two distinguished and eminent segments of the accounting profession of our business world. Both have expended a tremendous amount of time and effort to get a state regulation in this field. Several times in the past there has been a concerted effort to pass a bill that would unify the Certified Public Accountant and the Public Accountant, but it never successfully got out of committee because these two groups could just not agree. Usually these attempts failed because of a lack of a concise and clear-cut explanation of the underlying reasons why adequate legislation is essential if this profession is to be upgraded. The passage of this bill will enhance the position of this worthwhile profession in the eyes of the public and assure them that their accounting problems will be in the hands of adequately experienced and competent men and women.

Now there are those who rely certainly on financial statements and reports and have a right to assume that the auditors who sign the reports have been required to demonstrate their competence under state law. Those who study financial data cannot be expected to investigate the individual qualifications of every accountant whose name appears on a balance sheet, income statement or other financial report, indicating that he is responsible and reliable.

Not only is it desirable, therefore, that accountants should be licensed and their activities regulated, but the states have a positive duty to set high standards to be met by those who would assume the heavy obligation of modern public accounting practice. Now it may be argued that neither the morals, the health, nor the safety of anyone is jeopardized by the practicing of this profession, however incompetent the practitioner may be. But it has been estab-

lished for many years that the police power of the State in such matters is not confined to the professions such as law and medicine, but also to other professions we go into, most every profession in the State of Maine, and certainly the accounting profession should not be excluded. It is a very fine profession and it has people in it who are qualified and competent and they want to keep the continual upgrading of this association.

I certainly must agree that this bill does not make all the members of the Public Accountants' Association happy, nor does it make all the members of the C.P.A.'s happy, but a high majority of each favors its enactment. At least for the first time these two organizations have come to somewhere near a common ground. So, Ladies and Gentlemen of this House, let's get this law regulating accountancy on the books; then it can be amended as may be required. If we do not take some action now, it may be years before there can exist an agreement that is anywhere near mutual as far as the compromise this bill presents.

This is needed state regulation, the culmination of hard work by both these competent organizations. We now have a single bill that is acceptable although not perfect. The report of the Committee is unanimous. Let's follow their respected opinion. Laws have been enacted in thirty-seven jurisdictions regarding accountancy practice. Why should the State of Maine be last? I ask for your support on this measure.

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

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

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

Tabled—May 12, by Mr. Jannelle of Scarborough.

Pending — Passage to be enacted.

Thereupon, passed to be en-

acted, signed by the Speaker and sent to the Senate.

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

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

Tabled—May 12, by Mrs. Fuller of York.

Pending—Final Passage.

On motion of Mrs. Fuller of York, retabled pending final passage and specially assigned for Thursday, May 18.

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

HOUSE REPORT—Ought Not to Pass—Committee on Education on Bill "An Act Providing an Education Loan Fund for the Higher Education of Teachers" (H. P. 626) (L. D. 882)

Tabled—May 12, by Mr. Shute of Farmington.

Pending—Motion of Mr. Pendergast of Kennebunkport to substitute Bill for Report.

Thereupon, the Bill was substituted for the "Ought not to pass" Report and given its two several readings and assigned for third reading tomorrow.

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

Bill "An Act Increasing Minimum Wages" (S. P. 48) (L. D. 38) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-68))

Tabled—May 12, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

On motion of Mr. Soulas of Bangor, the House voted to suspend the rules and to reconsider its action of May 5 whereby Committee Amendment "A" was adopted.

The same gentleman then 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 S. P. 48, L. D. 38, Bill, "An Act Increasing Minimum Wages."

Amend said Amendment by striking out all of the last line and inserting in place thereof the following: "and punctuation **nor to hotels, motels, restaurants and other eating establishments**"

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

Thereupon, Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Mr. EWER: Mr. Speaker, I move that L. D. 38, as amended by House Amendment "A" to Committee Amendment "A" be passed for engrossment.

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

Mr. HUBER: Mr. Speaker, am I in order to make an amendment to this bill?

The SPEAKER: An amendment is in order.

Mr. HUBER: I offer House Amendment "A" to L. D. 38 and move its adoption and I would like to speak briefly to it.

The SPEAKER: The gentleman from Rockland, Mr. Huber, now offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to S. P. 48, L. D. 38, Bill, "An Act Increasing Minimum Wages."

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

'Sec. 1. R. S., T. 26, §663, sub-§3, ¶1, **additional**. Subsection 3 of section 663 of Title 26 of the Revised Statutes, as amended, is further amended by adding a new paragraph L to read as follows:

**'Any individual employed by any retail or service establishment, except an establishment engaged**

**in laundering, cleaning or repairing clothing or fabrics or an establishment engaged in the operation of a hospital, institution or school, if such establishment has an annual dollar volume of sales which is less than \$250,000, exclusive of excise taxes at the retail level which are separately stated. A retail or service establishment shall mean an establishment 75% of whose annual dollar volume of sales of goods or services, or of both, is not for resale and is recognized as retail sales or services in the particular industry.'**

Further amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 2.'

The SPEAKER: Is it now the pleasure of the House that House Amendment "A" be adopted, and the gentleman may proceed.

Mr. HUBER: Mr. Speaker and Members of the House: About a week and a half ago I expressed my opinion on this bill and also indicated there would be two or three amendments offered in an effort to make it a little bit more palatable and this one, House Amendment "A", is in addition to the state law including exemptions. It is taken from the Fair Labor and Standards Act, the Federal law, and it exempts any retail service store doing a gross business of less than \$250,000 a year. This is designed precisely to lend some aid and assistance to the small businessmen in the State of Maine and the exemption as we say, the \$250,000 exemption is part of the Federal law and it would seem very appropriate to the State of Maine with the small population and the small communities and the small businessmen who are active.

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

Mr. D'ALFONSO: Mr. Speaker and Members of the House: I would have you consider very seriously this particular amendment in which we would exclude establishments in businesses doing a gross business or thereabouts of less than \$250,000. This is certainly a very broad category to include within the bill whereby a business would be excluded from the mini-

mum wage provisions. I cannot buy it. This would effectively destroy the intent of the legislation to raise minimum wages of all employees that we desire to have come under the minimum wage laws.

The amendment if adopted I think would be a nightmare as far as being administratively put into use. For these two good reasons, I can't see any valid reason why we should adopt an amendment that would effectively destroy our desire to raise the minimum wages of the employees in this state and therefore I urge you to defeat this particular amendment.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: Before I speak for this amendment I want to make it perfectly clear that this amendment means absolutely nothing to me in my business, as I am covered under the Fair Labor Standards Act and have been since its inception.

I am for legislation that helps the small businessman such as the corner store operator, the small bakery shop, the variety store, the people with a low volume of business, and who in many instances work many hours, and I mean sixty-five and seventy hours a week, to get enough profit to support their family and on an hourly basis many times get less per hour than their employees. You may well ask, why do they go into or stay in this type of business?

There are many answers. If you are young, you hope some day to build your business up big enough for yourself and for your family. If you are older, you want to be able to operate your business at a profit and live out your life with dignity and self-respect. But regardless of your age and the size of your business through it all runs the pride of ownership.

The Minimum Wage Law as it now stands on our books reads as follows: "Employees employing four employees or more in any day of the week are subject to this chapter for that week and in the count of employees there shall

be included all employees including those otherwise exempt under section 663."

Now many people believe, and possibly some of the members in this House believes, that this law means that only those employers who have four or more employees on their weekly payroll are subject to minimum wages. This is not so.

If I as an owner have one regular employee on a weekly basis and I hire because of weekend traffic three extra people for one day, I am covered because I have had more than four employees on one day of the week. If the business is a family corporation, although the owner or the manager may own the majority of the stock he is counted as an employee, and if he hires two extra people besides his regular employee for a busy week, he is under the minimum wages for that week. There is no doubt in my mind but that many small businessmen are breaking the law today, because they do not have a correct interpretation of the same.

There are only 24 states in these United States that have statutory rates for minimum wages, and only four states and the District of Columbia as of February were the only ones that had rates higher than our State. Alaska has \$1.75; Massachusetts \$1.40; New York \$1.50 and New Jersey \$1.25, and I guess we all admit the last three have a much greater density of population than the State of Maine. I think the reason the rates are lower in most states is because they realize the problems of the small businessmen and are trying to protect them.

I do not believe there could be many valid objections if we had the same minimum wage rates that are spelled out in the Fair Labor Standards Act or if our present law specified that those employers employing four people or more on a weekly basis were subject to the Minimum Wage Law, provided we had the same exemptions as the Federal law. As our present law is not written on this basis, why should we not make our law compatible with the Fair

Labor Standards Act which exempts those doing less than \$250,000 a year, and in which there is a bill going to be put in the House to exempt them up to \$500,000?

The Federal Government recognizes the problem of the small businessman; why should we in a sparsely-settled state have laws restricting the small businessmen? Why should the small businessman who has troubles galore in his business, have to worry about two different regulations? In a year from now everyone doing over \$250,000 per year will be covered or exempted by the Fair Labor Standards Act.

Now I think this is a good amendment. I think it helps the small independent businessman who gradually through laws and regulations is being forced to close up his shop and go to work for the big fellow.

Let's not make the large larger as we've been doing for the last ten years and enact legislation that will eventually force the small businessman out entirely. It was private enterprise that made this country and made this state great. Let's not kill off initiative, enthusiasm and hard work, or do anything to the hopes and dreams of all the hard-working businessmen that some day they may be known as one of the big fellows. Let's give them at least a fighting chance to succeed, and I hope we pass this amendment.

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

Mr. HINDS: Mr. Speaker and Members of the House: I have always felt since the time I served in the Maine Legislature that all our citizens, or all our working citizens should be covered by a minimum wage. I never found any reason to exempt any classification, and I served on the Labor Committee in the 101st session of the Legislature, and personally I feel that anyone working a 40 hour week should at least be entitled to \$1.50 an hour—that's only \$60 a week. We all know what it costs us to live, and even though many of these people have to live in perhaps a less luxurious manner,

I feel that we owe the people of the State of Maine a decent minimum wage, and I move indefinite postponement of House Amendment "A."

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

Mr. D'ALFONSO: Mr. Speaker and Members of the House: This bill, this amendment, I venture to say has nothing to do with freedom of enterprise, with the ability of a person or persons to engage in a business profitably. I don't know for sure the number of businesses in this state that do less than \$250,000 gross business within the year, but I would hazard a very valid guess that the majority of businesses in this state do less than \$250,000 of gross business, which means that if we were to adopt this particular amendment we would be excluding from the minimum wage provisions the majority of people who work for the majority of establishments doing less than \$250,000 gross business. Do we want to do this?

Are we in favor of applying the minimum wage laws and standards to all the people, or are we to engage in a practice whereby we start to exclude so many people, so many establishments, that we effectively destroy the intent and purpose of the legislation? I do not think that this Legislature or any legislature has in mind at any time to actually make a majority of the people of this state non-recipients of the benefits that this Legislature can pass on to them, and in this particular case, minimum wages.

Think it over very carefully. Are we going to provide for all of the people that which is due them, or are we going to practice something that only benefits just a few? Please do not accept this amendment.

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

Mr. NADEAU: Mr. Speaker and Members of the House: How many of us that do accounting work come across the person, he may be a small businessman, and you see in his books, and I'm not referring

to those that I've done, but things that I have heard, where they've gotten rid of this person and that person because he was just about to be covered by the law—he would have to pay unemployment, he would have to do these things.

I rise in support of Mr. D'Alfonso in hoping that you people will not accept this amendment, and hope that you will realize also that there are many abuses and it is done in this wonderful State of Maine. Must we forget that this low per capita amount that is said so in Maine is under \$2800, and if this per capita tax is this low, which is stated that this is a true figure, this amendment certainly is going to keep it lower. Now these same people that will not be covered, they are raising a family, they are trying to send their children to school, they're trying to buy all the necessary things of life, and I feel they should earn a decent living wage, and be able to feed and upkeep their family, and I hope you will defeat this amendment.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: I would just like to make these comments—comments of reply to the gentleman from Portland and the gentleman from Sanford.

There is such a thing in this world as supply and demand. In the labor market right now it's got more demand than it has supply. If this bill was passed, there would not be very many businesses make it, because if a man has a profitable business of any size he wants the best help that he can get and he expects to pay them an adequate wage.

In reply to — I might cite an experience in my own business. I started out in 1959—1954, it was 1959 before I made any money in the business, but in 1956 when prices were a lot lower than they are today I did over \$249,000, my employees all ate and got a fair wage, but I got 49 cents for my salary. Now there isn't many people that go in business and live on 49 cents—I happen to have a little left.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In supporting the action of the gentleman from South Portland, Mr. Hinds, supported by the gentleman from Portland, Mr. D'Alfonso, it might be noted that the 103rd a few weeks ago adopted the philosophy as brought forward by the Legislative Research Committee of \$1.60 an hour for all state employees. I should think on that basis that we'd go along with killing this amendment and go with the philosophy of \$1.40 and \$1.50 an hour. This vote was unanimous in its recommendation by the Research Committee — there was not one voice raised in opposition to it.

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

Mr. ROSS: Mr. Speaker and Members of the House: A few years ago, as a member of the other body, I sponsored the first Minimum Wage Law. Today I feel just exactly like the gentleman from South Portland, Mr. Hinds.

Basically I think that all persons should be covered. Already we have too many exemptions in the law, and this one would cut the teeth right out of the minimum wage law and I also favor the indefinite postponement.

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

Mr. JALBERT: Mr. Speaker, I ask for a roll call.

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

Mr. EWER: Mr. Speaker and Members of the House: The previous speakers in opposition to this amendment have covered everything that I was going to say except one point. And that is this—here in Maine we have two kinds of labor, labor with a capital "L" and labor with a small "L". Labor with a capital "L" is represented by the Unions; while they're not as strong as they might like to be, yet they are able to exert some economic force on behalf of their membership. But the men with the

small "L", unrepresented by any group or anybody but themselves, is up against quite a proposition. He is the one that this minimum wage bill is designed to help.

We're only referring to section 664, not to 663 or any other section of the bill when we consider this. Thank you.

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

Mr. BIRT: Mr. Speaker and Members of the House: In the last Legislature, the 102nd, I was one of the sponsors of the present Minimum Wage Law. At that time it was written into the law a minimum factor of four employees, anybody employing more than that was covered by the minimum wage law. It would be my belief that this would be a much more satisfactory approach than attempting to do it on the volume of business; it is much more easily able to police, and I would hope that this amendment would be indefinitely postponed.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think probably that this amendment here this morning that we have is something that is quite questionable by all factors. You will find that in some business if they are doing a \$250,000 business a year the percentage of return is one thing. You find in another business and if they make a \$4,000,000 a year business, their margin of return is slightly different. So I don't see where this \$250,000 a business comes into the picture as a business that is either going to survive or going to die. Certainly it's just a matter, a question of whether it's a profitable business or not a profitable business, and certainly they should not be eliminated under the minimum wage of our state that these employees that are on it have to work in these establishments will certainly receive a fair amount of return for their labors. So I am in support of the motion to indefinitely postpone this amendment.

The SPEAKER: The pending question is the motion of the gentleman from South Portland, Mr. Hinds, that House Amendment "A" be indefinitely postponed. 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 of those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from South Portland, Mr. Hinds, that House Amendment "A" be indefinitely postponed, to L. D. 38. All of those in favor of indefinite postponement of House Amendment "A" will vote yes, those opposed will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Bedard, Beliveau, Benson, Berman, Binnette, Birt, Boudreau, Bourgoïn, Bragdon, Brennan, Buck, Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cornell, Cote, Cottrell, Crockett, Crommett, Curran, Cushing, D'Alfonso, Danton, Darey, Dennett, Dickinson, Driogtas, Dudley, Dunn, Eustis, Evans, Farrington, Fecteau, Fortier, Foster, Fraser, Fuller, Gaudreau, Gauthier, Gill, Giroux, Harnois, Harvey, Hawes, Healy, Henley, Hennessey, Hinds, Hodgkins, Humphrey, Hunter, Immonen, Jalbert, Keyte, Kilroy, Lebel, Levesque, Lewin, Littlefield, Lowery, Maddox, Martin, McMann, McNally, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Pendergast, Philbrook, Pike, Porter, Prince, Quinn, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Rocheleau, Ross, Roy, Sawyer, Scott, C. F.; Scribner, Shute, Starbird, Sullivan, Susi, Tanguay, Thompson, Townsend, Watts, Wheeler, White, Wood.

NAY — Belanger, Brown, Clark, Crosby, Drummond, Durgin, Ed-

wards, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Hariman, Haynes, Hewes, Hichens, Hoover, Huber, Jameson, Jannelle, Jewell, Kyes, Lewis, Lincoln, Lycette, Meisner, Quimby, Rackliff, Scott, G. W.; Shaw, Snow, P. J.; Snowe, P.; Soulas, Trask, Waltz, Wight, Williams.

ABSENT — Bernard, Bradstreet, Cookson, Couture, Ewer, Miliano, Noyes, Payson, Sahagian, Truman.

Yes, 104; No, 36; Absent, 10.

The SPEAKER: One hundred and four having voted in the affirmative and thirty-six in the negative, the motion to indefinitely postpone House Amendment "A" does prevail.

It is now the pleasure of the House that this bill be passed to be engrossed as amended?

Mr. Huber of Rockland then offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to S. P. 48, L. D. 38, Bill, "An Act Increasing Minimum Wages."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following:

**§ 664. Compliance required**

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee except as otherwise provided in this subchapter at the rate of less than \$1.15 \$1.40 per hour for one year starting October 15, 1965 January 1, 1968 and thereafter \$1.25 \$1.50 per hour; nor work more than 48 hours in any one week, unless 1½ times the regular hourly rate is paid for all work done over 48 hours in any one week. Except that on October 15, 1965 1967 to October 15, 1966 January 1, 1969, those employees in a nursing home or employees in a hospital shall be paid at a rate of no less than \$1 \$1.25 per hour. From October 15, 1966 January 1, 1969 to October 15, 1967 January 1, 1970 they shall be paid at a rate

of no less than \$1.15 \$1.40 per hour and thereafter at a rate no less than \$1.25 \$1.50 per hour. The overtime provision of this section shall not apply to the canning, processing, preserving, freezing, Rackliff, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce, and meat and fish products, nor to the canning of perishable goods, nor to nursing homes and hospitals.'

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: This bill came out of committee without amendments, passed without amendments in the other branch, and I believe the Department of Labor and Industry is against the change of time and the change of dates. I would move to indefinitely postpone House Amendment "C".

The SPEAKER: The question now before the House is the motion of the gentleman from Hampden, Mr. Littlefield, that House Amendment "C" be indefinitely postponed.

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

Mr. HUBER: Mr. Speaker and Members of the House: House Amendment "C" changes the effective date, the change date for your minimum wage to January first rather than October 15. As I pointed out the other day, the date of October 15 begins now to affect your municipal employees and your municipal budget. I don't know that this makes an awful lot of difference at the present moment, but as we continue more and more to add municipal employees under the Minimum Wage you're going to find your budgets up some considerably on the home front because this is the date that goes into the law book.

Now how it started that way I don't know, but I certainly think that now is the perfect time to change to January first rather than October fifteenth. Of course when you're talking municipal wages, I think the only ones you have professionally under the Minimum Wage municipalities are

the firemen. However, this of course when you raise anybody's minimum wage you are affected by the other employees also who are asking for percentage increases along the same way. And I don't know about the Department of Labor and Industry, but I do think that we make the decisions here and if the effective date January the first appeals to the majority of us why that's what it ought to be.

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

Mr. NADEAU: Mr. Speaker, for those who do not have the amendment in front of you, I would just like to point out a couple of things. He has crossed out in one area here where they are supposed to start October 15, '65 and he has in it January 1, 1968; and another spot in this amendment he goes on from October 15, 1966 and he puts in January 1, 1969. Mind you, how are these people going to live in that period of time when everything else goes up? Please defeat this amendment.

The SPEAKER: Is the House ready for the question? The question now before the House is the motion of the gentleman from Hampden, Mr. Littlefield, that House Amendment "C" be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement of House Amendment "C" will vote yes; those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

94 having voted in the affirmative and 40 having voted in the negative, the motion prevailed.

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

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

Resolve Permitting R. Dean Seguin of South Paris to Take the Examination for Admission to Practice Law (H. P. 514) (L. D. 727) (In House, passed to be en-

grossed) (In Senate, indefinitely postponed in non-concurrence)

Tabled—May 12, by Mr. Hewes of Cape Elizabeth.

Pending—Further consideration.

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

Mr. BERMAN: Mr. Speaker, I move that the House recede for the purpose of considering an amendment which has been some time in preparation.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that the House recede from its action whereby this bill was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Mr. Berman of Houlton then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 514, L. D. 727, Resolve, Permitting R. Dean Seguin of South Paris to Take the Examination for Admission to Practice Law.

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

'An Act Relating to Qualifications of Applicants for Examination for Admission to Practice Law.'

Further amend said Resolve by striking out everything after the Title and inserting in place thereof the following:

'Be it enacted by the People of the State of Maine, as follows:

R. S., T. 4, §804, amended. The 2nd paragraph of section 804 of Title 4 of the Revised Statutes is amended by adding after the first sentence, a new sentence, as follows:

**Notwithstanding the foregoing educational and study requirements, an applicant who is a permanently physically handicapped individual as generally defined in Title 20, section 2053, subsection 3, or who suffers from polio or other similarly disabling disease and who has a high school education or possesses a certificate of equivalency of a high school education and who has studied law diligently and in good faith for at least 4**

years, which study shall be by instruction and completion of a course in law from a correspondence law school, shall, if otherwise qualified, qualify to take the bar examinations.'

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

Mr. BERMAN: Mr. Speaker and Members of the House: This is a bill that has been very close to the hearts of some very fine people in the House of Representatives. But before I get to the merits of the bill, I noticed something which could be of interest to all of us. Somehow from the very able Assistant Attorney General who aided in the preparation of this amendment, to the House where the amendment has been reproduced, there was a slip, a 2 was substituted for a 3, which would throw the meaning of the amendment off to some extent. I mention this in passing because we have to be very very careful when we are handling these matters and if the amendment passes on the merits I would say that we would probably have to offer an amendment to the amendment. But now to the merits of the bill.

Some months ago, I was asked by the very gracious lady from Bethel to assist in one of her worthy endeavors. She was ably seconded by my esteemed colleague from Norway, Mr. Henley, and one of our outstanding legislators, the gentleman from Farmington, Mr. Shute. Now what was this endeavor? There was a man who was crippled in body but noble in spirit, a man ravaged by illness but sustained by a burning ambition to take the Bar examination. He was unable to go to law school because of his physical condition and his age. His credentials are impeccable. And when this man, of whom the 103rd Legislature could well be proud to emulate in perseverance and Spartan labors, when this man presented his case before the ten rather hardbitten lawyers sitting on the Judiciary Committee, the response was overwhelming. I don't think that I'm too easy a lawyer to convince but when the evidence is over-

whelming, when the credentials are impeccable, when a man who has been ill-used by life, aspires under most difficult of discipline to attain his life's ambition, this man got my vote in the unanimous "Ought to pass" Report of the Committee on Judiciary. And I hope he will get your vote today.

All was smooth sailing until somewhere along the line there was an attempt to stop this man from achieving his life's ambition. One of the members of the Committee, for whom I have high regard, did a complete flip-flop, apologizing on the ground that he had changed his mind. This I say that he had a right to do, but it seemed a very hard thing that he should try to thwart the dreams and destroy the blessed qualities of mercy and compassion which accompany this bill. This man of whom I believe you will hear more from someone who knows him far better than I, the distinguished gentleman from Farmington, Mr. Shute, this man, whose example of grit and sheer guts under the most trying conditions we say entitle him to take the Bar examination. And if he passes, which I hope he will, to join us in the brotherhood of justice, I ask you that you give this Amendment an overwhelming vote, that you will say to the opposition that America is still the Land of the Brave and the Home of Opportunity, and when the vote is taken I request a division.

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

Mr. SHUTE: Mr. Speaker and Members of the House: Perhaps I can give the members of this Body some background on this bill and this gentleman in question, to help you make a judgment of the matter.

In February, a business associate and a friend, made a very special appearance before your Judiciary Committee. He spoke in favor of L. D. 727, introduced by the gentleman from Norway, Mr. Henley. This document also is of a special kind. It asks that R. Dean Seguin of South Paris be permitted to take the examinations for the Maine bar. Let me tell you his story for a moment.

This man, whose home once was in Newport, Vermont, came to us in the early Fall of 1955 while we were in the process of building a radio station in South Paris. At age 29 and single he had no experience in the radio business but possessed a remarkable background having graduated from New England Conservatory of Music in Boston; having done postgraduate study under famous music teachers and having taught music for three years in his home town of Newport. We liked him immediately and gave him a job as staff announcer. We also changed his name for on-the-air purposes, using his first and middle name, Dick Dean. Dick proved invaluable in programming because he knew music. We made him our Program Director. At the outset, we experienced difficulty in holding engineers with the required FCC first class operator's license. Dick Dean volunteered to study via correspondence courses, and within a year had taken his second and first class examinations in Boston, thus becoming our Engineer. In 1958 my associate and I sold Dick an interest in the radio station and in 1959, when I moved to Farmington, Dick became Station Manager . . . all of this, mind you, in four years.

Now, there's something else very special about Dick Dean. At age nine, he suffered an attack of crippling polio so that today, at age 41 or thereabouts, he walks as he has walked since he was a child, with crutches, trusses and pain. His physical disability has sharpened his keen mind and has heightened his desire to compete on equal grounds.

Let me quote from his presentation to Judiciary concerning his interest in law.

"My interest in the study of law relates back many years. It was collateral to my wish to pursue the study of music when I was 19. The latter held weightier significance for me at the time. Through the intervening years I have become profoundly conscious of an ever-increasing attraction to the law. Ultimately there was acknowledgement that my early propensity for legal study had ripened into an importunate aspiration to attain

the proficiency to practice law. The decision to investigate the possibility of legal study in 1962 was not arrived at summarily. It resulted from a very lengthy and searching consideration of the matter."

Dick Dean discovered at this point that the credits earned at the New England Conservatory of Music, because they represented a special course of study, were insufficient to qualify him for admittance to a resident law school. Furthermore, his economic situation forced some obvious conclusions. He just could not afford the money necessary for a four or five year resident study. He was not discouraged however. He discussed his desires with several attorney friends and later embarked upon the method of study offered by the LaSalle Extension University Law School, fully aware that correspondence courses are not approved by the Board of Bar Examiners. Again I quote from his testimony:

"From the inception of this demanding endeavor I have harbored an unfounded hope that by some means yet to appear I might eventually qualify for a bar examination. This unsubstantiated hope has served the sole ground for projecting the arduous 25-35 hours of weekly study, the vast majority of which has been a seven-day-a-week affair in the course of more than four years. The refusal to accept what appeared to be a closed door four years ago, and the election to push on day after day without real hope of attaining the coveted objective may be construed by you as a foolhardy venture in chauvinism. But hope, even my kind of hope, fosters possibility, and faith in the mere possibility of achieving the goal proved to be the catalyst necessary to generate the will to make the compelling sacrifice. I would be less than honest at this point if I did not confess that this study has emerged as the most gruelling exercise in self denial of my life in view of the concurrent necessity to earn a living. If diligence and devotion to a cause are yardsticks, I think there is

justification for laying claim to a full measure.”

Dick Dean knows that he is asking you to grant him the privilege of circumventing the rules, as it were. But, in the final analysis, his intent is not to alter a set of questions, but simply to beg an opportunity to prove himself, asking no quarter. All he asks is that you grant him the opportunity to take the bar examinations in 1968. He is not asking that you grant him the right to be a lawyer . . . to hang out his shingle as one who has qualified. All he asks is the right to be tried, to be tested along with others who have the health and the finances to complete a required course of study.

Dick Dean's request in this day and age is welcomed by all those who champion rugged individualism and the desire to succeed. Indeed, his efforts to date pale into insignificance those of the storied Horatio Alger.

If you grant him his request I'll wager with any of my colleagues here today that in 1968 Dick Dean will pass his bar exams with high honors, that he will be an attorney-at-law of which you can all be proud and that in the process I will have lost the dedicated services of an infinitely sincere, industrious individual. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: This bill is my bill, but I rise today not just to protect my bill, I have neither the eloquence or the knowledge to paint the picture as good as it has already been painted. I am very proud to call Dick Dean an associate and a friend. I think that perhaps there's one area in which I am perhaps a little better qualified to speak in behalf of my friend, Dick Dean Seguin, than my two predecessors, and I state that I have always felt that any Legislative laws which places a bar in front of the pure ingenuity, stick-to-it-iveness and intestinal fortitude which we sometimes encounter in an American individual I say if we place too

many bars against that initiative, that thirst for knowledge, that thirst for an opportunity to go along and work beside contemporaries in a desired line of endeavor, I feel that we should put a stop to a lot of such legislation.

Why I say I feel that I'm perhaps uniquely qualified to speak on this thing is, this—I am justly proud and feel much honored to be a part of this Body today and have been since my election. I am not ashamed of the fact, I am proud of the fact, and I don't mind stating it publicly, that my education, what little I have of it, was obtained other than the usual academic education. Beyond the eighth grade, I had exactly two months of high school. Anything else which I have acquired I have acquired through correspondence schools and a desire to learn. I contend and submit that because of our heritage the average American can attain, if he is allowed to, almost any heights. He can learn, he can study, he can acquire knowledge, not only of a technicality but he can acquire that knowledge of the side issues involved in that intercourse with his fellow man which a good many times is necessary in public life.

Dick Dean in his education beyond high school did what he felt like doing at that time and was able to do, he was much younger, he followed music.

There's a bit of information here which I would like to read, it won't take too long, I realize the hour is late, but he attended as you learned, the New England Conservatory of Music at Boston, Massachusetts. Class of 1948, diploma, cum laude, major, arranging orchestration, special study in harmonic analysis, and Hindemithian theoretical form and structure of musical composition. Member of Iota Chapter, Pi Kappa Lambda, National Honorary Music Fraternity (equivalent to Phi Beta Kappa.) Postgraduate study in composition with Nicholas Slonimsky, world's foremost musicologist and renowned teacher-composer, 1948-1949, Boston, Massachusetts. \*Postgraduate study with Reginald deH. Tupper of Magill Conserva-

torium, Magill University, Montreal, Canada. Credits earned in Harmony, Counterpoint and Musical Form '52 and '53. And then as the gentleman from Farmington, Mr. Shute stated, graduated from the School of Electronics where he got his electronics training.

I am quite sure that if this Body had heard his presentation and had seen the indomitable will in the eyes that projected from the mind of this young man as he stood, supported by crutches, and gave his presentation, willing to look the world in the eye, that you certainly would want to give this young man a chance at the bar examination. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In my individual capacity and not as the Majority Floor Leader, I am just terrified to ask for a division because I know that if I do I am going to get slaughtered, so I'm going to simply register a dissent to the action proposed by these eloquent speakers who are talking about "fair play" and "the American way" and all the rest of that.

When I was in law school my best friend at the University of California College of Law was a boy named Jerry Lucee who was so terribly crippled by polio that he could not sit for the four-hour examinations. He would have to sit for a while and then stand and then sit. Right in the halls of this State House you see time and time again a man named Courtney Perry, blinded in his early youth when a firecracker he was holding in his hand exploded and blinded him. He got through law school the way so many other blind people have by either Braille, using the Braille method which is so difficult that the law books aren't put into Braille, but by listening to someone read, and if you can imagine trying to study law and trying to retain things by hearing a voice read it, you can imagine the enormity of the task facing them.

I have no quarrel with R. Dean Seguin or any other person who

has a physical limitation. I have no quarrel with his excellent qualifications in the field of music. I do say that this is a — what in my judgment represents, a good faith but emotional attempt to circumvent the rules of practice.

The legal profession, like every other profession, has its problems. I for one am absolutely against relaxing the qualifications for admission to practice law in this state or any other state, because we lawyers occupy a unique position of trust, and not that Mr. Seguin or any other person so handicapped shouldn't be trusted, I am saying that everyone who practices law should be required to go through at least the minimum program. It takes seven years. Of course it's a hard struggle, but I see so many people with physical handicaps every bit as bad if not worse than this gentleman's, that I fail to see any logical or reasonable basis whatever for waiving the standards for this man. He seeks admission to the Bar of the State of Maine on the basis of a correspondence school education. I am not minimizing correspondence courses, I've taken them myself. I simply indicate to you that we should not relax the standards for this one instance, based on an emotional appeal to fair play. I don't think you're giving this man anything less than fair play if you say — a lot of other people have done it—we have faith that you can. Thank you.

The SPEAKER: The pending question is the adoption of House Amendment "A". The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: Just a brief rejoinder to my very good friend and my very able colleague, who served with me last time on the Committee of Judiciary, Mr. Richardson of Cumberland.

I was interested to hear about the other men who have physical disabilities and found themselves in a position far more fortunate than Dick Dean, who were able to go to law school.

Now very few of us possess any great knowledge of where we came

from and where we're going, but most people feel including myself that we probably pass this way only once, and if we can help Dick Dean along the way I say let's do it, and let's do it overwhelmingly.

The SPEAKER: The Chair will order a vote. All those in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

117 having voted in the affirmative and 8 having voted in the negative, House Amendment "A" was adopted.

Thereupon, Resolve Permitting R. Dean Seguin of South Paris to Take the Examination for Admission to Practice Law, House Paper 514, L. D. 727, was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Thereupon, on motion of Mr. Richardson of Cumberland,

Recessed until two-thirty o'clock in the afternoon.

**After Recess**  
**2:30 P.M.**

Called to order by the Speaker.

The SPEAKER: At the request of the House Reporter, the Chair would remind the members that a verbatim record is being made of all the debate, and it would be of great help to the Reporter if the members would please speak into their microphones in order that the Reporter can understand what they are saying in order that he may record it properly. Also, if any member reads his remarks or newspaper clippings or any prepared speech, would they please send them down to the Reporter by the Page, they will be copied by him and returned as soon as possible. It is very difficult for the Reporter to do all of this in shorthand if you do not speak clearly into your microphones.

I would urge every member that if they do have prepared speeches that when they have finished, they send the prepared

speech to the Reporter that he may have it for the record.

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

SENATE REPORT — Ought Not to Pass — Committee on State Government on Bill "An Act relating to Certain Expenses of Supreme Judicial Court Paid by State to Cumberland County" (S. P. 207 (L. D. 546))

(In Senate, Bill substituted for Report and Passed to be Engrossed as Amended by Senate Amendment "A" (S-85))

Tabled — May 12, by Mr. Humphrey of Augusta.

Pending — Motion of Mr. Rideout of Manchester to substitute Bill for Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: This bill is certainly not one of earthshaking proportions, but it seems to have caused quite a bit of confusion. I would like to review it briefly and then I would hope that you would understand the various implications to this bill.

As it was introduced before the Committee on State Government, this bill called for the State to assume the cost of the Messenger of the Supreme Judicial Court in the County of Cumberland. It also called for rent to be payable for the courtrooms in use by the Supreme Judicial Court to the County of Cumberland of two hundred dollars a month. This was reviewed very carefully by the Committee on State Government and they did not feel they could go along with the bill in its entirety, particularly in respect to the State assuming the cost of the Court Messenger. As a result, the bill came out of committee ought not to pass. It now appears before us today in a new form, and that deletes any payment by the State to the County of Cumberland for the Court Messenger. It does, however, contain the two hundred dollars a month rent payable to the County of Cumberland.

After reviewing the circumstances and taking it all into con-

sideration, I feel quite strongly we should go along with the motion made by the gentleman from Manchester, Mr. Rideout, to substitute the bill for the report and ultimately adopt the amendment.

Thereupon, the Bill was substituted for the Report and the Bill read twice.

Senate Amendment "A" was read by the Clerk,

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

Mr. JALBERT: Mr. Speaker, I would pose a question to anyone that would answer, does this mean that the State of Maine will have to pay rental fees to Cumberland County for holding its sessions of the Supreme Court in Cumberland County Courthouse, and if so, how much?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, in reply to the gentleman from Lewiston, Mr. Jalbert, the answer is yes, and the amount is the sum of two hundred dollars per month.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to make a motion and I would not stop this from going to the Appropriations Table in the other branch, but I might make that comment that I think any county would be very proud and happy to have the Supreme Court hold its quarters in their own county without rental.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: As I said concerning this bill last Friday, I saw no good reason for the State Supreme Court sitting in any part of Cumberland County or any other county when we have the State Capitol here to sit in. The United States Supreme Court sits in Washington and I see no reason at all why our State Supreme

Court should sit in a county other than this one or a City other than Augusta.

However, the State Government Committee voted not to redraft this bill, this might have been done to effect this, it voted merely unanimously ought not to pass. I would hope that we would stick to our original decision and not concur with the Senate. I would hope that we would kill this bill.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I would remind the members of the House that within a seventy-five mile radius of the City of Portland is probably more than half the population of the State of Maine. I hold no great brief for the City of Portland as such or the County of Cumberland, but it is in a position to serve the greater number of people of the State of Maine. I think it serves an excellent purpose by being in Portland, perhaps more so than in Augusta or any other part of the State. Most of the members of the legal profession are within seventy-five miles of the City of Portland and they find Portland a very, very convenient place to operate with. I certainly hope you will go along with the motion and the amendment.

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

Mr. JALBERT: Mr. Speaker, by count, I would ask a question to anyone who would answer, what the report of the committee was on this bill.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member who may answer if they choose and the Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, at the beginning it was explained that this came out of the Committee with an ought not to pass report because the bill then contained two parts, the Messenger which would have cost the State of Maine \$3,000 a year and the \$200 for the Court. Since, by amendment, this \$3,000

payable to the Messenger has been deleted and only the \$200 monthly payable to the County has remained in the bill, but originally it came out with an ought not to pass report for the purposes aforesaid.

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

Mr. QUINN: Mr. Speaker, I wonder if someone can tell me how much the County of Kennebec charges for rent when the Supreme Judicial Law Court meets in Augusta, which they do on several occasions during the year?

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

Thereupon, on motion of Mr. Quinn of Bangor, tabled pending the adoption of Senate Amendment "A" and specially assigned for Thursday, May 18.

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

Bill "An Act relating to Credit for Military Service Under State Retirement Law" (S. P. 277) (L. D. 657) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-96)

Tabled—May 12, by Mr. Ross of Bath.

Pending—Passage to be engrossed.

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

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

Bill "An Act relating to the Computation of Secondary School Tuition" (H. P. 979) (L. D. 1421) (Committee Amendment "A" (H-260)

Tabled—May 12, by Mr. Shute of Farmington.

Pending—Passage to be engrossed.

On motion of Mr. Richardson of Stonington, the House voted to suspend the rules and to reconsider its action of May 5 whereby Committee Amendment "A" was adopted.

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

Thereupon, Mr. Richardson of Stonington offered House Amendment "A" and moved its adoption.

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

HOUSE 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 after the enacting clause, the following section:

**'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 further amended to read as follows: 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 125% 115% of the average cost per pupil in all secondary schools of the state as determined in section 1292, except that, for 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 as determined in section 1292 of that type.

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

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

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

HOUSE REPORT—Ought Not to Pass—Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Relocating of Maine Central Railroad Tracks in Livermore Falls" (H. P. 822) (L. D. 1230)

Tabled—May 12, by Mr. Darey of Livermore Falls.

Pending—Acceptance

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Darey.

Mr. DAREY: Mr. Speaker, I am preparing an amendment for this bill and would request that someone table the item 15.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending acceptance and specially assigned for Thursday, May 18.

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

HOUSE MAJORITY REPORT (6)—Ought to Pass—Committee on Legal Affairs on Bill "An Act relating to Charging Fees for Services to Persons Acting as Subjects for Student Instruction and Training in Beauty Schools" (H. P. 611) (L. D. 854) and MINORITY REPORT (4)—Ought Not to Pass.

Tabled—May 12, by Mrs. Lincoln of Bethel.

Pending—Acceptance of either Report.

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

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen: I move we accept the Majority "Ought to pass" Report and I would like to speak to my motion.

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln, now moves that the House accept the Majority "Ought to pass" Report, and the gentlewoman may proceed.

Mrs. LINCOLN: This bill will repeal a law enacted by the 102nd Legislature.

The law which was passed by the 102nd prohibited beauty schools from receiving any fee for services rendered on an individual who was acting as a subject for student instruction, except the reasonable cost of supplies and materials used.

The State Board of Hairdressers is charged with the responsibility of determining what these reasonable costs shall be. Because of the peculiarities of the beauty school system as it exists in Maine, determining what these reasonable costs shall be is extremely difficult, if not impossible.

For one reason, the beauty schools in Maine vary in size from approximately 13 students per year to 80 students per year. This greatly influences the power of the particular school to obtain discounts and therefore provides an inequitable cost basis for the exact same product among the various schools. These discounts range in size from 70 per cent to 10 per cent of the cost to the beauty school. In some cases there is no discount at all.

In effect, uniformity of price for a given product is nonexistent. This, in turn, produces other problems in attempting to determine whether or not you can establish one, or several, reasonable costs for a particular application of any given product, such as shampoo, tint, etc.

If one uniform price for a particular application, for instance — permanent waving — is based upon one single price, the small-discount school is forced to subsidize the use of a higher priced material, and the large-discount school could possibly be allowed to make a profit from an identical use of material.

The Hairdressers Board attempted to set up a single price at its meeting in November 3, 1965, by taking the average price from those submitted to it by several manufacturers of beauty supplies. It was this very average price which was declared to be invalid by the Law Court of Maine in its decision rendered on January 11, 1967.

All schools are forced to use the full range of particular products, from the very inexpensive to the most expensive because certain models require, as a matter of choice, different brand names. Also, the condition, type and color of a subject's hair may be such that it requires a different quality product. In addition, a variety of preparations must be used by the student in order to qualify her properly for her vocation.

Some schools can purchase their supplies directly from the manufacturer, whereas others are required to go through jobbers, warehousemen, etc. This also in-

fluences the cost of the materials to the particular school.

The location of a school is also a cost factor, depending upon whether or not the school is located near or in a large urban area, such as Portland, where there are several competing outlets for these beauty supplies. One school located in Skowhegan finds that it has pretty much to accept the prices quoted to it by the salesman, and, in addition, this price is usually higher due to the extra expenses of the salesman due to the distance and time involved.

The student waste is one of the factors most difficult to determine when trying to arrive at a reasonable cost for the particular application. Where one student can perform a particular application by the use of one 4 oz. bottle of material, it may take another student two to three bottles to perform an identical procedure. Therefore, even the manufacturer's instructions concerning quantity cannot be used as an effective guide.

This law has never taken effect as the State Board of Hairdressers was enjoined by the Maine Law Court from putting into effect the price schedule. The Maine Law Court said the task of enforcing the regulation "will be formidable", which means almost impossible. If the price schedule had gone into effect, the smaller beauty schools would have gone out of business, or would have had to double or even triple their tuition. The cost of \$1,400 to \$2,100 to attend a beauty school would be prohibitive to most girls who want to become hairdressers. If this is a scheme to limit the number in a profession, what occupation or profession will be next?

The law of supply and demand has worked well in this country up to now and I believe it can work just as well in this profession as in any other.

I sincerely hope you will accept the Majority "ought to pass" Report of the committee.

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

Mr. NADEAU: Some time ago we all received various letters concerning this. Now for the benefit of those people who did not attend the hearing, this was heard before a Committee and it came out of Committee six to four, so I would like to make these noted observations.

Sometimes we on committees will favor a bill or will go for a bill strictly because the member on our committee is the sponsor of the bill. There are other instances. Sometimes because of friendship. In this case here, we have a case today where the person who is lobbying for this sent us all a letter, I think you have all received it. He is not only trying to repeal it in this case, but he helped draft it in the 102nd, but he is now trying to repeal this, so I feel this Committee Report six to four is not what it should be because this person held a position in this House which commanded much respect and I feel this influenced the Committee.

Secondly, at the hearing, the majority of the people there and I would say a hundred, were against this bill. The only people who were for it was a lawyer, and you people know of him, and he has a fantastic fee for representing this group I understand. Now why did he spend an hour and a half explaining this, I would like you people to know that this has been — it has been ruled constitutional by the Maine Supreme Court. Now the previous speaker to me said something that this is impossible to control. You know why it is impossible to control? They are making so dog-gone much money they don't want to take time to control it. Now at the hearing this was bitterly opposed, mind you, and if any of you have not received any calls from your hairdressers who want to operate a legitimate business, then you should talk to some of them. Now I personally went to the trouble this week after being lobbied, and I could not be lobbied, I personally talked to several girls in my area who went to these schools; they are just a few, just like I will make another, in Portland alone

it is known that there are over one hundred candidates, one thousand persons who have graduated from these so-called schools who are not gainfully employed in the trade they were supposed to have learned. Do you know why ladies and gentlemen? These are diploma mills. You have people right here who run schools, you can talk to some of them back home, when they go to get a job, they have not learned the trade. Do you want to know why? This is why they want to repeal this. Anybody can walk off from within the street. Have you ever seen a school putting an ad in the paper wishing everybody Merry Christmas or certain types of customers? You look around the holidays and you will see these schools wishing this certain type of clientele Merry Christmas. Do you know why? Because they gained. This is the type of people that goes in there continuously at the expense of the student.

Now these schools ladies and gentlemen charge from \$500 to \$1,000 for a supposedly nine months period. These girls are supposed to get a minimum amount of instructions, but they don't. They use these girls to the best of their ability in what they can do the most. If you're good with your fingers on a certain thing, you will be told and you will do this certain type job, and for the low prices they are trying to repeal this, the more they get in, the more they make.

Now at the Committee hearing one gentleman who incidentally voted for this is a lawyer, voted for this now — I am surprised to see that he voted ought to pass, asked him, he said would you people object to having this under the Department of Education? Boy, you should have seen the comments. They don't want to be under any rules or regulations. In fact I will say that these schools should be under the scrutiny of the Internal Revenue.

Now I for one will make this statement, that if this bill is passed, I, myself, at the end of this session will enroll in such a school just to get a license, and you know why? So I can become a so-

called professional instructor that knows nothing, I'll be in a position to teach nothing and I will start operating a school, and this is what is going on now.

Now another point I want to tell you. If you people think that someone that walks in there to get a certain beauty hairstyling, the instructor is going to tell the girl, look here honey, you're doing a lousy job on her, she'll never come back, so these kids are taught nothing. This is why they try to keep the best girl there doing only one thing, and when she gets done with nine months all she has got is nine months, nine months of nothing. At Fairchild Semi-Conductor Plant in Portland alone I understand there are 500 such graduates from these schools. Can you imagine, did they really learn a trade or did they go through one of these mill jobs? Now I ask each and every one of you to consider the people who have been doing this trade for years, the people who are paying honest good money to learn a trade, to protect them and do not allow a certain few to repeal this law in order that the rich can get richer and those that pay for a course continue to get nothing.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I often think I don't like to follow certain types of acts, and this was certainly a fine, dynamic presentation from the gentleman from Sanford, Mr. Nadeau.

I would like to discuss this particular L. D. which is an act which seeks to repeal the L. D. which was passed by the 102nd Legislature. I feel that this must have had a great deal of merit because they saw fit to pass this particular L. D. I do not feel it has been given a proper time to be tried. The chief argument by the gentlewoman from Bethel, Mrs. Lincoln, was on their proposed pricing schedule and the problem which it developed. I believe the Maine State Board of Cosmetologists who are charged by the present law with the re-

sponsibility of this could arrive at a proper type pricing schedule if only by requiring the schools to submit an affidavit of their particular costs. This would take away the necessity of being concerned with which the larger schools received for discounts than the smaller ones.

Actually, the chief purpose of the schools as we all realize is to train the young ladies to be cosmetologists and hairdressers and I believe this is our chief concern in being related to these schools is that they turn out a well and a finished professional type person for this field. We realize that most schools are fine schools. However, we must realize too that in some cases these girls are allowed to work excessive numbers of hours in doing this type of work, and I believe that it can be an effect on the health and welfare of their customers for the simple reason is these girls are supposed to receive a certain amount of training, but yet when they are just doing the practical work, they are thrown into the area of just the general type beauty shop of which they are not prepared to operate under these conditions; and I think too in discussing costs of materials and things of this type, we must too realize that these beauty schools, and this is no reflection upon those attending them, but they are providing a service which is a violation of a great number of concepts of the Fair Labor practices, such as these individual girls who are doing the same job as a lot of girls are in the shops aren't required to be covered by workmen's compensation, are not required to contribute to social security or to the Employment Security Commission. They aren't required to pay for a license for these students to do this work, which actually can have a harmful effect upon the customers or clients as they are called. For that reason, I would move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The pending question now is the motion of the gentleman from South Portland, Mr. Gill, that both reports and

bill be indefinitely postponed. The Chair recognizes the gentleman from Brewer, Mr. Robertson.

Mr. ROBERTSON: Mr. Speaker and Ladies and Gentlemen of the House: It is not my aim to get involved in discussions of beauty. However, I would like to state that I have one of those daughters who attended a good for nothing school. She finally passed the State examination and now is a good for nothing beautician. Perhaps that's what she is, I don't know. However, she is a beautician employed in a shop in Bangor. She may be opposed to this bill, I don't know, she has never contacted me regarding it; maybe she couldn't catch me home long enough, but I have heard no opposition from her regarding it. I have had contacts of two or three beauticians in the area.

However, I think there are two points to be brought out here. The schools that are operating at the present time do need as I understand it, some additional support if they are going to continue to operate because the tuition does not cover the cost of operation of a small school of this type. They receive no other support. They receive no subsidies as most of our schools do, and as a result at a tuition of \$400 to \$500 which I thought was the average tuition, I wasn't realizing that some of them charged \$1,000 or more for the tuition for the nine months, if they do I am not aware of it, but there is one point that I think the beauticians or any class of people that opposes a school which graduates students for their profession in effect are defeating their own purpose when they have an intention of defeating the school to the point where they will have to go out of business, that it can no longer furnish the beauticians which these shops require if they are going to operate effectively and efficiently. You have got to learn the trade somewhere. I don't think my daughter could have learned it at home because I am really not qualified to teach her, and I am sure she got something out of going to school because she does very well on my wife's hair, she never has worked

on mine; but nevertheless, she did get something out of school, and I think these schools are necessary if you are going to have qualified beauticians, and certainly every woman today seems to have to go to a beauty shop two or three times a week and I think we should have someone there with a little qualification to work on them.

For that reason, I can't see anything too wrong with this bill. If you are going to have the school, you have got to have support or charge tuition that is going to be excessive and as a result they aren't going to have any schools. It's just that simple it appears to me, not being qualified on the subject, but those are my observations. Thank you, very much.

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

Mr. CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: I find that the gentleman from Brewer, Mr. Robertson, I would just state that nobody is interested as far as I know in putting the schools out of business. I am sure that if you will check into things, you will find that the beauty store operators right now are negotiating on setting the tuition fee for students at a uniform price, and I believe that the uniform price that is now being considered is \$1,000 for the nine months.

Now the question that is before us today as to whether or not we will repeal the law that was passed in the last session of the Legislature. From the time that the bill was enacted, that is, immediately after adjournment of the 102nd Legislature, the opponents of the bill at that time who are now the proponents of this particular L. D. before us today, immediately got an injunction through the courts preventing this L. D. to become law. In other words, the bill or the law that was passed in the last session of the Legislature as stated by the gentleman from South Portland, Mr. Gill, was not given an opportunity to work.

Now I don't stand here today to say that that bill was the best bill

that could have been drafted or the best bill that could have been passed, but I do honestly feel and sincerely feel that the problem before us today does not lie in the repeal of the law of the 102nd Legislature. I feel just as strongly as Mr. Gill from South Portland that the problem now lies with the Board of Cosmetologists, that they should be given every opportunity to try to revise the price list that is before them and to make it work. This is not only a State program, or problem rather, as far as the beautician schools are concerned, because it is a problem throughout the country. Maryland has experienced the same problem. They have set up the same type of a law that is now before us or that was passed by the 102nd Legislature. The State of Rhode Island has a problem. They were able to come to agreement between the shops and the schools to be able to negotiate some sort of a law, some sort of a regulation that wouldn't directly hurt the beauty industry as a whole. But I would ask each and every one of you as members of the House here today, had you perhaps invested a great amount of money, your savings perhaps, into a beauty shop, and then all of a sudden a school opened up across the street from you and had a hundred students and a free labor market working five and six days a week doing beautician work on models as they refer to them, which are actually people coming in to get discount prices, how long do you think you would stay in business, and this is actually what the problem seems to be, the problem is whether or not the legitimate beauty business or legitimate beauty operator is going to be able to continue to survive.

Nobody questions the conditions of the schools. I think that the schools are doing their best, but it is a question of economics, and I know that some people are very close to the — or are cosmetologists who are beauticians feel the schools aren't doing their best job. I don't know as far as this subject is concerned. I have

heard rumblings but that is not what I am arguing here today, I am arguing that on the fact and on the basis and the strength of the law that was passed in the last session, and I still would like to again bring to your mind that the courts did not rule the bill unconstitutional, and so actually it is still on the books and it should be given every opportunity for it to work, and I hope you will join me and the gentleman from South Portland, Mr. Gill, for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I don't think my hairdresser could care less what we do with this bill. It seems to me one segment of the industry is attempting to control another segment by controlling prices. If the schools are not doing a proper job in training hairdressers, this is a matter for the State Board of Hairdressers, they have the power to take away a school's license. To put them out of business by controlling what they can charge is only losing another industry. Girls will be attending schools in New Hampshire and still come back to Maine and take their exams. I hope the motion to indefinitely postpone does not pass. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, I am in complete agreement with my colleague, Mr. Shaw. I feel absolutely convinced that actually these schools are supposed to be educational institutions and should have their curriculum and course content carefully supervised. This apparently is not the case at the present time. I do feel that this bill is valid and that these schools should be able to charge. We have heard that these schools are a diploma mill, and I can't understand why if these candidates are not qualified that the State Board passes them through in view of the fact that the State Board has the power to give the examination and it also

has the power to license these schools. If they are not up to standards, if they are not up to par, then they shouldn't be relicensed.

I would call to your attention a new draft of a bill, 1644, which will in my opinion require that these schools be registered with the Department of Education and list out their courses and their facilities and what have you, and I think that it would be wise to have it so, but I cannot see hurting these schools, I don't think that the beauty parlors in the State of Maine have gone broke in the last twenty-five or thirty years when these schools have been able to charge, and I can't see why they will go broke any quicker with this.

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

Mr. NADEAU: Mr. Speaker, all we have heard is everyone seems to agree that these schools need supervision, there is no doubt about that, and Mr. Richardson has stated there is another bill coming up, and in this case there is no reason for passing this one is there, and he admits the other one is going to put it under supervision he thinks. Well let's make sure they are by defeating this one and they will have to amend that one to make it correct for us to pass it.

Secondly, in my excitement when I first got up I failed to mention these things that Mr. Gill did, I had it down here they pay no insurance, no social security, they get away with murder. I don't think they should be permitted. Now first of all they have sixteen hours of training they are supposed to get on a particular thing. Can you imagine someone walking in there now and you give them the privilege to charge any price they want to and say the price is going to be \$5.00, the instructor is going to come up and say look honey, you are doing a lousy job on this girl, she is going to get less training than what she has been and the proof of the pudding is if the majority, more than fifty per cent of these graduated, it's a proven fact, have

never seen the light inside of one of these beauty salons, it is because they are not properly trained.

Now when a girl graduates, it is correct for her to assume that she is going to have a following, but do you realize what is happening? These same people that she has met at the school who come and get their hairdressing for a very small minute amount, when they go back to her now, she opens up her own beauty shop, she has to charge a certain rate in order to make a decent living, she no longer has a following because they all return back to the schools.

I don't know what can be done, but I hope you people will vote to go ought not to pass and indefinitely postpone and wait for the other redraft of this which is supposed to be a good one and which is supposed to be put under the Board of Education.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I want to say Amen to Representative Nadeau, I want to congratulate him on his courage, guts and his intestinal fortitude. Of course any business in my opinion like a beauty school or any other form of business should be allowed to continue, but, when you find person after person, young women going to some beauty schools, their parents sacrificing money and time for their daughters to go there, and then those who are not trained so that they can take the job or take a job, then that money is wasted. Now all of the schools that I know of, and my wife is head of the secretarial division in Northeastern Business College in Portland until she had a stroke in July, and that school, as well as all others that I know of, they guarantee their graduates will be placed in jobs. So as a suggestion, if you follow Mr. Nadeau, go along with him, and then those beauty schools can revise what they do and train their graduates right and guarantee them a position in that industry when they come out. Thank you.

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

Mrs. BAKER: Mr. Speaker, as a signer of the ought not to pass report, I just would like to explain my position on this bill. As you know, this would repeal a law that was enacted in the last session of the Legislature and you have been told it has been under injunction since that time, and it is my feeling that it was poorly administered and that the law should be left on the books and really given a fair trial, and if there is any compromise to be had I think it should be made within the industry and not within the Legislature. Thank you.

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

Mr. HINDS: Mr. Speaker and Ladies and Gentlemen of the House: If we repeal this act today, we are going to put the policy right back to where it used to be when the students were used as free labor in the beauty schools throughout the State. The removal of this safeguard would permit an assembly line type of production which certainly is detrimental to the best interests of the profession. Throughout the State we are making every effort to upgrade educational systems and this seems to me to be wrong and it is an injustice to the students who rely on our laws for protection.

Beauty school operators charge tuition ranging from \$600 to \$800 and there is at least one school in the State charging \$1,000 for a nine months course. The present law allows them to make a charge for the cost of supplies and I feel that we should indefinitely postpone this bill and give it a chance to let's see what happens in the next couple of years and if things aren't working out then we can consider it the next Legislature, and I support the motion of the gentleman from South Portland, Mr. Gill, to indefinitely postpone this bill.

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

Mrs. LINCOLN: Mr. Speaker, I would like to say about these people that are not employed in the trade, a lot of the girls that take the courses don't plan to stay in it afterwards. Also, a lot of them that had planned to stay in it find that it is not quite as glamorous as they thought, that it is hard work and they are on their feet all day and long hours. This is not the fault of the training that they have received in the schools. Also, you say a lot of them do not succeed. Are there not many, many college students, and much money is spent on them, and certainly there are a lot that we know do not succeed and in fact only stay there one year maybe.

You say that we should stick to what we passed two years ago and give it a trial. It has had a fair trial, it's been on for two years and they haven't come up with anything. Now the Majority Report was ought to pass and I certainly oppose the motion for indefinite postponement.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to clarify one of the statements that the gentlewoman from Bethel, Mrs. Lincoln has just made. She says that this bill has had a fair trial. That's the reason why the bill is back here now because it hasn't had a fair trial. I say the people or the proponents of the measure before us today were opponents of the bill that was passed in the last session and got an injunction through the courts which prevented this law from ever getting a fair trial. Now those of us who are against this bill today, that is what we are interested in, we are interested in seeing the State Board of Cosmetologists presenting prices before the beauty schools that would be fair and equitable and that would not create a hardship on either them or the beauticians as a whole. That is why we are asking for the indefinite postponement of this bill.

Mrs. Lincoln of Bethel was granted permission to speak a third time.

Mrs. LINCOLN: Mr. Speaker, two price lists were presented and they couldn't agree on either one of these, so I still claim that they have had their say and they couldn't come up with anything; and it's been two years that they couldn't agree on two price lists, how long would it take them to agree on a price list, and I would like a division please on the motion.

The SPEAKER: A vote has been requested.

Mr. Nadeau of Sanford was granted permission to speak a third time.

Mr. NADEAU: I have a letter here briefly that says they are asking us representing 4,000 hairdressers to vote against this bill, and also these people operate 1200 beauty salons.

One other thing I didn't make public before, we all know this is a fact, this was brought out at the hearing, the committee members should support this, that these schools even make profit on the products that are sold to them at costs that are supposed to be used for the training of these kids. Unknowingly, they appear at some of the beauty salons of certain pets and at other places in which they make a profit on these, and just one last note, I read very recently California alone they now have 1600 of these schools. Do you have 1600 universities in one state? If they are not profitable ladies and gentlemen, this is what you are going to have in Maine, and I will be one of them, and I don't run one at this stage but I will if this passes.

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

Mr. HARVEY: Mr. Speaker, Ladies and Gentlemen: I think we would be showing a little bit of prejudice here. Barber schools charge for haircuts, shaves, massage, shaving lotion, Bay Rum and so on and so forth. Now I think that if they are allowed to charge to keep their barber schools going, and I know there are hundreds of barbers out of work that

graduated from these schools because they can't find locations. It is probably the same for the beauty schools, so I think if we don't go ahead and pass this bill that we are going to be showing prejudice against the lady schools by allowing the men's schools to go ahead and charge for these services.

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

Mr. GILL: I would like to ask a question to anyone who can answer if they would. Come someone tell me the number of the barber schools in the State of Maine?

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

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

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen: For the information of those who might not know, at the present time there is only the one school in the State, but that doesn't hinder anybody from opening a school whether they have a population in the locality of 500 or 55,000. I hope that answers the gentleman's question from South Portland.

I would say that I think possibly it should have been a different type of legislation if they wanted to do something about controlling the number of schools in the State. I honestly believe that in years past any application that was made for a school was accepted by the Board as long as they got the \$50.00 for the registration fee. I don't feel that it is the beautician's fault; I don't feel it is the school owner's fault. I feel that the blame for this whole situation should be placed right on the shoulders of the Beauticians Board, and as for the bill that is out where all schools must be registered or vocational schools must be registered within the State, I certainly hope it passes, although it has been watered down to the extent that I don't care for it, but it could be a start, because as I understand it, schools which are not approved by the Board of Education—and for the

benefit of those who are here, we have been approved by the Board of Education since 1947 and we can become Government accredited at anytime that we want to make the application. I haven't anything more to say, and thank you, Mr. Speaker.

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

Mr. SULLIVAN: Mr. Speaker, I 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 and the Chair opens the vote.

A vote of the House was had, 65 having voted in the affirmative and 37 having voted in the negative, the previous question was ordered.

The SPEAKER: The question now before the House is shall the main question be put now. This is debatable by any member for no more than five minutes. All those in favor of the main question being put now will answer yes, those opposed will answer no.

A viva voce vote being taken, the main question was ordered.

Mr. Gill of South Portland requested a roll call vote.

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

A vote of the House was taken.

The SPEAKER: Obviously, more than one-fifth having expressed a desire for a roll call, a roll call is ordered. The pending question is the motion of the gentleman from South Portland, Mr. Gill, that both Reports and Bill "An Act relating to Charging Fees for Services to Persons Acting as Subjects for Student Instruction and Training in Beauty Schools," H. P. 611, L. D. 854, be indefinitely postponed. If you are in favor of the indefinite postponement of the Reports and Bill you

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

Mr. ROY: Mr. Speaker!

The SPEAKER: For what purpose does the gentleman arise?

Mr. ROY: To make a tabling motion.

The SPEAKER: The gentleman is too late for a tabling motion. A roll call vote has been ordered.

### ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Bedard, Brennan, Bunker, Carey, Carswell, Conley, Cottrell, Crockett, Crosby, Cushing, Danton, Edwards, Eustis, Fecteau, Fortier, Fuller, Gaudreau, Gauthier, Gill, Giroux, Hanson, B. B.; Hanson, H. L.; Healy, Hinds, Jannelle, Kyes, Martin, McNally, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Philbrook, Pike, Rackliff, Rocheleau, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Shute, Snow, P. J.; Sullivan, Truman, Wight.

NAY—Belanger, Beliveau, Benson, Berman, Binnette, Birt, Bourgoin, Bragdon, Brown, Buck, Burnham, Carroll, Champagne, Clark, Cookson, Cornell, Cote, Crommett, Curran, Darey, Dennett, Drigotas, Drummond, Dudley, Dunn, Durgin, Ewer, Foster, Fraser, Hall, Hanson, P. K.; Harvey, Hawes, Haynes, Henley, Hennessey, Hewes, Hichens, Hoover, Huber, Humphrey, Hunter, Immonen, Jalbert, Jameson, Jewell, Kilroy, Label, Levesque, Lewin, Lewis, Lincoln, Littlefield, Lowery, Lycette, Maddox, McMann, Meisner, Porter, Prince, Quimby, Quinn, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Roy, Shaw, Soulas, Starbird, Tanguay, Thompson, Townsend, Trask, Waltz, Watts, Wheeler, White, Williams, Wood.

ABSENT—Bernard, Boudreau, Bradstreet, Carrier, Couture, D'Alfonso, Dickinson, Evans, Farrington, Harnois, Harriman, Hodgkins, Keyte, Miliano, Noyes, Payson, Pendergast, Ross, Sahagian, Snowe, P.; Susi.

Yes, 48; No, 81; Absent, 21.

The SPEAKER: The Chair will announce the vote. Forty-

eight having voted in the affirmative, eighty-one having voted in the negative, the motion to indefinitely postpone does not prevail.

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

Mrs. Lincoln of Bethel offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 611, L. D. 854, Bill "An Act Relating to Charging Fees for Services to Persons Acting as Subjects for Student Instruction and Training in Beauty Schools."

Amend said Bill by striking out in the 17th, 18th, 19th, 20th and 21st lines (13th, 14th, 15th and 16th lines in L. D. 854) the stricken out sentence "Practical demonstrations will include supervised practice which shall consist of rendering service to persons other than fellow students, but such practice shall be of a clinical nature and under the direct supervision of a duly licensed instructor," and inserting in place thereof the following sentence: "Practical demonstrations will include supervised practice which shall consist of rendering service to persons other than fellow students, but such practice shall be of a clinical nature and under the direct supervision of a duly licensed instructor."

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen: I can't distinguish much difference between this amendment and what is being deleted. I wonder if someone might make an explanation of that.

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

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

Mrs. LINCOLN: Mr. Speaker, when this bill was presented in front of the Legal Affairs Committee, I said that an amendment would be added to it because they

deleted one line too many, and that is what this amendment takes care of, it had deleted it on the bill and then the amendment is putting that line back in again, and they knew this when it was presented in the Committee. Does that answer the question?

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

Mrs. CARSWELL: Mr. Speaker, would the gentle lady explain which line was put in?

The SPEAKER: The gentlewoman from Portland, Mrs. Carswell, poses a question through the Chair to the gentlewoman from Bethel, Mrs. Lincoln, who may answer if she chooses and the Chair recognizes that gentlewoman.

Mrs. LINCOLN: If they will look at the bill, L. D. 854, the first line that is crossed out is now put back in the amendment.

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

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

Bill "An Act Changing the Foundation Program Per Pupil Allowances" (S. P. 638) (L. D. 1642)

Tabled—May 15, by Mr. Brennan of Portland.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker and Members of this House: I stand in opposition to this bill on the grounds that it discriminates against my people in the City of Biddeford. Why does Biddeford with approximately 20,000 people in a mill town receive less State subsidy than Falmouth with 4,400 people? Why less than Cape Elizabeth with 5,500 people? The combined subsidy of the two towns under L. D. 696 or in New Draft 1642 would be \$420,845. Biddeford, with double their combined population would get \$152,948. Isn't this a discrimination of more than five to one in favor of these wealthier

towns based upon school aged children resident within the town?

I turn your attention to the Maine Revised Statutes, and the intent of this bill, Title 20, Section 3721, and I quote: "Foundation Program defined. To help equalize educational opportunities and guarantee a minimum program of education for all children throughout the State, there is established a foundation program or level of education expressed in terms of a minimum dollar cost per pupil in which the State will participate financially on a percentage basis rendering greater financial assistance to the less able administrative units." I claim this bill will not do this. It penalizes towns like Biddeford that have private schools, and eventually it will force these schools out of business. Should this happen in a town like Biddeford, there would be complete chaos, for Biddeford cannot afford to build three more grade schools and two more high schools, and because of this, I am completely against 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: I suppose this afternoon is just as good a time as any to start debate, a little debate on this matter before us. I have prepared here an amendment which I will present shortly which calls for approximately a total cost of 4.4 million dollars. I don't think that this will necessarily be in agreement with all the members in this House, but it is certainly my feeling that a 4.4 million dollar bill at this time is a little bit more sellable to the members of this House and to the taxpayers who are going to be burdened with the one per cent sales tax for two years in order to provide a program for the second year of the biennium for elementary and secondary schools only. This will relatively do absolutely nothing in the field of higher education or any other areas that are entirely in need of additional help in our state.

I point to you this afternoon ladies and gentlemen that if this would be adopted in its present form, in the biennium '57- '58 or '57 - '59 over the '55 - '57 biennium the total budget was increased by 27.6 million dollars. The biennium '59 - '61 over '57 - '59 was increased by 13.4 million dollars, and this I might point was the time that we had a Democratic Governor, Clinton Clauson, which was a most conservative Governor. In 1961 - '63 over the '59 - '61 biennium the general fund was increased by 18.2 million dollars. This was the first term of Governor Reed. In 1963 - '65 biennium the general fund budget was increased by 22.2 million dollars. In the biennium '65 - '67 over the '63 - '65 biennium the total increase of 39.6 million dollars.

Now those of you that were here two years ago will readily remember that that session of the Legislature was not only accused, it was dictated to that it was a free wheeling, free spending Legislature, and that they were throwing money away like money was running out of style. Now this session of the Legislature, 1967-'69, the Governor has proposed a 36.4 million dollar increase, which I feel, and certainly I very much feel that the people of our state feel that this is good for the progress of our state at this stage of the game. Now evidently the majority party doesn't feel that this 36.4 million dollar increase is sufficient, but they would like to increase the burden of the taxpayers of the State of Maine to the tune of 52.4 million dollars. This part I don't think is needed.

I will read to you the intent of the law that was inadvertently left out of the education laws in the booklet that they have prepared. "It is the intent of the Legislature that table 1 of this section should be revised each biennium to the end that amendments may be enacted consistent with the changes in the educational expenditures of the towns. On or before October 1st of each year, prior to the convening of the Legislature, it shall be the duty of the Commissioner to make recommendations to the Governor for such

revision which may be used as the basis for budget needs and recommendations for state school subsidies for appropriation by the subsequent session of the Legislature."

This by error was left out of the educational book that has been prepared. Now this recommendation was never made by the Department of Education to the Governor, and I think each and every one of you will remember that the present Governor has bent way over backwards to provide the Department of Education with one hundred per cent of their requests, and it certainly does not include a ten million dollar project.

It is certainly my views more in line than since the enactment of the Sinclair Act in 1957 we have had generally a percentage subsidy increase of approximately two per cent. I will read the percentages from 1962 on to 1968 - '69. In 1962 the percentage was 21.07; in 1963 the percentage was — and that was the year with a reduction, of 20.89; in 1964 it was 22.81 per cent; in 1965 it was 22.2 per cent and in 1966 it was 24.25 per cent, and 1967 it was 27 per cent; 1968, which is the present budget we are considering, it is bringing this to 29.20 per cent. Now ladies and gentlemen of the House, if this Legislative Document 1642 is not adopted in its present form, will bring up the subsidy not a two per cent increase, but a fantastic six per cent increase in the second year of the biennium. I don't think that this Legislature and I don't think that the Minority Party at this session of the Legislature is ready to adopt a jump of a six per cent increase in one year of the biennium and saddle the people of the State of Maine with a major tax increase of the penny in the sales tax for two years to pay for a one year program, knowing full well what this is going to do two years from now when the subsidy comes up in the current services budget. I think it has been estimated that this will increase the cost some 24 or 25 million which will have to be provided for as current services at the next session of the Legisla-

ture. This will automatically call for another increase in the sales tax or another major tax. I think possibly that the intent of the Sinclair Act which has been pointed out by the gentleman from Biddeford, Mr. Truman, the intent of the Sinclair Act has been very clear since its adoption, and this was to help the less fortunate towns by providing them additional subsidies. My feeling is, and these are my personal feelings, that we would be using much more wisdom in this House if we would use the uniform effort bill under the present 20 mill system bringing the mill rate down to either 19 or 20 providing an equal effort to all the municipalities and the towns rather than this present form as it is before us.

Under the Sinclair Act the small towns now are provided subsidies on 100 per cent of their cost of transportation, and I think probably most of the small towns have the highest amount of transportation costs because of length of miles of travel, so in the area of transportation this would be reduced from 100 per cent to 90 per cent, which is contrary to the Sinclair Act. We have another area that our present foundation program at \$255 which this bill brings up to \$320. We find that there are 140 towns presently that cannot meet the foundation program allowance at 255. How many will not be able to meet the foundation program at \$320?

Those are some of the observations that I have made and certainly there will be enough information available to you before this matter is finally enacted that you will be able to render to the State of Maine a service by adopting a fair rate of increase on a percentage basis to the municipalities towards taking care of their increased costs, but this is not the vehicle that we should be using.

Mr. Speaker, without prolonging the debate on this matter any longer, I am proposing House Amendment "A" under filing H-309 which I feel is even more than would be adequate to furnish the municipalities and towns for the next biennium.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to S. P. 638, L. D. 1642, Bill "An Act Changing the Foundation Program Per Pupil Allowances."

Amend said Bill in section 3 by striking out in the 6th line from the end (Same in L. D. 1642) the underlined figure "45 per cent" and inserting in place thereof the underlined figure "15 per cent"

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In opposition to the adoption of House Amendment "A", I would call to the attention of the House some of the details and some of the facts that have been I think pretty largely ignored by the gentleman from Madawaska, Mr. Levesque. When the Republican program was announced last week, I indicated at the time of the press conference that it was our sincere hope, which I will reiterate today, that the important questions of Maine education and tax redistribution not be dragged down a political back alley. We asked then, and we ask again, that this proposal receive fair and objective consideration with a minimum of hysterical outbursts.

Everything in the news seems to indicate an apparent unwillingness to discuss these proposals in a calm and rational light. I welcome the opportunity to debate this particular bill although we have previously indicated that we do not intend to use this bill as the vehicle for the Republican program. I welcome the opportunity to debate this bill because never since this Legislature convened has any member of the Republican leadership ever been called into conference or consultation with the present Governor on this or any other problem having to do with vital changes in Maine's progress.

Now the gentleman from Madawaska, Mr. Levesque, suggests

that the Governor as he says bent over backwards to honor the Education Department's requests. On page 343 of your budget document, ladies and gentlemen, you will note that the departmental request for the first year of the biennium was \$43,297,896. The budget recommendation, ladies and gentlemen, was not 43 million plus; it was \$28,011,690. The Governor's program did nothing for the Foundation Program. Now while I think there is a legitimate area of dispute as to which way is best to relieve an already dangerously overheated property tax, and while I think that there may be legitimate disagreement between us as to the question of just how we're going to get this money into our educational program, I reject any suggestion that now is the time to stop and stand and do nothing, which is exactly what the Governor's budget suggests we do in the area of education.

In some of the Press releases that have been released over this past weekend, and I'm not going to review all of them because I don't think that it would help us make the important decisions we have to make, one of them indicated that there was apparently some dissatisfaction with the Republican program because it did nothing for Higher Education. I would remind you that the present budget document unanimously reported by the Committee on Appropriations and Financial Affairs contains substantial increases for state colleges. I would remind you that it is the Republican program that wants to restore \$1,800,000 to the operating budget of the University of Maine so that we won't be faced with a specter of half-filled dormitories. It is the Republican program which proposes to fully utilize the present facilities at the University of Maine.

The amendment proposed by the gentleman from Madawaska, for example, would result in a \$177,836 reduction in the program we have slated for S.A.D. 27 in Fort Kent. In all the flurry of statements that have come out about this Republican program

and what it does in the area of Education, I think the important point that has been missed by so many, and I hope won't be missed today, is that we're not talking about the great giant property owner when we say that the property tax is dangerously overheated. We're talking about the thousands of Maine families who are trying to educate their children and are trying to use the property tax, which is essentially or should be at least essentially a housekeeping tax, to finance the increasingly heavier burdens of education.

We Republicans say that it's time for the State to assume a larger share of the burden of public education for the State of Maine. Our program is not confined to the secondary schools; it goes across the board. If an increase in the Foundation Program is appropriate, it emphasizes what the Minority is going to finally concede today that it is time we did something, then we would welcome any constructive suggestions and any conferences at any time to find out what their proposals are. This proposal as House Amendment "A", it doesn't tell us where the money's coming from, it doesn't propose any reasonable alternatives; and it proceeds apparently on the assumption that dividing what they describe as a bad program in half makes it a good program.

We reject that, and I would urge every Member of the House to vote against the adoption of House Amendment "A", and when the vote is taken, Mr. Speaker, I would request a roll call.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I had not intended to be emotional in my remarks at the beginning and I fail to see where I have been, as charged by the Majority Floor Leader. I did not feel that I wanted to make it a hullabaloo today or tomorrow or any day. I think as the Majority Floor Leader, that I as a member of this House and every other member of this House

that wants to debate the merits of this document, which by the way in 1642 doesn't provide the vehicle for its financing either. But somehow or other I find that if this was such a good program as being advocated by the Majority Party, why was not this program recommended to the Governor for inclusion in his budget for consideration by this Legislature?

I find it only after four months of deliberation in this House that this program comes out, but yet unbeknown to the Governor that this was the item that was needed to take care of the municipalities. And if this document is accepted as is, 1642 as being proposed by the Majority Party and the gentleman from Cumberland, Mr. Richardson, proposing to pay for this by the protection of the person with the big white house on the hill, at the expense of the worker that carries a lunch pail by a one cent increase in the sales tax.

The SPEAKER: The pending question is the adoption of House Amendment "A".

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

Mr. SCRIBNER: Mr. Speaker and Members of the House: The Majority Floor Leader, the gentleman from Cumberland, Mr. Richardson, mentioned a few minutes ago some question about the funding of the subsidies on page 343 of the budget. I would like to point out that I am quite familiar with what did happen there. There was a hundred per cent funding for all school subsidy items. There was one small reduction on the order of somewhere over a million dollars a couple of days before Christmas when the Department of Education uncovered an error in their estimates. This reduction was made at the request of the Department of Education. All the funds other than for that adjustment that they requested were placed in the budget and funding provided for them.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think if we proceed further on this L. D. today we will find ourselves in the same position as we did a few

weeks ago wherein it concerned L. D. 107. We have had to back-track on that bill. We had to reconsider. We had to amend, re-enact and pass. And believe me, members of the House, that I know how that compromise was effectuated.

Now possibly this morning and yesterday afternoon, it might be that I could be termed as having been impractical in bucking the tide of a unanimous "ought to pass" or "ought not to pass" report wherein it concerned any bill. It might be here that I might be termed impractical by attempting to buck the tide of numbers. Such is not the case. I am really on my feet to try to state that I am trying to be practical. I am being sincere and I know that I want to do the right thing, and I am going to do the right thing for the people that I represent, and I am going to do the right thing insofar as the dictates of my conscience will allow me.

I did not discuss this amendment, nor did he with me, with the Democratic Floor Leader, the gentleman from Madawaska, Mr. Levesque. I did not certainly discuss what the Republican leader, the gentleman from Cumberland, Mr. Richardson, would do. I could possibly agree somewhere in the area of the thinking of the gentleman from Madawaska. It could be that I do not agree with the full amount as is indicated so long and so often by the gentleman from Cumberland, Mr. Richardson as the Republican program.

Now I haven't been around here too many semesters, but if you want to spend a couple of hours, and I'm addressing myself to the gentleman from Cumberland, Mr. Richardson, if you want to spend a couple of hours here, if you take your copy of this famous document, the Republican program, and I'll take it and we'll discuss it wherein it comes to the finances, one of us would come out second best if we're going to forget numbers on either side of the aisle and have a board of regents of three who will give their opinion as to who's right and who's wrong.

Now as I stated last Saturday when some took issue with me in Lewiston, certainly I could not go against the program that was started by the Legislative Research Committee, which I headed. I don't intend to and I am not going to. However, we cannot go and keep making statements, and as I stated Saturday, I am not excusing either side of the aisle for the many statements that have been made, but until such time as statements stop to be made, until such time as extreme pressure is put on us by groups, it will not give us even an opportunity to breathe — let alone set around and effectuate a compromise. And for fear of being taken out to the woodshed, insofar as I'm concerned, I guarantee you one thing — that to me as far as inside this railing is concerned I want to serve notice right here and now that my interpretation of compromise is wheeling and dealing, and when the day comes that I'm going to stop wheeling and dealing which I call a compromise, I am just going to be a long time under and deeply set and buried in concrete cement.

Now I want that completely and thoroughly understood. I mean I've been around here long enough to know that somewhere along the line, if you want what you want, you've got to bend, and if you want it strong enough, long enough, and if you're anxious enough, you're going to go somewhere along the life line and nibble away at the bait. Not that anybody is going to toss me or anybody else any bait, but it has happened before and insofar as I'm concerned I think it's going to happen again, and it's part of the Legislature and it's perfectly all right with me.

Seriously I think the time has now come when we should stop making all the statements about that this is a Republican program, this is a Democratic program, the Democrats are wrong, the Republicans are wrong, where do we go from there? There are fifty-six in here of one party, with a Democrat in the corner — with a member in the corner of the

same party. There are twenty-four in the unmentionable branch. Now no matter how you cut it up, and you can sit here and I can stand here forever and a day, it only comes up with one word — and that's "compromise." Now I agree in philosophy with the thinking of my good friend from Madawaska, Mr. Levesque, pretty much along the area of figures — it might be that I would want to raise it a little bit. I agree, if my thinking and my hearing is correct, with the gentleman from Cumberland, Mr. Richardson, when he indicates that he hasn't been invited — that he should be invited, I agree in that area.

Touching very briefly on what was not in the Governor's budget, it certainly is in the L. D. 1575 now, 15,000,000 was put in from the Supplemental to the Current Services Budget. And that's been done before. I can remember four years ago with Governor Reed's program, and six years ago, that to balance the budget that the extra monies as we are pledged to by law on General Subsidy Aid programs were put in Part II of the Budget. This time here the same thing was done. We came up with one package, L. D. 1575 in the form of program one and program two.

It wasn't my intention to take up the time of the membership on this thing. I feel very strongly about it. I think the time has now come when we have done enough listening, some of us have done enough talking, and maybe too much, but I believe, and I believe this very sincerely that we can put a halt to it now, I don't care whether you make a motion before you would table to indefinitely postpone the amendment as presented by Mr. Levesque or you leave it there and just table the measure, somewhere along the line I think this item should be tabled and a move be made by both parties to effect what is eventually going to happen and that is a compromise.

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

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

House: In response to what I think may be some question as to the remarks by the gentleman from Portland, Mr. Scribner, page 349 of the Budget Document refers to a Departmental request of \$38,468,789; the budget recommendation was \$24,194,048. Now I am not an expert on the budget document, I yield to the gentleman from Lewiston, Mr. Jalbert and other members of the Committee, particularly the House Chairman, the gentleman from Perham, Mr. Bragdon, but I believe that these figures and all the other figures would indicate to the gentleman from Madawaska, Mr. Levesque that the study committee recommendation of an increase in the foundation program was presented to the Governor. If he was unaware of the fact that such a request was made or unwilling to accede to that request, that was his prerogative as the Chief Executive of this State in presenting his budget to this Legislature, but having found that budget unsatisfactory for Maine education, all levels of Maine education, the Republican Party has undertaken what it describes as the Republican Program. Now I don't care whether you call it the blue-eyed Zebra Program, this is the program that we say is a step in the right direction for the State of Maine. We want to take that step, Mr. Jalbert from Lewiston. We want to take that step and take it now.

Now there has been a lot of discussion about compromise. The Press releases and all of the rest of it that have led I think to possible hostility, they don't accomplish anything, and all of us who have had legislative experience know that. We all know that we have got to sit down in a good faith attempt to work out the program. This is the Republican Program. This is the one we want. We are willing to listen and want to talk, but, and this is an important but, it has been suggested here today that we are going to consider backing down from a commitment we have made to Maine education. I can assure you that that is not the case. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't think that I have to repeat that the Governor had made provisions in his program for a hundred percent of the recommendation of the Department of Education, that this did not include a request from the Department of Education for a major change in the foundation program.

I think possibly the gentleman from Cumberland, Mr. Richardson, indicated that the Chief Executive had made no advances to meet with the Majority Party in discussing these programs. I think he has met with all the Department Heads when the program was put together for the purpose of coming before this Legislature. I would now like to ask the gentleman from Cumberland, Mr. Richardson, if they as the Majority Party have made any effort or any reasonable effort to discuss these programs with the Governor? I think as long as we are going to be on a two party street, we still should leave the door open for a two party discussion, and that's principally the reason why we are here.

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until tomorrow.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that item 17, L. D. 1642 be tabled until Wednesday, May 17 pending the adoption of House Amendment "A".

Mr. Richardson of Cumberland requested a vote.

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

A vote of the House was taken. 46 having voted in the affirmative and 78 having voted in the negative, the tabling motion did not prevail.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of this House: I stand here today, a member of your Education Committee, a member of a committee that studied parts of this document, a member of a committee who did not agree unanimously on this document, because I object to a legislative document that makes the rich man richer and the poor man just a little bit better off, and this is what this document does. This document gives to Brewer, it goes from their present law allotment of \$127,897.37 to \$254,597.93. To the communities that I represent, I represent two school districts, one of them has five towns in it, they received \$36,000 additional money. The other community which has districts they belong to received approximately \$6,000 more per community.

Now ladies and gentlemen, I am firmly convinced we want to help the poor of the State of Maine, that we have got to help educate the poor children of the State of Maine and the poor communities of the State of Maine; this document gives fifty-two communities less money than they are now getting and they are not getting enough now. How do you explain to your children, how will you explain to your grandchildren that you came down here to the Maine Legislature and that you sold your vote so that you could take home more money? This is a conflict of interest if I ever heard of a conflict of interest of every legislator here that is voting to take more money home, he is voting to take it from the man that has six children, the man with the big family. Ladies and gentlemen, I live with my conscience. I hope, I pray, you can live with your conscience, because if you take away from the poor and you give to the rich, ladies and gentlemen, you're at the end of the road, there is no turning back when you operate in that manner.

We must remember the purpose of State subsidies is to edu-

cate the child and the poor child has the right to expect if he is born in Hanover as equal treatment as those born in Brewer. He has the right to expect he will ride on a bus to school and not be told there is a school down the road ten miles, get there son and you can get an education. This legislative body refused to pass a law entitling all children to ride on school buses, it was lobbied and killed. I can go home saying for two sessions I came down here trying to get the children a ride. I met with Federal officials of the United States Government this morning making a study of the State Department of Education. They were shocked to find out that children are still being left without a way to get to high school. We tell them there is a high school down the road, if you get there, you can have a high school education. Getting back to this document, I've never said it before, but this is a bad, bad, bad bill and don't you forget it! You can never go home and face your children or your grandchildren if you vote to fill your back pocket while you take it out of the other man's pocket. This is what it is, and I don't care whose flag you fly it under.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I'm sorry to disagree with my very good friend, Mr. Carroll, but I cannot say that I believe that this is a bad bill.

I think if you will examine the communities which are going to get less under this bill, they are all extremely small communities, they are primarily communities who tuition their students out, and this is one of the main reasons.

Mr. Carroll has been most anxious for the past two sessions to see all schools mandated into school districts, and perhaps this is one of the major steps which would do this for him, because those schools which are small, which are tuitioning their students, would be encouraged under this, if they're going to get less money, to form school districts.

In answer to my very good friend from Biddeford, Mr. Truman, and I would like to point out that perhaps one of the major reasons why Biddeford as well as Lewiston and perhaps Waterville are getting smaller increases in their subsidy under this bill, is due to the fact that they have a relatively high valuation in that there are a relatively small number of pupils who are registered in the public schools. These are factors figured in the present state subsidy and also in the new bill as it is written.

I do think that 320 is not too far out of line as far as the minimum Foundation Program allowance is concerned, and we have been told that by next Spring the actual cost will be \$331, so when this bill becomes effective we will still be behind the actual amount expended by the local communities.

To me that is the reason for this bill is to help the local communities, and I would certainly hope that we would pass the bill without the amendment. Thank you.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I would like to pose a question to Mr. Richardson through the Chair if I may.

The SPEAKER: The gentleman may pose his question.

Mr. CARROLL: Are you saying Mr. Richardson, that little boy — that little town — forget him? Is that what you just said?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, poses a question through the Chair to the gentleman from Stonington, Mr. Richardson who may answer if he chooses.

Mr. RICHARDSON: Mr. Speaker, I do not feel that any town in the State of Maine should be forgotten; I don't think that we are forgetting any town and I don't think that the amount of money has been cut to any terrific amount to any of these smaller communities, and I think that most other communities that des-

perately need the money are getting the money.

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

Mr. HINDS: Mr. Speaker and Members of the House: I think one thing we overlook when we discuss this subsidy is that we have had laid on our desks a list of the amounts that each one of our school districts and cities and towns will receive if this program is passed.

I think the thing we're all forgetting is the amounts we aren't going to receive and the decreases that we're going to receive, including my city, the City of South Portland, if we go along with Governor Curtis's program. I know of at least four or five communities, and they're just in the greater Portland area, that are going to have a decrease in subsidy; the Legislature is not going to live up to what they gave the last time.

And, just to add one other item, and perhaps — this is on Education, and perhaps it shouldn't be mentioned in this bill, but the gentleman from Madawaska, Mr. Levesque, mentioned several times in his discussion today that the Governor had given the Department of Education all they had requested in all the different areas. I have a sheet here of two or three pages of large amounts of money, \$184,000, \$125,000, \$323,000, \$20,000, \$84,000, \$33,000 — 18 amounts that had to be restored in the Current Services Budget because the Governor had not included them, and I don't know what it totals, I don't have a total here, but it totals a considerable amount of money.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: Last Saturday I was one of the speakers at the Kennebec County session of the rallies, so-called, in support of this measure. I spoke then as Chairman of the Waterville Appropriations Committee, and the Committee members work towards getting money into Waterville from any source.

But as a member of this Legislature, I must go beyond my role as a local municipal officer. Investigation has uncovered many inequities in this proposal. While not wanting to bore this Body with all the findings, I feel that some should be brought to light.

The cities of Waterville and Westbrook educate the same number of children. The value of the two cities per student varies in that Westbrook has \$200 less per student than Waterville has, and Westbrook makes a local effort of five mills more than Waterville does. We would think that Westbrook should be getting more aid than Waterville's \$88,000, but Westbrook only gets \$46,000. Bangor, with over two times Waterville's enrollment, and only two thirds of its value and making a five mill effort more than Waterville, is getting only \$179,000, which is only twice what Waterville is getting.

Thorndike, in S.A.D. 3 and Fort Fairfield in S.A.D. 20, educate the same number of students. S.A.D. 3 has a value per student of three fourths that of S.A.D. 20, and S.A.D. 3 makes twice the effort locally that S.A.D. 20 does. Certainly S.A.D. 3 should get more than S.A.D. 20, but S.A.D. 20 receives \$137,000, S.A.D. 3 only receives \$120,000. Comparing S.A.D. 3 to Waterville, 3 has one half the students Waterville does, its value per student is only a third of Waterville, and it makes over twice the local effort that Waterville does, yet it only receives \$32,000 more than the City of Waterville.

Houlton in S. A. D. 29 and Belfast in number 34 educate the same number of students, but Belfast only has one eighth of the per student value of Houlton; it makes a four mill local effort less than Houlton and it receives \$178,000 while Houlton receives \$164,000.

I found that forty-nine school systems will get less under the new system than they do presently, and even S.A.D.'s are not sacred since two will take a cut. I don't agree with the gentleman from South Portland, Mr. Hinds, he mentioned that some areas in his locale will be taking a cut. Cum-

berland County gets no cut at all. Washington County, a low income, so-called depressed area, leads, if you want to call it this, with fourteen systems taking a cut. Aroostook has seven. Franklin, Oxford, Penobscot and Piscataquis Counties have five each.

Certainly this is enough of statistics. But it does show that the bill has built in inequalities and it needs much more work, more time to be perfected, to do a fair job for all. I cannot support this bill.

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

Mr. SCRIBNER: Mr. Speaker and Members of the House: We've had quite a few misunderstandings this afternoon. I'd like to take a couple of minutes just to clear up one of them for the benefit of the Members of the House, regarding the presentation of school subsidies and the budget document and just what goes on. Some of what I have to say will refer to the way things are generally presented and I think it's worth while to take a few minutes because anyone looking at, for example, page 349 of the budget document on school subsidies it would appear that there had been a reduction. This is not the case, I'd like to point out, for several reasons. Number one, in the columns headed for every department "Department Requests," these are the requests that are made by all the departments up through sometime around the first part of November. These figures are then balanced up. If the Department comes in and says we made an error, in this case it was an error of a couple of million dollars, these are not changed before this goes to press. It is impossible to do so, because part of the book is already gone to press at the time this is done because this book has to start going to the printers the first week in December.

Number two, under the Budget Recommendation, it may not coincide with the department requests because some of it may be in Part 2 of the budget. If you look on many of the pages in the budget,

they are all headed, Part 2. There'll be a department request under the section headed Budget Recommendation, there are just lines. Now this would appear that it's zero. This is not the case. All the amounts recommended are in the back of the book because the back of the book goes to the printer last. You do have to know where to look, the budget isn't an easy document to use, but I can assure you that everything is there, it's 100% funded. I hope that this explanation has been a little more helpful and if anyone has any question as to where anything is, I'd be glad to answer it after the session.

The SPEAKER: The pending question is the adoption of House Amendment "A".

The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Ladies and Gentlemen of the House: In the towns that I represent there's one of the largest school districts that's been organized in the State. We have one new school that houses about seven hundred pupils with six other schools in the district. Our costs, since the organization of this district, in most towns have doubled one and a half times. In my town, our mill rate has gone from some seventy-one mills to around a hundred seventeen just to support the increases in this school district.

When the school districts were organized, we were promised that at the State level the State would pick up more of the costs, it would be cheaper for the towns and it would have better education for the children. We have got good schools, we have got better education for the children, but it's never been cheaper for the little towns, and this State never yet has picked up enough of the tax to come up to the full Foundation Program. If we defer this for another two or four years, we'll be so far behind in these towns that the State never can pick it up with any tax that they would put on the people.

This is the first bill that's been presented since I've been around here, which has been some years,

that's ever come anywhere near bringing us up to the Foundation Program. And I don't believe that the people that are running these schools, I don't think that the people that are sending their children to these schools want it deferred any longer. I plead that this bill is a good bill and I plead that it must be passed for the good of all the children in the State, for the good of the towns, and for the good of the whole State at large. And I hope this amendment will be killed and the bill passed. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is the adoption of House Amendment "A" to L. D. 1642. 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 of those desiring a roll call will vote yes; those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the adoption of House Amendment "A" to Senate Paper 638, L. D. 1642, Bill "An Act Changing the Foundation Program Per Pupil Allowances." All those in favor of adopting House Amendment "A" will vote yes; those opposed will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Belanger, Beliveau, Binnette, Bourgoin, Brennan, Carroll, Carswell, Champagne, Conley, Cottrell, Crommett, Curran, D'Alfonso, Danton, Drigotas, Eustis, Fecteau, Fortier, Fraser, Gaudreau, Harvey, Healy, Hennessy, Hunter, Jalbert, Kilroy, Lebel, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F.; R.; Nadeau, N.L.; Rocheleau, Sawyer, Scribner, Starbird, Sullivan, Truman, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Brown, Buck, Bunker, Carey, Clark, Cookson, Cornell, Cote,

Crosby, Cushing, Darey, Dickinson, Dunn, Durgin, Edwards, Ewer, Farrington, Foster, Fuller, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Hawes, Haynes, Henley, Hewes, Hichens, Hinds, Hoover, Huber, Humphrey, Immomen, Janelle, Jewell, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Mosher, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Roy, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Soulas, Susi, Tanguay, Thompson, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

ABSENT — Berman, Bernard, Boudreau, Bradstreet, Burnham, Carrier, Couture, Crockett, Dennett, Drummond, Dudley, Evans, Gauthier Giroux, Harnois, Harri-man, Hodgkins, Jameson, Keyte, Milano, Noyes, Payson, Pender-gast, Ross, Sahagian, Snowe, P.

Yes, 41; No, 84; Absent, 26.

The SPEAKER: Forty-one having voted in the affirmative and eighty-four in the negative, House Amendment "A" is not adopted. Thereupon the Bill was passed to be engrossed in concurrence.

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

HOUSE REPORT — Ought Not to Pass — Committee on Legal Affairs on Bill "An Act Clarifying the Location of Town Line Between China and Winslow" (H. P. 1118) (L. D. 1595)

Tabled—May 15, by Mr. Beliveau of Rumford.

Pending — Acceptance.

Thereupon, on motion of Mr. Benson of Southwest Harbor, re-tabled pending acceptance of the "Ought not to pass" Report and specially assigned for tomorrow.

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

HOUSE REPORT — Ought Not to Pass — Committee on Legal Affairs on Bill "An Act to Make Certain Changes in Government

of Town of Sanford" (H. P. 903) (L. D. 1298)

Tabled — May 15, by Mr. Snowe of Auburn.

Pending — Acceptance.

On motion of Mr. Nadeau of Sanford, the "Ought not to pass" Report was accepted and sent up for concurrence.

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

Bill "An Act relating to Eligibility for Office of Bank Commissioner" (S. P. 632) (L. D. 1633) (In Senate, passed to be engrossed)

Tabled — May 15, by Mr. Robertson of Brewer.

Pending — Passage to be engrossed.

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

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

HOUSE AMENDMENT "A" to S. P. 632, L. D. 1633, Bill, "An Act Relating to Eligibility for Office of Bank Commissioner."

Amend said Bill by inserting at the end, before the period, the following:

**‘, or as an attorney at law or certified public accountant who devotes a major portion of his time in servicing financial businesses, or as an executive officer of one or more of the financial businesses regulated by the Department of Banks and Banking while holding at least a master’s degree from an accredited college in finance or related subjects’**

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

Mr. DENNETT: Mr. Speaker and Members of the House: Reluctantly I feel that I must oppose the adoption of this Amendment. This bill came out of the Committee on State Government with the unanimous "Ought to pass" Report. It limits those who might be qualified to serve as Bank Commissioner of the State of Maine to those who have had at least seven years practical experience in one or more of the following capacities: as an executive officer of a Savings and Loan Association, a trust

company, a mutual savings bank, or a national bank located in this or another State, or as an employee in the banking department of this or some other state, or as an employee of a Federal examining authority charged with examining financial institutions. We felt very strongly that these limitations should be placed as qualifications for a person to serve as bank commissioner.

Now what does this Amendment do? It further enlarges the scope of eligibility by adding "or as an attorney at law or certified public accountant who devotes a major portion of his time in servicing financial businesses, or as an executive officer of one or more of the financial businesses regulated by the Department of Banks and Banking while holding at least a master's degree from an accredited college in finance or related subjects." Ladies and gentlemen of the House, under this amendment you could have the executive of a small loan company as Bank Commissioner of the State of Maine. An attorney, a certified public accountant — it is very broad. We feel that it is by far too broad and the qualifications should be kept within the scope of the bill as approved by the Committee on State Government. Mr. Speaker, I move that this amendment be indefinitely postponed.

The SPEAKER: The gentlemen from Kittery, Mr. Dennett, now moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Kittery, Mr. Dennett. The office of the Bank Commissioner is a most responsible position in the State of Maine and after having dealt with the Bank Commissioner and chairman of Business Legislation during this session in all the problems of small loan companies, I would hate to see one of those fellows as head of the Bank Department of the State of Maine.

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

Mr. ROBERTSON: Mr. Speaker and Ladies and Gentlemen of the House: It's with regret that I find myself in the position of having to oppose the opinions of the legislator whom I greatly respect and admire. Certainly I don't think I will find myself too many times in opposition to the opinions of Mr. Dennett.

However, ladies and gentlemen, I did attend the hearing on this bill and during the arguments of the proponents I heard the attorney representing the savings banks state that this bill was sponsored by the Maine Banking Association, and as I read this bill, I felt that fact was readily discernible. Now with the deletions in this section pertaining to the eligibility of bank commissioner, it just about stipulates that no one is qualified for this position except an ex or a present bank official. Now if we check out the jurisdiction of this officer of the State, we see that he has under his authority more organizations than just banks. He is responsible for the administration of the laws regulating savings banks, trust and banking companies, loan and building associations, industrial banks, credit unions, loan companies, motor vehicle financing and collection agencies.

Yet, ladies and gentlemen, the bill we are discussing infers that only a banker would qualify for this diversified position. If I might be so bold as to raise the question, is it not within the realm of possibility that a person appointed from this field might be somewhat prejudiced towards banks? This, I believe, is definitely restrictive legislation, written by the banks and written for the banks. Personally, I have no fears that a business administration major from any prominent college, an attorney who handles bank papers and advises them on their legal affairs, would not be qualified to handle this position. Or what about a certified public accountant who audits these institutions? Or a person who has a responsible position in the investment field, or, for

that matter, any executive who has been in a managerial position in one of the other organizations under the direction of the Commissioner? I must take this opportunity to remind you folks that our present Bank Commissioner wasn't always a bank commissioner or a banker. First of all, he was a school teacher, and I think that Mr. Garceau has turned out fairly well for a school teacher. And that is no reflection on school teachers, because I respect and admire school teachers, even to the extent of 636.

But I maintain, ladies and gentlemen, that we should not be discriminating in this appointment, with skilled qualified executives with the proper background and equal opportunity to qualify for this position. If you are familiar with the position of a bank commissioner, you realize that it is the duty of this office to interpret the laws pertaining to the various organizations under the jurisdiction of the department, and through proper audits ascertain if these laws are being followed. Now certainly it is not my interpretation that we necessarily have to have a former banker and that he would be the only one qualified to handle this delicate assignment. Anyone from the field of finance, certainly I wouldn't disqualify a business administration major from Harvard University. I think there are many qualified individuals who could handle this. As a matter of fact, in my personal opinion, the banker and the person who has had experience only in banks, is going to be somewhat prejudiced towards banks. I feel it will be much better to have an outsider who has the qualifications, and I think the amendment stipulates rather stringent qualifications, that he might be in a better position to handle all the various agencies that will come under his jurisdiction. And that's all the statements I have to make on this, and thank you.

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

Mr. STARBIRD: Mr. Speaker, and Ladies and Gentlemen of the House: I concur with my good

friend, Mr. Dennett from Kittery. As you all know, this was the unanimous report of the State Government Committee. And if my memory serves me correctly, while we were discussing this matter in committee, we went over many of the arguments, perhaps most of the arguments that Mr. Robertson has gone over this last few minutes.

This was a document that we agreed upon. This was a document that finally all ten of us found that we could go along with in good faith, and we did. Now if you folks here in the House will think back and think how many documents have come out of the State Government Committee with a unanimous report, you'll see that it is quite difficult to arrive at a unanimous agreement, in that Committee. I think that you will see that when we can arrive at a unanimous agreement, that we probably have gone over all the arguments pro and con and settled on the best solution to the problem that we possibly could. And therefore, I hope that you will go along with this Committee, the unanimous report, and defeat the amendment offered by Mr. Robertson.

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

Mr. SCRIBNER: Mr. Speaker and Ladies and Gentlemen of the House: I'd like to point out, this hasn't been pointed out yet in the debate on this measure, that the original intent of this bill was to provide for basically the same provisions we had before, deleting directors and trustees who everyone agreed are part time bankers, may work at it only one day a month, and the major addition is to bring in bankers from other states. The provisions that were added were trust companies, mutual savings and national banks which were in there before, located in this or another state. This wording 'in this or another state' was not in the bill before. The Maine bankers feel, the association apparently, that we are going to have to go to another state possibly to replace the Bank Commissioner. From some of the debate on this I am sure we're aware that the in-

cumbent Bank Commissioner will be retiring within a few months, and that makes this bill of quite more importance than it normally would be. Under this bill, the provision is for seven years practical experience as an executive officer, no educational qualifications or nothing else is mentioned. The two categories that the amendment proposes these are people that had to have met substantial educational qualifications. For example, under the amended bill it would be possible for an investment banker with a Masters Degree in Economics or Finance to serve as Bank Commissioner. I feel that probably an individual with that background and training could make an excellent highly qualified Bank Commissioner. He would be well represented, he would be well capable of representing the people of the State of Maine. That is what the Bank Commissioner is supposed to do regarding financial institutions. There is no necessity that he be a hard-line banker with no deviation from that whatsoever.

The number of institutions regulated by the Banking Department is quite broad and varied beyond banks. The gentleman from Brewer, Mr. ROBERTSON, went into that in some detail. They include, for example, 245 securities dealers. Many of these people are very highly qualified, they handle far more extensive business in investment banking and other areas than do an officer of perhaps of one of our smaller banks.

I would like to point out at this time that the salary of the Bank Commissioner of \$15,756 a year would serve to attract an individual from a smaller bank primarily. I'm certainly aware that I don't feel that we're going to get an individual from one of the larger banks — for example in Portland — to go to work, if he's a highly qualified executive officer, to go to work as Bank Commissioner unless he has a very deep sense of dedication to public service, for the financial sacrifice that he would have to make to serve as Bank Commissioner. I think the Maine bankers are aware of this, and this is one of the reasons that they have broadened this to ac-

cept individuals from another state.

I'd also like to point out that the bill in its present form includes National banks. An executive officer of a National bank would be qualified, they're not even regulated by the Banking Department, whereby many worthy financial institutions regulated by the Banking Department, regardless of their educational qualifications and background, will be forever denied serving as Bank Commissioner of the department which regulates their daily life and blood.

The provisions are not, for the two expanded categories, set very high standards. It's up to the Governor and Council to select and confirm our next Bank Commissioner, and I hope that they will select the person with the broadest financial qualifications that are possible from any individual on the list. I hope that it will be possible for them to have a broad field of qualified applicants to choose from when the time comes.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: There's only one final point that I'd like to make, and that is that the present bill would give a banker with seven year's experience, no matter how limited his education, a preference over a Harvard graduate in business administration as far as an ability to interpret the laws of the State of Maine is concerned relative to the departments under his jurisdiction. In my opinion that is wrong. We have many bankers who might qualify for this job that certainly do not have the educational background to take care of the regulations and see that they are properly followed in all of the various departments under his jurisdiction, and I agree with the gentleman from Portland, we should have the broadest possible background and a person well and eminently qualified for this position. Thank you.

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

Mr. SCRIBNER: Mr. Speaker, I request a division.

The SPEAKER: A vote has been requested. The pending question is the motion of the gentleman from Kittery, Mr. Dennett, that House Amendment "A" be indefinitely postponed. All those in favor of indefinite postponement of House Amendment "A" will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 38 having voted in the negative, the motion prevailed.

Thereupon the Bill was passed to be engrossed in concurrence.

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

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

Tabled—May 15, by Mr. Richardson of Cumberland.

Pending—Passage to be enacted.

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

Mr. HAWES: Mr. Speaker and Members of the House: Last week the House failed to pass an Act that would create a Maine milk pool. Because of our action on that bill, I can see no useful purpose for adding another member to the Maine Milk Commission. I therefore now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Union, Mr. Hawes, now moves the indefinite postponement of L. D. 487.

The Chair recognizes the gentleman from Solon, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: I rise to voice strong opposition to this motion. Granted, there would have been a greater need had we in our wisdom enacted the L. D. to create a milk marketing pool in the State of Maine. However, this bill should be considered on its merits individually, and it does have considerable merits. I think it's been pointed out in our previous discussions of the various milk bills that the farmer in Maine shipping to the

Boston market has been getting the short end of the stick.

Perhaps it's a happy omen that with action on this item, item number 21, we will be up to date on our work here in the House. I would hope that with passage of this measure we would bring our legislation up to date as regards the milk industry in at least the sense that all of the dairy industry will be represented on the Maine Milk Commission.

A few brief statements of fact. There is no money involved in this necessary of appropriation. Milk currently purchased from the Boston market and sold on the Maine market in periods of shortage, is assessed the hundred weight cost or tax of three and a half cents a hundred weight. Two cents of this goes to the Dairy Council for milk promotion, and one and a half cents of this goes to support the Maine Milk Commission. This is paid by the first handler within the State and in this State it happens to be Hoods and the United Farmers.

This one and a half cent tax in support of the Maine Milk Commission generates a total on the milk purchased from the Boston market and sold on the Maine market of something over \$2500 a year annually. In 1965 it was \$2,761.09.—in 1966 it was \$2,360.29. The cost of running the Milk Commission averages — this is the cost of the members, the seven members on the Milk Commission—costs about \$3,600 a year. One of these members is ex officio, the Commissioner of Agriculture. The breakdown on the following six averages out to something about \$600 a year. This varies — the maximum amount paid to a member for per diem and expenses which are the only costs, is \$1,100 for the member from Aroostook—this is because of the increased travel.

The addition of an additional member representing the Boston milk producers of Maine, that is, would certainly create no financial hardship. There's plenty of money available—this average of about \$2,500 a year and the cost of this new member would not be greater than \$1,100 and the average would be probably about \$600.

There is a need for this representation. Much of the actions of the Maine Milk Commission do affect the Boston shipper. In many instances it serves to decrease or depress his price. Of course a lot of the actions of the Boston market affect the Maine market. The Maine market price is predicated on the Boston market price by Maine regulation and law.

We have 40 percent of our dairy industry currently which is not represented in any way by the Maine Milk Commission. With the inclusion of this extra member, who would represent them, they would have representation. We fought a lot of battles in our history over representation; this is another minor battle in that struggle.

I do feel very strongly that this forty percent of our dairy industry is entitled to representation. I feel that it is little enough that we can do for them, but that they are and should have this recognition. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: This bill had a good hearing before the Agriculture Committee and came out with a report 10 to 0.

Now the present Milk Commission are sober, industrious and they show ability, but they're not close to the man that has to export his milk outside the state, and it appears to me that this group sits around their ivory castle and they don't want anything to disturb them in their meditation. They are opposed to putting a Boston shipper on the Board because they're afraid that he'd ask too many questions, and as the gentleman from Solon, Mr. Hanson, explained there's money enough to pay his expenses which averages around \$600 a year. I think it would be a good thing just to shake them up a little bit.

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

Mr. HAWES: Mr. Speaker and Members of the House: As it's been said, mostly the Maine producers

that are opposing this, but as I said here the other day—I am a Boston producer, and I must be the black sheep of the Boston producers because I seem to be opposing everything else that the Boston producers want—but I am opposing this.

One thing that has been said is that the Maine market affects the Boston price somewhat — that's the biggest reason they wanted a member on there, but all figures I can find, that it affects what milk is shipped from the Maine market producers into the Boston market, amounts to .003 a hundred weight. Now if that is any reason to have a Boston producer on there, it's getting down to pretty fine figures.

Also in the bill it says: "one of whom shall be a producer shipping to Boston Federal order." By my reading this I figured that this member could come from Massachusetts, Rhode Island, Connecticut — from any place shipping on the Boston market; he wouldn't have to come from the State of Maine. I see no need of this bill whatsoever, at all, it's just putting a Boston producer on the Maine market where he actually hasn't got a thing to say; and when the vote is taken I ask for a division.

The SPEAKER: The pending question is the motion of the gentleman from Union, Mr. Hawes, that Bill "An Act relating to that Bill "An Act relating to Membership on the Maine Milk Commission," House Paper 339, L. D. 487 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.

50 having voted in the affirmative and 36 having voted in the negative, the motion prevailed.

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.