

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

Monday, May 22, 1967

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 656)

WHEREAS, a regional conference on "The State of the New England State Legislatures" will be held at Wentworth-by-the-Sea near Portsmouth, New Hampshire on September 10-13, 1967 composed of distinguished representatives of the six New England states; and

WHEREAS, the conference will discuss the problems and prospects of the state legislatures in New England; and

WHEREAS, much of the information and data to be used as background for the conference can only come from those persons intimately knowledgeable about the state legislatures; and

WHEREAS, the regional conference will serve to allay much of the criticisms and misconceptions about what the legislature can and should do; and

WHEREAS, the conference is sponsored jointly by two non-partisan educational organizations — the New England Center for Continuing Education and the American Assembly of Columbia University; and

WHEREAS, the conference requires the fullest bipartisan participation of the six state legislatures to be most beneficial:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF MAINE

That the Legislature of the State of Maine affirm its support for the concept of this regional conference to discuss the problems and prospects of the legislatures, and

That all members of this Legislature who are asked to participate in the activities of the conference and the preliminary activities concerned with providing expert factual information about the Maine Legislature be requested to participate to the fullest extent possible to the end that the people of the states will be better informed about the legislature and its operations.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Business Legislation on Bill "An Act Clarifying the Investment Powers of Stock Insurance Companies" (S. P. 388) (L. D. 1022) reporting Leave to Withdraw.

Report of the Committee on State Government reporting same on Bill "An Act relating to County Auditing" (S. P. 311) (L. D. 750)

Came from the Senate read and accepted.

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

Covered by Other Legislation Tabled and Assigned

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing a Bond Issue in the Amount of Six Hundred and Fifty Thousand Dollars for a Vocational Educational Institute in Washington County" (S. P. 137) (L. D. 267) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

In the House: On motion of Mr. Birt of East Millinocket, tabled pending acceptance of the Report and specially assigned for Wednesday, May 24.

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in Amount of One Million One Hundred and Fifty Thousand Dollars for Construction at Pineland Hospital and Training Center and of Regional Care

Facilities for the Severely Mentally Retarded at Bangor" (S. P. 371) (L. D. 984) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

In the House: The Report was read.

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

Mr. HENNESSEY: I would like to pose a question through the Chair to anyone who would care to answer.

The SPEAKER: The gentleman may pose his question.

Mr. HENNESSEY: In regards to this item, to me it is a very important item. It is legislation that should have been enacted years ago. It is leaving out a segment of population that really needs care. And I was wondering if somebody would either point out what legislation is taking place, that we may know more about this.

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

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

Mr. BRAGDON: Mr. Speaker, I would answer it as best I can, and somewhat from memory. But my present recollection is that we set up—I say we, I mean the Appropriations Committee, \$350,000 in the bond issue for such a facility as we are talking about and the wording that went with that appropriation or bond issue would be to the effect that this facility would be built at Pineland and not at Bangor. That is as I recall it, and the wording would indicate that, if the money is used as I would understand it, the way it is reported out in the bond issue it would have to be built at Pineland a facility that would cost \$350,000, for these under six that we are talking about.

That's the best that I can do. If the gentleman would like to have this tabled until the bond issue comes out, I see no objection.

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

Mr. HENNESSEY: Mr. Speaker, I would like to take the suggestion of Mr. Bragdon, that this be tabled until this other bond issue comes out.

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

Mr. JALBERT: Mr. Speaker, am I to assume that there is no tabling motion before the Floor yet?

The SPEAKER: The gentleman is correct.

Mr. JALBERT: I would like to comment that the gentleman from Perham, Mr. Bragdon's comments are accurate. This was discussed by the Appropriations Committee at length, and certainly my own self I felt that this also, as the gentleman from West Bath, Mr. Hennessey, mentioned, that this is a very worthwhile project; but the thinking of the Committee unanimously is that this be held at \$350,000 were the function at Pineland. That is the decision of the Committee and with a look at the calendar and the cost of tabling items pending other legislation to come along I can frankly see no reason why this should lie on the table, because nothing will come of it. And I would move the acceptance of the Leave to Withdraw Report as covered by other legislation.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that the House accept the Leave to Withdraw Report in concurrence. Is that the pleasure of the House?

The motion prevailed.

Report of the Committee on Towns and Counties on Bill "An Act Increasing Salaries of Certain County Officials of Lincoln County" (S. P. 128) (L. D. 257) reporting Leave to Withdraw, as covered by other legislation.

Report of same Committee reporting same on Bill "An Act relating to Establishing Salary of Deputy Clerk of Courts of Hancock County by County Commissioners" (S. P. 129) (L. D. 258)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of Certain County Officials of Knox County" (S. P. 285) (L. D. 665)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Chairman of Board of County Commissioners of Washington County" (S. P. 287) (L. D. 667)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Judge of Probate of Washington County" (S. P. 288) (L. D. 668)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of Certain County Officials of Hancock County" (S. P. 312) (L. D. 751)

Came from the Senate read and accepted.

In the House, Reports were read and, on motion of Mr. Jalbert of Lewiston, were accepted in concurrence.

Ought Not to Pass Tabled and Assigned

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing Funds for Roads and Athletic Field at Maine Maritime Academy" (S. P. 208) (L. D. 547)

Came from the Senate read and accepted.

In the House, the Report was read.

(On motion of Mr. Truman of Biddeford, tabled pending acceptance of Report and specially assigned for tomorrow.)

Covered by Other Legislation

Report of the Committee on State Government on Bill "An Act Creating a Regional Coordination Program under the Division of Industrial Promotion of the Department of Economic Development" (S. P. 85) (L. D. 166) reporting "Ought not to pass", as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Providing for Consultant Services by the Division of Research and Planning of the Department of Economic Development" (S. P. 88) (L. D. 169)

Report of same Committee reporting same on Bill "An Act Providing for an Economist within the

Department of Economic Development" (S. P. 141) (L. D. 269)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Natural Resources reporting "Ought to pass" on Resolve Reimbursing Certain Municipalities for the Control of Dutch Elm Disease (S. P. 627) (L. D. 1629)

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

In the House, the Report was read and accepted in concurrence, the Resolve read once and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Municipal Financing of Industrial and Recreational Projects" (S. P. 193) (L. D. 545) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of same Committee on Bill "An Act Concerning Duty of Reasonable Care to Social Invitee" (S. P. 432) (L. D. 1086) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee on Legal Affairs on Bill "An Act Establishing the Maine Medical Laboratory Act" (S. P. 475) (L. D. 1208) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of same Committee on Bill "An Act Creating a Council-Manager Form of Government for the City of Saco" (S. P. 552) (L. D. 1505) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Amendment "A" to each was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bills.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Counsel's Argument of Monetary Value of Pain and Suffering in Personal Injury Actions" (S. P. 429) (L. D. 1083)

Report was signed by the following members:

Messrs: HARDING of Aroostook
MILLS of Franklin
—of the Senate.

Messrs. FOSTER
of Mechanic Falls
DANTON
of Old Orchard Beach
BERMAN of Houlton
DAREY
of Livermore Falls
BRENNAN of Portland
QUINN of Bangor
—of the House.

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

Report was signed by the following members:

Mr. HILDRETH of Cumberland
—of the Senate.
Mr. HEWES of Cape Elizabeth
—of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.

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

Mr. BERMAN: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that the House accept the Majority "Ought to pass" Report in non-concurrence.

The gentleman may continue.

Mr. BERMAN: Mr. Speaker, I now move that this matter lie upon the table and be specially assigned for Wednesday, May 24.

The SPEAKER: Would the

gentleman oppose this having its several readings at this time?

Mr. BERMAN: Not at all.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the motion of Mr. Berman of Houlton that the House accept the Majority "Ought to pass" Report and specially assigned for Wednesday, May 24.

Final Reports of Committees

Final Report of the following Joint Standing Committees:

Inland Fisheries and Game
Labor

Public Utilities

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Resolve Regulating Fishing on Part of Moose River, Somerset County (S. P. 604) (L. D. 1587) which was finally passed in the House on April 28 and passed to be engrossed on April 26.

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

In the House: On motion of Mr. Champagne of Fairfield, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act to Regulate the Alteration of Wetlands (S. P. 612) (L. D. 1597) which was passed to be enacted in the House on May 5 and passed to be engrossed as amended by Senate Amendment "A" on May 3.

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

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

Non-Concurrent Matter

An Act Creating the Pest Control Compact (S. P. 630) (L. D. 1631) which was passed to be enacted in the House on May 17 and passed to be engrossed on May 11.

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

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

Orders

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I would inquire if Senate Paper 435, L. D. 1154, Bill "An Act relating to Protecting Source of Public Water Supply" is in the possession of the House.

The SPEAKER: The Chair would advise the gentleman in the affirmative, that this having been recalled from the Engrossing Department by Joint Order House Paper 1165, it is still in the possession of the House.

Thereupon, on motion of Mr. Williams of Hodgdon, the House voted to suspend the rules and to reconsider its action of May 16 whereby it voted to recede and concur.

On further motion of the same gentleman, the House voted to recede from its action whereby the Bill was passed to be engrossed and Committee Amendment "A" was adopted; and on further motion of the same gentleman Committee Amendment "A" was indefinitely postponed in non-concurrence.

Senate Amendment "A" was then read by the Clerk and adopted in concurrence.

Mr. Williams of Hodgdon then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 435, L. D. 1154, Bill, "An Act Relating to Protecting Source of Public Water Supply."

Amend said Bill by striking out all of section 2 and inserting in place thereof the following:

'Sec. 2. R. S., T. 22, §2436, amended. The 2nd paragraph of section 2436 of Title 22 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 22, §2436, amended. Section 2436 of Title 22 of the Revised Statutes is amended by

adding at the end the following new sentence:

Nothing in this section shall be construed to limit in any way any private and special law granting a water utility or municipality greater controls for protecting its source of public water supply than those set forth in this section.'

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

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

Mr. FARRINGTON: Mr. Speaker, I would inquire if the House has in its possession House Paper 771, L. D. 1118, An Act relating to Non-lapsing Funds for Land in Town of Wells for Park Purposes.

The SPEAKER: The Chair would advise the gentleman that it is in possession of the House.

Thereupon, on motion of the same gentleman, the House voted to reconsider its action of May 19 whereby the Bill was passed to be enacted.

On further motion of the same gentleman, tabled pending passage to be enacted and specially assigned for tomorrow.

House Reports of Committees Ought to Pass in New Draft

Mr. Quinn from the Committee on Judiciary on Bill "An Act relating to Threatening Display of or Carrying Concealed Weapons" (H. P. 793) (L. D. 1171) reported same in a new draft (H. P. 1172) (L. D. 1670) under title of "An Act to Provide for the Issuance of Weapons Permits to Certain Nonresident Employees" and that it "Ought to pass"

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

Ought to Pass with Committee Amendment

Mrs. White from the Committee on Retirements and Pensions on Bill "An Act Providing Hospital Insurance Benefits under Social Security Act for State Employees"

(H. P. 1065) (L. D. 1532) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1065, L. D. 1532, Bill, "An Act Providing Hospital Insurance Benefits under Social Security Act for State Employees."

Amend said Bill in the 8th line (same in L. D. 1532) by striking out the underlined words and figure "**Title II of**"

Further amend said Bill in the 13th line (11th line in L. D. 1532) by striking out the underlined words and figure "**Title II of**"

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

Referred to Next Legislature

Mr. Rocheleau from the Committee on Retirements and Pensions on Bill "An Act Establishing Social Security Benefits for State Classified Service Employees" (H. P. 720) (L. D. 1015) reported that it be referred to the 104th Legislature.

Same gentleman from same Committee reported same on Bill "An Act relating to Retirement Benefits of State Employees at Correctional and Mental Institutions and Liquor Inspectors" (H. P. 947) (L. D. 1378)

Reports were read and accepted, the Bills referred to the 104th Legislature and sent up for concurrence.

Third Reader

Tabled and Assigned

Bill "An Act relating to Fair Minimum Wages for Construction of Public Improvements by State of Maine" (S. P. 652) (L. D. 1660)

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

(On motion of Mr. Drummond of Sidney, tabled pending passage to be engrossed and specially assigned for Wednesday, May 24.)

Passed to Be Engrossed

Bill "An Act relating to Reimbursing Municipalities by State for Property Tax Exemptions of Veterans" (S. P. 653) (L. D. 1661)

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 Providing for a State Income Tax" (H. P. 290) (L. D. 410)

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

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

Mr. HEWES: Mr. Speaker, may this be tabled until tomorrow, May 23?

Whereupon, on motion of Mr. Cottrell of Portland, tabled pending passage to be engrossed and specially assigned for Wednesday, May 24.

Bill "An Act relating to Tax Collector's Resignation" (H. P. 297) (L. D. 417)

Bill "An Act Authorizing Department of Health and Welfare to Make Grants to Municipalities" (H. P. 490) (L. D. 703)

Bill "An Act Providing for the Official Observance of the 150th Anniversary of the Formation of the State of Maine" (H. P. 723) (L. D. 1018)

Bill "An Act relating to Legislative Research Committee Printing" (H. P. 916) (L. D. 1325)

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

Third Readers

Tabled and Assigned

Bill "An Act to Authorize General Fund Bond Issue in Amount of Two Million Eight Hundred and Fifteen Thousand Dollars and to Appropriate Moneys for Construction, Extension and Improvement for Airports" (H. P. 1166) (L. D. 1667)

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

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

Bill "An Act Regulating Firearms in Active Lumbering Operations in Unorganized Territory" (H. P. 1167) (L. D. 1668)

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

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed and specially assigned for Wednesday, May 24.)

Bill "An Act to Grant Public Utilities Commission Control Over Cooperatives" (H. P. 1168) (L. D. 1669)

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

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

Amended Bills

Bill "An Act relating to Certificate of Organization of Nonprofit Corporations Organized Prior to 1911" (H. P. 150) (L. D. 214)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Joint State and Municipal Purchasing" (H. P. 335) (L. D. 469)

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

(On motion of Mr. Shaw of Chelsea, tabled pending passage to be engrossed and specially assigned for Wednesday, May 24.)

Bill "An Act Establishing Maximum Legal Interest Rate on Personal Loans in Excess of Two

Thousand Dollars" (H. P. 345) (L. D. 493)

Bill "An Act relating to Buildings for Education Programs for Retarded Children No Longer Used for the Purpose" (H. P. 431) (L. D. 595)

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

Third Reader

Tabled and Assigned

Bill "An Act Revising Laws Relating to Licensed Small Loan Agencies" (H. P. 468) (L. D. 681)

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

(On motion of Mr. Brennan of Portland, tabled pending passage to be engrossed and specially assigned for Wednesday, May 24.)

Bill "An Act to Allow the Use of Certain Government Bonds in Place of Retention of Payments Due Contractor in State Contracts" (H. P. 631) (L. D. 887)

Bill "An Act relating to Fees, Compensation, Trust Accounts and Criminal Offenses Under Real Estate Law" (H. P. 714) (L. D. 1009)

Bill "An Act Providing for a Council-Manager Form of Government for Town of Skowhegan" (H. P. 800) (L. D. 1209)

Bill "An Act relating to Care of Indigent Adult Males at Jefferson Men's Camp" (H. P. 951) (L. D. 1382)

Bill "An Act relating to Acceptance of State and Federal Grants" (H. P. 1046) (L. D. 1518)

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

Bill "An Act to Classify the Waters of First Pond (Billings Pond) in Blue Hill, Hancock County" (H. P. 638) (L. D. 894)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate

Amendment "A" and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

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

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, 114 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 to Provide for a Lien for Hospital Services on Recoveries from Third Persons (H. P. 901) (L. D. 1314)

Was 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 — Ought to Pass in New Draft — Committee on Judiciary on Bill "An Act relating to Interest on Judgments" (S. P. 433) (L. D. 1087) — New Draft (S. P. 642) (L. D. 1647) (In Senate, Report accepted; Bill indefinitely postponed)

Tabled — May 18, by Mr. Quinn of Bangor.

Pending — Acceptance.

Thereupon, on motion of Mr. Quinn of Bangor, retabled pending acceptance of the "Ought to pass" Report and specially assigned for Wednesday, May 24.

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

Bill "An Act relating to Chiropractic Services for Injured Employee Under Workmen's Com-

pensation Law" (H. P. 756) (L. D. 1103) (In House, passed to be engrossed) (In Senate, Majority Report, Ought Not to Pass, accepted in non-concurrence).

Tabled — May 18, by Mr. Littlefield of Hampden.

Pending — Further consideration.

Thereupon, on motion of Mr. Ewer of Bangor, the House voted to adhere.

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

Bill, "An Act to Expand the Territory of the York Water District and to Modernize its Charter" (H. P. 1136) (L. D. 1618) (In House, passed to be engrossed) (In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-148))

Tabled — May 18, by Mr. Dennett of Kittery.

Pending — Further consideration.

Thereupon, the House voted to recede and concur with the Senate.

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

Bill, "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 1164) (L. D. 1665)

Tabled — May 18, by Mr. Drummond of Sidney.

Pending — Passage to be engrossed.

Thereupon, on motion of Mr. Drummond of Sidney, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

Bill, "An Act Providing for Pensions for Widows of Former Governors" (H. P. 1050) (L. D. 1522) (In Senate, Ought Not to Pass Report accepted)

Tabled — May 18, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

Mr. Birt of East Millinocket offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1050, L. D. 1522, Bill, "An Act Providing for Pensions for Widows of Former Governors."

Amend said Bill by striking out all of the Title and inserting in place thereof the following: 'An Act Providing for Retirement Allowance for Widows of Governors.'

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

'Sec. 1 R. S., T. 5, §1121, sub-§10, additional. Section 1121 of Title 5 of the Revised Statutes, as amended, is further amended by adding a new subsection 10, to read as follows:

10. Widows of Governors. The unremarried widow of a Governor of the State whose annual income from all other sources does not exceed \$5,000 shall become entitled to a retirement allowance at the rate of \$2,000 annually, regardless of age, for the remainder of her lifetime. Said retirement allowance shall become effective on the date that the board of trustees receives written application, supported by a statement of income, from such widow. Such adjustments as are granted under section 1128 shall be applied to these payments.

Sec. 2. Appropriation. There is appropriated to the Maine State Retirement System the sum of \$3,000 for the fiscal year ending June 30, 1968 and \$4,000 for the fiscal year ending June 30, 1969. The breakdown shall be as follows:

MAINE STATE RETIREMENT SYSTEM		
	1967-68	1968-69
All Other	\$3,000	\$4,000'

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

Mr. BERMAN: Mr. Speaker and Members of the House: Looking at this amendment which came to our desks this morning, it seems to me that we may be ill advised at this time to adopt it in view of the discussion which occurred in this House only a few days ago, where I tried to point out the

loopholes that would exist in an amendment of this nature.

Loophole number one: The widow whose income was slightly less than \$5,000 would be entitled to the pension. A widow whose income was just in excess of \$5,000 — \$5,001, would not be entitled to the pension. This does not seem to me to be quite fair and equitable.

Possible loophole number two: There is in our fraternity very bright and thoughtful people who do what is known as estate planning, not state planning as was reported in the record, but estate planning, and they try to see that their clients come out of these situations as well as can be expected. Now, someone who would qualify under this amendment if it were adopted could well be advised by astute and sound counsel to give part of her income away so that she would qualify and receive \$2,000 annually for the rest of her life. Now, if such were the case, it doesn't seem to me that this would be fair to the taxpayers of the entire State of Maine, and unless these measures are corrected, I feel that I shall have to move indefinite postponement of this amendment.

The SPEAKER: Does the gentleman so move?

Mr. BERMAN: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves the indefinite postponement of House Amendment "B."

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I am in complete disagreement with the gentleman from Houlton, Mr. Berman.

It is inconceivable to me that we are going to deny to the widows of our governors a pittance of \$2,000 on the assumption that if they're making \$5,001, that's more than any self-respecting widow needs, and if they're making \$4,999, we have somehow taken leave of our senses by qualifying them to receive an additional \$2,000. Now that's a value judgment for every mem-

ber of this House to make, exercising his own best judgment.

The second objection raised by the gentleman from Houlton, is that, as he puts it, some astute legal counsel doing some estate planning might advise the widow to divest herself of a sufficient amount of her property just to get under the \$5,000 and thereby qualify herself for something in the area of \$6,999. I think that suggestion is absurd. I can't imagine any qualified estate planner advising a client to voluntarily reduce herself to an income level of below \$7,000 in this day of rising food costs, rising housing costs, and rising costs in every other area of our lives.

Now, this amendment was prepared after listening to all of the objections to this bill. I am terrified to think that this House is going to be so disloyal to those ladies who have served the State of Maine as the First Lady of the State of Maine as to deny passage of this amendment. I see no valid legal objection to this amendment, and I would urge that it be adopted. I would urge every member of this House to vote against indefinite postponement and, Mr. Speaker, when the vote is taken I would request a division.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I really regret hearing my very good friend from Cumberland, Mr. Richardson, use such striking and terrifying language. I think that all of us here are duty-bound to protect the taxpayers of the State of Maine.

Now, if we're going to show special consideration to a special class of people—so be it, but let this House do it on unemotional grounds. If they feel that what Mr. Richardson says is correct and what I have said is absurd, then so be it. I'm not one to talk in terms of absurdity as many of you know. I've tried to discuss this measure on the merits, the way that it's drawn, I don't think it is very sound legally. If my good friend the gentleman from Cumberland, Mr. Richardson, thinks

it's very sound legally, he's of course entitled to his opinion. And solely on the way that this has been drafted, solely on the basis of a lawyer-like objection, I feel that I'm going to be forced to vote against this amendment.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that House Amendment "B" be indefinitely postponed.

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

Mr. McMANN: Mr. Speaker, I ask for a roll call vote.

The SPEAKER: A roll call is 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 Houlton, Mr. Berman, that House Amendment "B" be indefinitely postponed. All those in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Berman, Boudreau, Bourgoin, Bragdon, Bunker, Carey, Carrier, Conley, Crockett, Crommett, Crosby, Dennett, Drigotas, Dunn, Evans, Fecteau, Fortier, Foster, Gauthier, Harnois, Harriman, Harvey, Hawes, Henley, Hennessy, Hichens, Huber, Hunter, Keyte, Label, Levesque, Lincoln, Littlefield, Miliano, Nadeau, J. F. R.; Philbrook, Prince, Richardson, G. A.; Robinson, Rocheleau, Sahagian, Sawyer, Williams, Wood.

NAY — Allen, Baker, E. B.; Baker, R. E.; Bedard, Belanger, Beliveau, Benson, Birt, Brown, Burnham, Champagne, Cornell, Cote, Cottrell, Curran, Cushing, Darey, D r u m m o n d, Edwards, Eustis, Ewer, Farrington, Fraser.

Gaudreau, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Haynes, Healy, Hewes, Hoover, Humphrey, I m m o n e n, Jalbert, Jameson, Kyes, Lewin, Lewis, Lowery, Maddox, Martin, McMan, McNally, Meisner, Mosher, Nadreau, N. L.; Pendergast, Pike, Quinn, Richardson, H. L.; Rideout, Robertson, Ross, Roy, Scott, C. F.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Sullivan, Susi, Tanguay, Thompson, Trask, Truman, Waltz, Watts, Wheeler, White.

ABSENT — Bernard, Binnette, Bradstreet, Brennan, Buck, Carroll, Carswell, Clark, Cookson, Couture, D'Alfonso, Danton, Dickinson, Dudley, Durgin, Fuller, Gill, Giroux, Hinds, H o d g k i n s, Janelle, Jewell, Kilroy, Lycette, Minkowsky, Noyes, P a y s o n, Porter, Quimby, Rackliff, Scott, G. W.; Scribner, Starbird, Townsend, Wight.

Yes, 44; No, 71; Absent 35.

The SPEAKER: Forty-four having voted in the affirmative and seventy-one having voted in the negative, the motion to indefinitely postpone House Amendment "B" does not prevail.

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

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

An Act relating to Eligibility for Office of Bank Commissioner (S. P. 632) (L. D. 1633)

Tabled — May 18, by Mr. Robertson of Brewer.

Pending — Passage to be enacted.

On motion of Mr. Hennessey of West Bath, retabled pending passage to be enacted and specially assigned for Wednesday, May 24.

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

An Act relating to Suspensions Ordered by the Hearing Commissioner (H. P. 269) (L. D. 390)

Tabled — May 18, by Mr. Dennett of Kittery.

Pending — Passage to be enacted.

On motion of Mr. Berman of Houlton, retabled pending passage to be enacted and specially assigned for Wednesday, May 24.

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

An Act Providing for Action in Aid to Dependent Children Cases Involving Fraud (H. P. 672) (L. D. 944)

Tabled — May 18, by Mr. Hennessey of West Bath.

Pending — Passage to be enacted.

On motion of Mr. Hennessey of West Bath, retabled pending passage to be enacted and specially assigned for tomorrow.

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

SENATE MAJORITY REPORT (7) — Ought to Pass — Committee on Towns and Counties on Bill "An Act to Authorize Lincoln County to Raise Money for Court House Capital Improvements" (S. P. 485) (L. D. 1206) MINORITY REPORT (3) — Ought Not to Pass. (In Senate, passed to be engrossed)

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

Pending — Motion of Mr. Waltz of Waldoboro to accept Minority Report.

Thereupon, Mr. Waltz of Waldoboro was granted permission to withdraw his motion to accept the Minority "Ought not to pass" Report.

On motion of the same gentleman, the House accepted the Majority "Ought to pass" Report in concurrence and the Bill was read twice and assigned for third reading tomorrow.

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

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

Tabled—May 18, by Mr. Hanson of Gardiner.

Pending — Adoption of House Amendment "A" (H-307)

On motion of Mr. Richardson of Cumberland, r e t a b l e d pending adoption of House Amendment "A" and specially assigned for Wednesday, May 24.

The Chair laid before the House the eleventh 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 18, by Mr. Birt of East Millinocket.

Pending—Acceptance.

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

Mr. DAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to substitute the Bill for the Report and would like to briefly address the House on the motion.

The SPEAKER: The gentleman from Livermore Falls, Mr. Darey, moves that the House substitute the Bill for the "Ought not to pass" Report and the gentleman may proceed.

Mr. DAREY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L. D. 1230, appeared to be the only means available to eliminate a most dangerous, unusual, unique and undesirable situation existing in our State, more particularly in Livermore Falls. I know of no comparable situation in the State.

There are two crossings on Main and Depot Streets in the village of Livermore Falls. These are the streets which form the main streets of the village and take care of the traffic from Routes 417, 133, and the continuation of traffic from 106 and Highway No. 2. It is a most dangerous situation in that there have been many fatal accidents at these two crossings. They are blind crossings. The one on Main Street is blocked — the vision is blocked by the bank building and a retain-

ing wall on the further side of the tracks. This bank building is four feet from the south part of the tracks. In addition to that, there's an island in the middle of the street with the signal lights on it, three feet from the north part of the tracks; the retaining wall is four feet from the north side of the tracks so that any vehicle trapped in there is pressed between the locomotive, the bank building or the retaining wall or the island. There are four trains utilizing these crossings each day. These are long trains of eighty, ninety, a hundred and more cars, so that after the first eight cars both crossings are blocked and this creates another hazardous situation in that the fire department and the police department are blocked in that business part of the town. They'd be unable to answer any fire in any other part of the town. That is, they can't go either in the north part of the town, the south part, or the west part, they are blocked right in there. The same is true with the police department. If they have to have a call, they're unable to get out. The same thing is true, should they be out of that business part of the town and there's a catastrophe that should break out, they couldn't get back in to take care of that situation.

Now this applies not only to the people of Livermore Falls and the surrounding communities, but to the people in the entire State of Maine and those using this highway. In fact, the last fatality involved a young lady, a teacher from the town of Freeport; another fatality, a young man from the town of Fayette. And I could go on and on, personal injuries, people maimed, at these crossings. It's true, there's no liability; the signals are working, but the fact remains that the tracks are there and that's what causes the accidents. If those tracks weren't there, there would not be the accidents.

Now, there is a practical solution to eliminate these two crossings in that the tracks approaching from the north part of the town proceed down through the International Paper Company property and it would mean just an extension of

those tracks for a distance of slightly over 1500 feet to connect onto the tracks further down, thereby eliminating both of these crossings. This would mean that the property of the International Paper Company would be utilized. The International Paper Company now are very happy to make this land available to the railroad for this crossing.

At the hearing there was no opposition, it was a well-attended hearing, there were over one hundred people there, and at that hearing there was a petition with over 1,700 names presented asking the elimination of that crossing.

I propose to, or I have submitted an Amendment, House Amendment "A", under filing H-332, which would eliminate any objections to this bill. In the first place, the original bill called for \$30,000 appropriation. We were asked at the hearing if we would be willing to contribute. We had a special town meeting that same night and it was unanimously voted that we would go along and contribute one half. The Committee had a letter from the municipal officers all endorsing and approving this contribution.

The second objection was that any funds made available through the Federal Government would be allocated to the State Highway Department and it was this feature which the State Highway Department objected to.

Now the amendment will eliminate that objection. In fact I have taken this up with Mr. Stevens and he approves this amendment insofar as long as it will not interfere and take away the Federal funds allocated or to be allocated to the State Highway Department, thereby changing any plans which he may have made. It's a very simple matter, contingent upon funds not being chargeable against the State Highway Department. We have eliminated that large objection. So now Mr. Speaker, I'd like to propose House Amendment "A" to the Bill.

The SPEAKER: The Chair would advise the gentleman that the House Amendment "A" will be

pending after the third reading, if this Bill is substituted for the Report, at the next legislative day.

Mr. DAREY: Mr. Speaker, I now move that the Bill be substituted for the Report.

The SPEAKER: The gentleman from Livermore Falls, Mr. Darey, now moves that the House substitute the Bill for the Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I do not rise to oppose the substitution of the Bill for the Report. I do feel that I should explain the position of the Committee in reporting this out unanimous "Ought not to pass." It was the feeling of the Committee, as I think Representative Darey has explained to you, that the people of Livermore Falls had here a very worthy proposal.

It was the feeling of the Appropriations Committee that it should have been handled, and should be handled, by the Highway Department. That was the reason perhaps, the only reason, for our reporting it out as we did. This amendment which Representative Darey will offer does call for \$1500 from the Unappropriated Surplus or General Fund, and I would not object to that to be opposite — it's contingent upon his receiving some \$270,000 of Federal funds, and so all I've got to say is I wish him well in his venture.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was with the gentleman from Livermore Falls, Mr. Darey, when he called upon Commissioner Stevens. I was one of those who reported the bill in its original form "Ought not to pass." I feel this is a worthy project. I too thought at first it should go to the Highway Committee. However, the way the gentleman from Livermore Falls, Mr. Darey, proposes an amendment, I hope that his motion to substitute the Bill for the Report so that he

may be allowed to propose his amendment, prevails.

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

Mr. SCOTT: Mr. Speaker and Members of the House: I'd like to rise and concur with the gentleman from Livermore Falls, Mr. Darey. The Town of Livermore Falls is one of the most progressive small communities in the State of Maine. The income from new industry alone amounts to many hundreds of thousands of dollars. This situation is very dangerous, as Mr. Darey has pointed out, in that it

cuts off the firehouse and police station, and there's plenty of room in the rear of the stores for this new track. In fact, there is a spur track up there partially now, so I would urge your support of reconsideration of this bill.

Thereupon, the Bill was substituted for the "Ought not to pass" Report, and the Bill read twice and tomorrow assigned for third reading.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.