

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

Friday, June 2, 1967

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

Prayer by the Rev. Mr. Victor P. Musk of Augusta.

The journal of yesterday was read and approved.

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

Report of the Committee on Industrial and Recreational Development on Bill "An Act Creating a State Park Wildlife and Conservation Area Along Penobscot River Lying Between Old Town Dam and Howland Dam" (S. P. 501) (L. D. 1216) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

**Ought Not to Pass
Covered by Other Legislation**

Report of the Committee on Legal Affairs on Bill "An Act Increasing Salary of Mayor and Councilmen and Relating to City Council of City of Biddeford" (S. P. 111) (L. D. 182) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Appeals from Juvenile Court Proceedings" (S. P. 319) (L. D. 842) 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 the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act relating to Tandem Trailers" (S. P. 157) (L. D. 328)

Report was signed by the following members:

Messrs. FERGUSON of Oxford
ROSS of Piscataquis
GREELEY of Waldo
— of the Senate.

Messrs. CROCKETT of Freeport
NADEAU of Biddeford
McNALLY of Ellsworth
DUDLEY of Enfield
WALTZ of Waldoboro
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 595) (L. D. 1573) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WOOD of Brooks
BURNHAM of Naples
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. WOOD: Mr. Speaker and Members of the House: I want to move that we accept the Minority Report and speak to the motion.

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

The gentleman may proceed.

Mr. WOOD: Mr. Speaker and Members of the House: We have before us kind of a unique situation here. We have a bill L.D. 328 come out of the Committee signed "Ought not to pass" by eight members of the Committee. We have a new draft, L. D. 1573, before us now that I believe removes most all of the objections that the other bill had in the Committee. I believe that this legislation before

us today is one of the most progressive pieces of legislation that could possibly come before us at this time.

I believe it would help the manufacturers be more competitive with the northern states because of lower shipping costs, and accomplish this without adding one more pound of weight to our trucks.

The so-called double bottom bill, a combination of 65 feet are endorsed by the United States Bureau of Public Roads, The American Association of State Highway Officials, and in 1964 the United States Department of Commerce submitted a detailed study to Congress on maximum desirable dimensions and weights of vehicles operating under the federal highway system. This study prepared by the United States Bureau of Public Roads approved the use of doubles and a length of 65 feet overall for interstate roads.

In the discussion of its side recommendations the federal report noted that modern dimensions are needed to make full and efficient use of our highways. The use of 65 foot doubles, double units, was also approved by the American Association of State Highway officials. This organization composed of highway commissioners, directors and engineers of all state highway departments recommended doubles in its latest policy statement entitled "Policy on Maximum Dimensions and Weights of Motor Vehicles to be Operated over our Highways of the United States."

One truck-tractor semi-trailer may haul one complete trailer and no such combination of vehicles including any load thereon shall have an overall weight inclusive of front and rear bumpers in excess of 65 feet.

The Maine Truck Owners Association states that it is the purpose and intent of its policy to promote efficiency and economy in both the intrastate and interstate operation of motor vehicles.

Now ladies and gentlemen, the truck industry is one of our largest industries in the State of Maine, and the trucking industry like any other industry must improve its services to the people

that it serves, and I believe that it is our duty as Legislators to assist progress for the good of our state.

Now this new draft eliminates two of the strongest objections to be heard before our committee. One objection was that these semi—these double bottom trailers would be travelling over two-lane roads as part of our interstate system now is composed of two-lane roads. This eliminates that, and the bill reads they shall be operated only on four-lane access highways. Another objection was that they would be hazardous in our cities and towns. This draft also eliminates that. They can travel in the cities to the trucking terminals only by permission of the city officials, otherwise they would have to break them down and go in with one trailer. Now we talk very strongly of getting industry into the State and helping our existing industries, and I believe at this time we have a piece of legislation before us that will assist one of our largest industries to better serve the State of Maine and lower their rates to help all of our other industries in the State.

Now I hope this minority report will receive the support of this House because I believe that it is something that will be of great benefit to the State. Thank you.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: I would like to point out that the operation of double bottoms in Maine will not add one more extra pound of weight to our highways. As a matter of fact, it will result in less truck traffic over our principal routes. First of all, we have to consider that we have a maximum gross vehicle weight in the State of Maine of 73,280 pounds on a 5-axle combination. Since both the 65-foot doubles and the standard 55-foot tractor semitrailer operate on five axles, the weight limitations are the same. However, the 65-foot doubles has one-third more cubic loading capacity; therefore it is obvious that three 65-foot doubles can haul the same volume of freight as four 55-foot tractor semitrailers. The result is there

will be a lesser number of trucks and fewer axles rolling over the highway to handle the same volume of freight, which of course would mean less wear on our roads and bridges.

If Maine is to progress and its industries are to compete with those of other New England states, then we must recognize that the passage of this type of legislation is most important to the overall economy of our state.

34 states currently use doubles. One of the towns that I represent is quite isolated as far as transportation is concerned, and they have several growing industries that are vitally interested in this bill.

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

Mr. PRINCE: Mr. Speaker and Members of the House: I would like to concur with the former speakers on this bill.

Each year Maine communities are becoming increasingly dependent on trucks for freight transportation. Transportation is one of the more vital factors affecting Maine's economic growth and progress. The availability of high quality transportation service to the prosperity and economy of our state is so well known that it needs no elaboration.

The Maine Trucking industry employs over fifty thousand people in Maine and is seeking authority to operate vehicles commonly termed as double bottoms. Employing over fifty thousand men in the State of Maine is a very important factor for me to consider and I can see no harm in the use of double bottoms so-called, and I hope that you will support the "Ought to pass" Report.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I just want to get one thing clear in my mind. I'd like to ask this question. Those double bottoms, the length of them from what has been said, they take up less length than a lot of these single trucks. Is that correct or not? Whoever chooses to answer that one.

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

Mr. MARTIN: Mr. Speaker, perhaps in answer to the question posed by the gentleman from Portland, Mr. Sullivan, it is my understanding that the so-called double bottom trailers would be two 27 foot long trailers, as compared to the present 40 foot semi-trailers; so in essence the 54 feet is more than the forty, but it is of course much less than the single one forty foot semi-trailer.

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

Mr. QUINN: Mr. Speaker, when this bill first appeared in the Legislature, I had a tendency of being opposed to it, but after I analyzed the amendment I think it is going to improve the situation particularly in the cities. I find that a lot of the big trucks, particularly in Bangor where many of the streets are narrow, in making their swing, a right-angle swing, they take up the whole corner in making their swing, that's the conventional forty to forty-five foot vehicle. Double bottoms have been confined to the turnpike and go only a limited distance off of the turnpike, and I think that we should say something more about that before this bill is finally disposed of, will be of benefit when they get into the community because then they can break down the double bottom and make their deliveries with the single unit which is only about twenty-seven feet long and they will make the turns around the corner much easier in making their city deliveries, and that will be an improvement on the way those big trucks are acting today, so now that the bill has been amended, I am in favor of it.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Waltz.

Mr. WALTZ: Mr. Speaker, Ladies and Gentlemen: Reluctantly I rise in opposition to the thinking of three very good friends of mine

as they have expressed it to you. I have no desire to prolong this debate because I think with the weather as it is today, most of us are anxious to get home and get out of doors.

I suspect that insofar as the membership of this House is concerned that you have been better informed on certainly one approach to this bill by an extremely active and a very friendly lobbyist group. We certainly on the Highway Committee had a tremendous amount of material given to us. Perhaps we were less fortunate than the rest of you in that we were apparently the focal point for this. In spite of all the material given to us, I would like to point out that eighty percent of the membership of the Highway Committee voted against this bill.

It was pointed out in the committee hearing that if this bill went through, the overall length of this particular truck would amount to 65 feet. They also admitted that this arrangement would permit them to carry a 27% more freight than what they could in their present arrangement. Perhaps I am getting somewhat along in years but I admit to you that every time I have occasion to meet or to pass one of the present 54 or 55 feet trucks on the road, I become somewhat jittery, and I'll admit that many of my friends perhaps mostly of my age group have likewise expressed that feeling to me. At the committee hearing, which was very well represented both pro and con, I was somewhat intrigued by the expressions of two or three organizations that were active in the transportation field, and I cite the Maine Automobile Association, the Maine Municipal Association, who by and large were in opposition to it. I think that sometime in the future this thing may develop. I would like to further point out to you at the present time in the New England states both New Hampshire and Massachusetts permit the use of these tandem trailers so-called. However, insofar as New Hampshire is concerned, they are only permitted up to 54 feet. Massachusetts permits them on their through ways. I don't be-

lieve that this particular bill at the moment will be appreciated by the rank and file of the people in our state. I have no particular wish to urge any of you to vote either for or against this bill. I do feel that you wouldn't go far wrong in going along with the report of the Senate in accepting the majority ought not to pass report. When it comes time to vote on this, I would like to ask for a division.

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

Mr. SNOWE: The Speaker and Members of the House: I hope you will vote in favor of the motion of the gentleman from Brooks and accept the minority ought to pass report. I understand that thirty-six states now allow for tandem trailers. Therefore, I feel this would be progress for the State of Maine. I have received no letters urging me to vote against this legislation. This was a campaign issue in my election last February. I was elected, so I assume my constituents want this passed.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Miliano.

Mr. MILIANO: Mr. Speaker and Members of the House: One of the prime economies of double operations lies in the nature of the equipment itself. The use of two relatively short semi-trailers permit efficiencies not possible with single semi-trailer units. For example: One tractor may draw two different types of semi-trailers in doubles operation. One unit may be for dry freight, while the other is refrigerated, or a flat bed trailer may be coupled with an open top.

The short doubles trailer is also much easier to load and unload. Time spent at a loading dock is reduced with an accompanying decrease in terminal congestion and costs. There is also a reduction in cargo handling which, of course, means less damage and less cost. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker and Ladies and Gentleman of the

House: I have listened with quite a lot of interest to the debate on this double bottom bill and there is one thing that has surprised me somewhat and that is the fact that a great many people think this is something new in the trucking industry, but it brings back to my mind the fact that some of us had the occasion to travel the autobahns in Germany in the early 1940's and we learned and saw that they had been used there for some time previously to that, and I can say that they were quite efficient, and I heartily endorse the motion to accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of this House: I come from an industrial city not too large, but they have to have eighty percent of their materials, raw materials, manufactured materials handled by the trucking industry, and I believe that if this bill is passed it will perhaps help them on their costs to manufacture their goods at a less price than they have to get now.

As far as this is concerned, I don't think it will be a detriment to us from what I can gather. These double bottoms are only about eight foot longer than the present boxcars that are on the road, so therefore I am highly in favor of the minority report.

Mr. Snowe of Auburn requested a roll call.

The SPEAKER: A roll call has been requested. The Chair recognizes the gentleman from Naples, Mr. Burnham.

Mr. BURNHAM: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Highway Committee that signed the minority ought to pass report I would like to go on record as in favor of this bill. I think it is really progressive legislation. As a person that has always felt that transportation was one of the major problems in this State, when I say transportation I mean trucks, rails and air. I think that anything we can do to better our transportation system is for the good of the State

and I am highly in favor of this bill. Thank you.

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

Mr. WOOD: Mr. Speaker, I want to mention two things that my good friend from Waldoboro brought up. He mentioned that this would allow the trucks to haul 27% more freight. This doesn't mean any more weight than they are hauling now, but with these two 27 foot boxes it will give them a chance to move two different classes of freight I believe in better conditions. If they are hauling food that needs to be kept warm or food that needs to be kept cold they can store it in one without piling other boxes of freight over the top of them and it will be easier for unloading freight in different places and we know that almost everything that is hauled on the road is lighter than it was a few years ago, all of our appliances are lighter; we have large boxes of different freight that weigh practically nothing but still takes up a lot of room.

The other thing is Mr. Waltz seems to be concerned about meeting these trucks on the road. These trucks are confined to four-lane highways, I can't see how you will ever meet them on the road, you can come up behind them and pass them if you want to, but there would be no problem when it comes to meeting these trucks.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker, I signed the majority ought not to pass report and I wish to go on record as to some of the reasons why. Now this is a typical letter that I received from down in our district, and it says,—“As a representative from Hancock County on the Legislative Committee on Highways, we urge that you oppose a bill now before this committee to authorize the operation of double trailers on Maine highways. The present trailer trucks are not only an annoyance but where passage is necessary a serious risk.”

Now I felt besides receiving more than twenty private individual let-

ters that perhaps the people of Maine hadn't been educated at this time for that, but here a short while ago — I am going to pose a question through the Chair to anybody that cares to answer, am I the only one that read it in the newspaper that this particular bill got clear onto the Governor's desk in Iowa and then was removed and killed?

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

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

Mrs. CARSWELL: Mr. Speaker, I am not standing to answer the question of the gentleman from Ellsworth, Mr. McNally, but I would like to give a little speech on this bill, and I think I can speak from experience. I travelled across the country from Maine to California twice by car and then I took another trip out to St. Louis. At one time I had four ladies with me, they were going to a convention, and one lady was eighty years old. Well anytime that we passed a double bottom, and I know very well what they look like because they call some of them a snubnose which is a cab over engine, anytime I passed them I didn't see the little lady that was eighty years old shudder or even say ooh, you know? She wasn't a bit nervous, and neither was I.

The truck drivers are very very well trained most of them, and those that aren't are recognized as cowboys and they don't keep their jobs very long. At one time I was in the trucking business and as I said before, I can speak from experience, I was in the business for about ten years and to get back to the safety feature, I don't really and truly think that we have anything to fear because we are not going to be faced with five, six or seven of these double bottoms on the turnpike at any one time for a long long time to come and then I don't think you will find even two or three on the turnpike at one time. Thank you.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: There has always been a very strong tendency here in the State of Maine to say yes, we agree, but, later on. I am in favor of this, strongly in favor of that minority report, and some individuals when they get up here make certain intimations. There has never to the best of my knowledge and belief in these thirty-six states that have these so-called double bottoms they have never been the cause of any accident. Now it's about time in my opinion that this State instead of always saying well, at the next session, and then at the next session they always or many of them are inclined to say at the next session. That's a lot of hooley. Let's go on the basis of what the State of Maine means, we lead; in most instances we don't lead, we follow along years after certain things are done in other states. Now I am strongly for this minority report. Thank you.

Mr. Quinn of Bangor moved the previous question.

The SPEAKER: For the Chair to entertain a 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.

82 voted in the affirmative and 27 voted in the negative.

The SPEAKER: A sufficient number having expressed a desire for the previous question, the previous question is entertained. The question now before the House is, shall the main question be put now. This question is debatable for no more than five minutes by any one member. All those in favor of the main question being put now will say yes, those opposed, no.

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

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. All 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 Brooks, Mr. Wood, that the House accept the Minority "Ought to pass" Report on Bill "An Act relating to Tandem Trailers" S. P. 595, L. D. 1573 in non-concurrence. All of those in favor of the acceptance of the minority ought to pass report will vote yes, those opposed will vote no and the Chair will open the vote.

ROLL CALL

YEA — Baker, E. B.; Baker, R. E.; Bedard, Bernard, Binnette, Boudreau, Bourgoin, Brown, Burnham, Carroll, Carswell, Champagne, Clark, Cookson, Cote, Cottrell, Couture, Crommett, Crosby, Cushing, Drigotas, Drummond, Dudley, Durgin, Edwards, Evans, Fecteau, Fraser, Gauthier, Giroux, Hall, Hanson, P. K.; Harnois, Harri-man, Hawes, Healy, Henley, Hennessey, Hoover, Jameson, Keyte, Kyes, Lebel, Levesque, Lewis, Lincoln, Littlefield, Lycette, Martin, Miliano, Nadeau, J. F. R.; Prince, Quinn, Rideout, Rocheleau, Sahagian, Scribner, Shaw, Shute, Snowe, P.; Soulas, Sullivan, Thompson, Watts, White, Wood.

NAY — Ailen, Belanger, Beliveau, Benson, Berman, Birt, Bragdon, Brennan, Carey, Carrier, Conley, Cornell, Crockett, Curran, Danton, Dennett, Dickinson, Dunn, Eustis, Ewer, Farrington, Fortier, Foster, Fuller, Hanson, B. B.; Hanson, H. L.; Haynes, Hewes, Hichens, Hinds, Hodgkins, Huber, Humphrey, Hunter, Immonen, Janelle, Jewell, Lewin, Maddox, McMann, McNally, Meisner, Minkowsky, Mosher, Nadeau, N. L.; Philbrook, Pike, Porter, Rackliff, Richardson, G. A.; Richardson, H. L.; Robertson, Robinson, Ross, Sawyer, Scott, C. F.; Scott, G. W.; Starbird, Susi, Trask, Waltz, Wheeler, Williams.

ABSENT — Bradstreet, Buck, Bunker, D'Alfonso, Darey, Gaudreau, Gill, Harvey, Jalbert, Kil-

roy, Noyes, Payson, Pendergast, Quimby, Roy, Snow, P. J.; Tanguay, Townsend, Truman, Wight.

Yes, 66; No, 63; Absent, 20.

The SPEAKER: The Chair will announce the vote. Sixty-six having voted in the affirmative, sixty-three having voted in the negative, with twenty-one being absent, the motion does prevail.

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

Special Order of the Day Tabled and Assigned

The Chair laid before the House the Special Order of the Day set for ten o'clock this morning:

Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1968 and June 30, 1969" S.P. 597, L.D. 1575.

The SPEAKER: The pending question is further consideration. The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that this be assigned as a special order of the day for eleven o'clock, Monday morning, June 5.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that this matter be tabled and specially assigned as a special order of the day for eleven o'clock on Monday, June 5. Is there objection?

There is objection.

Mr. McMann of Bath requested a division.

The SPEAKER: This requires the suspension of the rules, and to suspend the rules we must have a two-thirds vote. All of those in favor of suspending the rules will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

74 having voted in the affirmative and 45 having voted in the negative, 74 being less than two-thirds, the rules were not suspended.

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

Mr. RICHARDSON: Mr. Speaker, I move that this matter lie on the

table until Monday, June 5 and I request a division.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that this matter be tabled until Monday, June 5. All those in favor will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken. 119 having voted in the affirmative and 3 having voted in the negative, the tabling motion did prevail.

Order out of Order

On motion of Mr. McMann of Bath, it was

ORDERED, that Gerald Wilson, Virginia Anderson and Brian Bronson of Bath be appointed to serve as Honorary Pages for today.

Whereupon, the Honorary Pages were escorted to the Well of the Hall of the House by the Sergeant-at-Arms amid applause.

Final Reports

Final Reports of the following Joint Standing Committees:

Agriculture

Legal Affairs

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years (S. P. 599) (L. D. 1580) which failed on final passage in the House on May 9.

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

In the House:

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

Mr. DENNETT: Mr. Speaker, I moves that the House adhere.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, now moves that the House adhere.

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

Mr. STARBIRD: Mr. Speaker, I move the House recede and concur.

The SPEAKER: The pending motion now is the motion of the gentleman from Kingman Township, Mr. Starbird, that the House recede and concur with the Senate.

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

Mr. DENNETT: Mr. Speaker, I rise in opposition to the motion made by the gentleman from Kingman Township, Mr. Starbird. Why? When this bill first came into the House in its original form I deemed this an honest bill. I frankly think that this bill as amended is mentally dishonest. I cannot conceive of giving the responsibilities, the right to vote to any group and then deny them any one single privilege, regardless of what it is. To my mind, this must confer upon them the free rights of the citizen right across the board with no exceptions.

Again, I cannot conceive that this legislature in any manner, in any manner whatsoever, would attempt to create a degree of junior or even second class citizenship, and for that reason, I feel that I cannot, that I will not compromise any principles in accepting a bill in any legislation of this nature, and I urge, I urge you very strongly that you vote against the motion to recede and concur and when the vote is taken, I ask for a division.

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

Mr. STARBIRD: Mr. Speaker, in answer to some of the objections raised by Mr. Dennett from Kittery, there are at the present time I believe four states that allow voting at ages younger than twenty-one. I understand one of these states grants full adult privileges at this lower age, but the other three simply allow voting.

The fact that a person may have some of the privileges of full maturity and not others is a fact that I think is already imbedded in our law. We allow persons to marry under the age of twenty-one. In the case of women, we allow them to marry at eighteen without their parents consent and there are some

states that allow both men and women to marry at ages under the age of twenty-one without their parents consent, so this in effect gives them some adult privileges and not others.

There are I believe some states, I am not certain whether this state does or not, but there are some states at least that allow people under twenty-one to make wills if they are in danger of death if they own property. So these are two items at least that I can think of off-hand, and there may be others, so I can see no valid reason why we should not give some rights and deny others if the case warrants it.

I was willing to go along with the full adult privileges; I see no reason why we should not, but it seems that some people feel we should not, but they feel we should allow them the adult privilege of voting at the age of twenty, and I am willing on my part to allow one privilege and deny the other if a majority or two-thirds of this House wills it that way. I will hope that everyone in this House will go along with me this morning and vote for this bill as amended because I think it is a tremendous advance in the thinking; I think it is a tremendous help, and I think that many many of our young people do want it regardless of what has been said.

There have been polls taken in various high schools over this state and although some of them I know have come out a majority of the students did not want this privilege, but there are others that do. I know in my own high school, one high school that I polled some time ago there was quite a large majority did want this change, they were for it.

Now of course we don't — I am not going to go along with everything a teenager wants just because he wants it, but I think this is a valuable change and I think most of our young people at twenty are just as capable of exercising the franchise as we who sit here and perhaps there are some people who have grown to a very ancient age and are not as capable as some of these young people. I

don't think age is any criteria for the right to vote.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I wholeheartedly concur with the gentleman from Kittery, Mr. Dennett. I see no need to vote just for the sake of a change. I don't see any cry for this from the very people that are concerned, and I have been a Legislator here for some time and I have never had from my area anyone, matter of fact the last vote we had in this House I had several letters from the University of Maine admiring my stand on this very issue. Some of them did take issue about something I said about long hair because they said they had a very short haircut, but they did agree with the principle of not lowering the voting age, and having been a selectman in a small town, now you understand this is much different than a city or even a town where you have a city council and they raise the money, but this creates a very different situation in a small town of which I represent many at your local level of town meeting. This causes a lot of concern to those people that are running or trying to run municipal government today hard pressed for funds as they are, and I hope that we will not recede and concur, that we will eventually adhere to our former action.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Kingman Township, Mr. Starbird, that the House recede and concur. A vote has been requested.

Mr. Conley of Portland requested a roll call.

The SPEAKER: For the Chair to order a roll call it must have the expressed desire of one fifth of the members present. All 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 Kingman Township, Mr. Starbird, that the House recede and concur on Resolve Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years, Senate Paper 599, L. D. 1580. If you are in favor of receding and concurring you will vote yes, if you are opposed you will vote no and the Chair opens the vote.

ROLL CALL

YEA — Bedard, Beliveau Bernard, Binnette, Boudreau, Bourgoin, Brennan, Brown, Carey, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Curran, Danton, Drigotas, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Harnois, Healey, Hennessey, Hewes, Hunter, Keyte, Kyes, Lebel, Levesque, Martin, McMann, Nadeau, J. F. R.; Pendergast, Scribner, Snowe, P.; Starbird, Sullivan, Tanguay, Truman, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Belanger, Benson, Berman, Birt, Bragdon, Burnham, Carrier, Clark, Cookson, Cornell, Couture, Crockett, Crommett, Crosby, Cushing, Dennett, Dickinson, Drummond, Dudley, Dunn, Durgin, Edwards, Eustis, Evans, Ewer, Farrington, Foster, Fuller, Gill, Giroux, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jameson, Jannelle, Jewell, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McNally, Meisner, Milano, Minkowsky, Mosher, Nadeau, N. L.; Philbrook, Pike, Porter, Prince, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Soulas, Susi, Thompson, Trask, Waltz, Watts, White, Williams, Wood.

ABSENT — Bradstreet, Buck, Bunker, D'Alfonso, Darey, Harvey, Jalbert, Kilroy, Noyes, Payson, Quimby, Roy, Sawyer, Townsend, Wight.

Yes, 43; No, 91; Absent, 15.

The SPEAKER: The Chair will announce the vote. Forty-three having voted in the affirmative and ninety-one having voted in the negative with fifteen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

Order out of Order

On motion of Mr. Gill of South Portland, it was

ORDERED, that Nancy, Richard, James, Anne and Carolyn Hewes of Cape Elizabeth be appointed to serve as Honorary Pages for today.

Whereupon, the Honorary Pages were escorted to the Well of the Hall of the House by the Sergeant-at-Arms amid applause.

The SPEAKER: The five little Hewes children who will be serving as Honorary Pages today are the children of Representative Richard D. Hewes of Cape Elizabeth. They are accompanied here to the State House by their mother Betsy S. Hewes and their Maternal Grandfather, Frederick D. Shaw who is seated in the Balcony.

On behalf of Representative Hewes and the membership of this House, the Chair extends to Mrs. Hewes and her father a very warm welcome. (Applause)

Non-Concurrent Matter

An Act Changing the Foundation Program Per Pupil Allowances (S. P. 638) (L. D. 1642) which was passed to be enacted in the House on May 19 and passed to be engrossed on May 16.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Revising the Laws Relating to Guides under Fish and Game Laws" (H. P. 356) (L. D. 503) on which the House accepted the Minority "Ought to pass" Report of the Committee on Inland Fisheries and Game and passed the Bill to be engrossed on May 26.

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

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

Non-Concurrent Matter

Bill "An Act relating to Wages Paid for Benefits and Eligibility under Employment Security Law" (H. P. 515) (L. D. 728) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on May 17.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Raymond, Mr. Durgin, moves that the House recede and concur.

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

Mr. EWER: Mr. Speaker, in regard to the motion of the gentleman from Raymond, Mr. Durgin, I hope the House will not accept his motion. This measure was considered very carefully. It was a bill sent up by the Employment Commission and they have several objections to this amendment. The first is largely because of the elimination of the prerogative of the commission to prescribe proper regulations when needed to fulfill their responsibilities. Section 1082.2 provides: Regulations.

"The Commission shall make, amend or rescind after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable regulations as required by this chapter."

During the years they have adopted some twenty pages of regulations in regard to the administration of this law, and they feel that due to the changes made by the last session of the Legislature that this matter should be left flexible for the time being.

The Commission has purchased a computer and expects to put it in operation very soon. By that time they would be able to perform many more services in connection with their operation. The Commission decided to require quarterly wage reporting by employers with a time limit of either seven or ten days, and there has been a Senate Amendment to this bill to change it from ten to seven days.

Another change in the amendment which I don't feel particularly happy about is changing the wording from "other unavoidable accident" to "other unavoidable incident." It's presenting administrative problems because of the definition of the two words. An incident would be excessively broad as a definition, but accident is more clearly defined and could be deemed to be an act of God and unavoidable, such as flood, fire, illness and so forth.

There are at the present time some 41 states that require wage detail reports for each quarter and including the District of Columbia and the Commonwealth of Puerto Rico as states, would make a total of 52 instead of the 50 that are actually states. There are only eleven that are not involved in this quarterly payroll reporting business.

The majority of the Commission feels that the passage of this amendment would slow down their handling of claims, and they feel it would be a bad amendment in all. I hope you will not go along with the motion of the gentleman from Raymond. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: My amendment deals with a technical aspect of the Employment Security Law—the time when an employer must report to the commission the wages he pays to his employees.

Under the present law the Commission requires all subject employers to report all wages paid to all employees each quarter of the year. The only exception is that

wages over \$4,000 a quarter or \$16,000 a year need not be reported.

My amendment would require an employer to report wages paid only as to former employees who are filing a claim for unemployment benefits. It would free the subject employer who is cooperating with the Employment Security Commission from the burden of filing every three months reports on the wages of those working with him right along. Also, if my amendment passes, the employer and his employees need not be concerned about the information as to their specific wages ever being used against them. All this could be done without jeopardizing the prompt payment to the claimant.

This amendment has the approval of one member of the Commission who reports that it would have the added benefit of saving the Commission sixteen to eighteen thousand dollars a year in salaries of personnel required to process the quarterly reports.

I would hope that you would accept the motion to recede and concur. Thank you. I ask for a division.

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

Mr. ROSS: Mr. Speaker and Members of the House: I favor the motion to recede and concur.

I, in the past served on the Labor Committee for some six years, at one time, both House Chairman and Senate Chairman. I realize the complications and problems they faced and the technicalities that are involved when we attempt to change the Employment Security Law or the Workmen's Compensation Law, but today this appears to be an excellent amendment.

Now normally we pass legislation here that poses an added burden on the paper work of the businessman. For once, today, we are attempting to do something to lessen this burden. I favored the bill as originally reported out unanimously; I now feel that this amendment makes it even better, and I am delighted to concur with the gentleman from Raymond, Mr. Durgin.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I have never been an employer—I know nothing of the paper work involved in keeping the record for employees, but I have been given to understand that it's quite voluminous and anything that we can do that is going to ease the burden on the employer I think will be applauded at the home front.

I do represent an area that has several, not large, manufacturing concerns. I have before me three letters from such concerns; one of them is a fair-sized concern Wilton Wood Products, another one is C. B. Cummings and Son, recently was the largest doll manufacturers in the world. Another one is Robinson Manufacturing—they're all in my area and without exception, they all applaud amendment "A" to House Paper 515, L. D. 728. They all three state that it would save them on paper work. They urge me to support this bill and amendment, so with no thorough knowledge, myself, but representing my constituents I will thoroughly support Mr. Durgin's recommendation.

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

Mr. EWER: Mr. Speaker, just one more point. It is my understanding as far as paper work is concerned that employees at present have to file a quarterly report with the Federal people in regard to their wages and payrolls, and all they would have to do under this bill without the amendment would be to send a copy of that to the Commission.

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

Mr. GILL: Mr. Speaker and Members of the House: I'd like to correct a statement that was just made by the gentleman from Bangor, Mr. Ewer.

I would like to state that his statement that all you'd have to do is make a copy and send it to the division of Maine Employment Security Commission is not correct. They provide you, among

many other forms which you have to fill out and send in, a special form which has a penalty of ten dollars for late filing of this form. I am not supporting Mr. Durgin's decision for this particular reason, but especially during the legislative sessions I am particularly aware of the penalty in filing—the late filings of a great number of the forms that are required by the State.

I understand that the statement has been made in the area of the State House, that they have a new computer machine down in the Employment Security Commission, and this would be a wonderful use to put this, to have this particular report, and for this reason I support the gentleman from Raymond, Mr. Durgin, but I feel that without this form which is not something that is needed they would be able to release their new computer machine for some other purpose.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Raymond, Mr. Durgin, that the House recede from its former action and concur with the Senate. The Chair will order a vote. All in favor will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

108 having voted in the affirmative and 14 having voted in the negative, the motion to recede and concur did prevail.

Order Out of Order

On motion of Mr. Eustis of Dixfield, it was

ORDERED, that Kim Finethy Brenda Longway and Kay Lavoie of Dixfield be appointed to serve as Honorary Pages for today.

Whereupon, the Honorary Pages were escorted to the Well of the House by the Sergeant-at-Arms amid applause.

Mrs. Carswell of Portland was granted unanimous consent to address the House.

Mrs. CARSWELL: Mr. Speaker, I am pleased to announce that it is that time of the year, so I now move that the gentlemen be al-

lowed to remove their coats. (Applause)

The SPEAKER: The Chair would advise the gentlewoman that there is an order prepared for that purpose.

Order Out of Order

On motion of Mrs. Lincoln of Bethel, it was

ORDERED, that the gentlemen of the House are hereby given permission to remove their coats, for the remainder of the session, if they so desire. (Applause)

Order Out of Order

On motion of Mrs. Baker of Orrington, it was

ORDERED, that the Sergeant-at-Arms, Assistant Sergeant-at-Arms, Pages and Doorkeeper be permitted to appear on the floor of the House with their coats removed.

Non-Concurrent Matter

Bill "An Act Creating the Maine Board of Auctioneers" (H. P. 1021) (L. D. 1509) on which the House accepted the Majority "Ought not to pass" Report of the Committee on State Government on May 19.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Burnham.

Mr. BURNHAM: Mr. Speaker and Members of the House: I move that we recede from our former action and concur with the Senate.

The SPEAKER: The gentleman from Naples, Mr. Burnham, moves that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: Now I'm quite concerned over this bill as introduced by the gentleman from Naples, Mr. Burnham, by request. It contains six pages, and everything—almost everything that's in this bill we now have in chapter

five. Now, I've been an auctioneer about thirty-five years and there's not much to being an auctioneer. All you have to do is just take up some kind of an article and hold it high where everybody can see it, and start asking for bids. Of course the trick is to get a person bidding against themselves! I notice over in the other branch one man complained because he paid \$1200 for a rug to put his bare feet on, and he didn't like it, I guess it didn't feel too good to his feet, but he was a lawyer. Now the best ones to get in a group is a lawyer because they can't keep their traps shut! (Applause) Pick out someone that you think is a lawyer and you can get him bidding against themselves. I've had them run up as many as three or four bids right against themselves just because he doesn't seem to know enough to keep his mouth closed.

At the hearing they talked about honesty, because it seemed at one time some auctioneer sold a pair of rosary beads to a Mason. I don't know how you're going to legislate against that.

Another man at the hearing was concerned about their income tax. Well, now if I give the table girl a tip I'm not much concerned whether she declares that when she makes out her income tax or not, I maintain you can't legislate honesty in a person.

As I see it it's just somebody that would like to create another Board—they want a job. Right now any of us could go downstairs here to the Secretary of State's office and get an auctioneer license and, according to the amendment that came in here today, that would be renewed.

Another thing about it that I don't like it costs fifty dollars. Right now it only costs fifteen dollars and ten dollars for renewal, but this way it costs fifty dollars, and this Auctioneer Board will decide whether you ought to have a license or not. Another thing it says you got to have adequate education, and to a person with a Master's Degree that would be the Master's Degree; if they had a Doctor's Degree I suppose it means

a Doctor's Degree. Well, the only thing it takes is just a good loud voice and to get the people kind of mixed up. It's a lot of fun to get a husband bidding against his wife sitting side by side.

Now I come from agrarian culture you know, and that's how I started in being an auctioneer, we have a lot of them out in the country, it's an old profession and it's one of the best professions that I know of because there's no holding back merchandise, you just hold it up and sell it to the highest bidder—it's just as simple as that, and we complain a lot about us losing our trade up here in this country, and I think if we pass this it will be just taking away something else that us country people have, so I hate to go against my dear friend, Mr. Burnham, but it really upsets me that we are taking away another one of the freedoms of our country people.

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Burnham.

Mr. BURNHAM: Mr. Speaker and Members of the House: When I presented this bill before the Committee, there were quite a few proponents to the bill and the only opponent was my good friend from Durham, Mr. Hunter, and he, the reasons that he gave at the hearing were just about the same ones he has given today.

I think this is a good bill, and I think there should be some regulation. Now if a gentleman like Mr. Hunter wishes to hold an auction for charity why they still can, they don't need any license, but I do think that these other auctions where there may be someone out of state or something, I think there should be some control over them and I think this is a good bill and I hope you'll go along with me in this receding and concurring. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Naples, Mr. Burnham, that the House recede from its former action and concur with the Senate. All those in favor will say yes, those opposed say no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, on motion of Mr. Hunter of Durham, the House voted to adhere.

Non-Concurrent Matter

An Act Providing Hospital Insurance Benefits under Social Security Act for State Employees (H. P. 1065) (L. D. 1532) which was passed to be enacted in the House on May 31 and passed to be engrossed as amended by Committee Amendment "A" on May 23.

Came from the Senate indefinitely postponed in non-concurrence.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, June 5, at 10 o'clock in the morning. (S. P. 664)

Came from the Senate read and passed.

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

Orders

The SPEAKER: At this time, the Speaker would appoint the Cumberland County Delegation to attend the services of Representative Lowery which will be held at 1:00 p.m. on Saturday, June 3, at St. Paul's Episcopal Church in Brunswick on Pleasant Street, and the Cumberland County Delegation is the official delegation to attend this service.

The SPEAKER: The House is proceeding under Orders.

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 1118, L. D. 1595.

The SPEAKER: The Chair would advise the gentleman in the affirmative.

Mr. FARRINGTON: Mr. Speaker, I now move that we reconsider this matter and I would like to speak to my motion.

The SPEAKER: The gentleman from China, Mr. Farrington, now moves that the House reconsider its action of yesterday whereby it indefinitely postponed L. D. 1595, Bill "An Act Clarifying the Location of Town Line Between China and Winslow." The gentleman may proceed.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact this morning that the Representative in the House who opposed me on this measure is not present, and that I would like to have this gentleman present while I make my comments, I wish someone would table this until Monday.

Thereupon, on motion of Mr. Binnette of Old Town, the matter was tabled pending reconsideration on a viva voce vote and specially assigned for Monday, June 5.

House Reports of Committees Leave to Withdraw

Covered by Other Legislation
tee on Appropriations and Financial Affairs on Bill "An Act Increasing Pay for State Employees" (H. P. 621) (L. D. 877) reported Leave to Withdraw, as covered by other legislation.

Mr. Bragdon from the Committee Report was read and accepted and sent up for concurrence.

Ought Not to Pass Covered by Other Legislation

Mrs. White from the Committee on Health and Institutional Services on Bill "An Act relating to the Transfer of Incurables from Training Centers to Reformatories" (H. P. 830) (L. D. 1238) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees" (H. P. 258) (L. D. 379) reported same in a new draft (H. P. 1190) (L. D. 1690) under title of "An Act to Provide a Minimum

Wage Plan for State Employees" and that it "Ought to pass"

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

**Ought to Pass with
Committee Amendment**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants" (H. P. 12) (L. D. 24) 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. 12, L. D. 24, Bill, "An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants."

Amend said Bill by inserting at the beginning of the first line the underline abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end thereof the following:

'Sec. 2. Effective Date. This Act shall become effective July 1, 1968.'

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

Mr. Gill from the Committee on Health and Institutional Services on Bill "An Act Revising the Laws relating to the Reformatories for Men and Women" (H. P. 742) (L. D. 1121) 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" being L. D. 1692 was read by the Clerk.

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

Resolution Out of Order

Mr. Scott of Presque Isle presented the following Joint Resolution and moved its adoption.

WHEREAS, in the death on June 1, 1967, of George F. Mahoney, the State of Maine lost a valued public servant and treasured friend; and

WHEREAS, his nationally recognized ability and integrity reflected his deep concern for the public interest and the genuine qualities of character and mind which he possessed; and

WHEREAS, in voicing our sorrow at his death we are echoing the sentiments of all who knew and admired him in public and private life; now, therefore, be it

RESOLVED: That the Members of the One Hundred and Third Legislature of the State of Maine express their heartfelt sympathy to Mrs. George F. Mahoney and their six children; and be it further

RESOLVED: That an engrossed copy of this resolution, signed by the Speaker of the House and the President of the Senate, and duly attested by the Secretary of the Senate, be immediately transmitted by the Secretary of the Senate to Mrs. George F. Mahoney as a small token of our deep sorrow. (H. P. 1192)

The Joint Resolution was received out of order by unanimous consent, read and adopted and, on further motion of Mr. Scott of Presque Isle, sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" On Bill "An Act relating to Municipal Regulation of Community Antennae Television Systems" (H. P. 632) (L. D. 888)

Report was signed by the following members:

Messrs. MILLS of Franklin
HILDRETH

of Cumberland
—of the Senate.

Messrs. DANTON
of Old Orchard Beach
BRENNAN of Portland
FOSTER

of Mechanic Falls
BERMAN of Houlton
—of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by

Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. HARDING of Aroostook
—of the Senate.

Messrs. HEWES of Cape Elizabeth
QUINN of Bangor
DAREY

of Livermore Falls
—of the House.

Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Minority "Ought to pass" Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A"
to H. P. 632, L. D. 888, Bill, "An Act Relating to Municipal Regulation of Community Antennae Television Systems."

Amend said Bill by inserting at the beginning of the first line after the enacting clause the following abbreviation and figure 'Sec. 1.'

Further amend said Bill by inserting after the underlined word "franchise" in the 4th line of that part designated paragraph H (3rd line of L. D. 888) the underlined words 'for a period not to exceed 10 years'

Further amend said Bill by striking out in the 5th, 6th and 7th lines of that part designated paragraph H (4th and 5th lines of L. D. 888) the underlined words "or parts thereof or parts of any system for the transmission of television signals by wire"

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

'Sec. 2. R. S., T. 35, §2301, amended. The first sentence of section 2301 of Title 35 of the Revised Statutes is amended to read as follows:

Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the transmission of television signals by wire, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity or both, for lighting, heating, manufacturing or mechanical purposes, in any city or town, or 2 or more adjoining cities or towns, within

the State, or for either or any of such purposes, may be organized under Title 13, sections 71 to 79.'

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Clarifying the Offense of Procuring Liquor for Certain Persons" (H. P. 845) (L. D. 1253) reporting same in a new draft (H. P. 1191) (L. D. 1691) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. MILLS of Franklin
HILDRETH

of Cumberland
HARDING of Aroostook
—of the Senate.

Messrs. FOSTER

of Mechanic Falls
DAREY

of Livermore Falls
HEWES of Cape Elizabeth
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:

Messrs. DANTON

of Old Orchard Beach
BRENNAN of Portland
BERMAN of Houlton
—of the House.

Reports were read.

On motion of Mr. Shaw of Chelsea, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned for third reading the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to Appointment of the Deputy Secretary of State" (S. P. 142) (L. D. 270)

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 relating to Retirement Benefits for Policemen and

Firemen of the Lewiston Police and Fire Departments under the State Retirement System" (S. P. 568) (L. D. 1438)

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

Mr. MINKOWSKY: Mr. Speaker and Members of the House: Last evening I received eight telephone calls from constituents all voicing great alarm and concern regarding L. D. 1438. One of the callers was the Mayor of the City of Lewiston, the Honorable William Rocheleau, who stated to me that he had just received facts and figures that this bill, if enacted, according to a report received from the Maine State Retirement System, would cost the taxpayers of Lewiston at least one quarter of a million dollars and that within a fifteen to twenty year period this figure would skyrocket to an unreasonable point.

Now in Lewiston, my constituents are primarily mill workers, shoe shop workers, seasonal construction workers and many, many fine retired senior citizens who are property taxpayers and are having one tough time at present to be able to exist, besides the point of paying their property taxes and other necessities.

Now, the above classification are the people I am primarily interested in, not in any one particular group. I respect the Lewiston policemen and firemen, but they must bear in mind that this retirement pension does not come from the Federal Government but from the taxpayers of the City of Lewiston.

In essence, a young man who joins the Police Department or Fire Department at the age of 21 could retire at age 43 on 50% of his base pay after 25 years of service. I would like to remind five of the six Lewiston representatives who are presently property taxpayers and also four of us who have children in public schools or colleges, that this bill will mean at least a two or three mill tax increase. If you believe in doing what is right for your constituency I would suggest that this bill be tabled until June 8, 1967, so that you can get some true pulse feel-

ings of the citizens of Lewiston who must foot this added expense.

Much in the past has been said about home rule. It's about time we start making use of it instead of trying to solve Lewiston's problems here in Augusta. If our present local City officials don't feel that this plan is feasible, and these are the people who administer City affairs in Lewiston, then I suggest again that this bill be tabled until June 8 until further study can be made and our Lewiston citizens better informed on the seriousness of this issue.

Thereupon, on motion of Mr. Cote of Lewiston, tabled pending passage to be engrossed and specially assigned for Tuesday, June 6.

Bill "An Act Providing Funds for Rebuilding the Dam on Ebeeme Lake in Piscataquis County" (S. P. 661) (L. D. 1679)

Bill "An Act Placing State Highway Department Employees on the Merit Service Step System" (S. P. 662) (L. D. 1680)

Bill "An Act relating to Clothing Allowance for Employees of Public Works Department of Lewiston" (H. P. 293) (L. D. 413)

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

Third Reader Tabled and Assigned

Bill "An Act Increasing Salary of Mayor and Councilmen, Reducing the Number of Members on the City Council, Increasing the Term of Office of Mayor, City Council, Board of Police and Board of Education, Wardens and Ward Clerks of the City of Biddeford, Changing Date of Election, and Providing for Electing Civil Service Commission for the Fire Department of the City of Biddeford" (H. P. 1186) (L. D. 1687)

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

(On motion of Mrs. Baker of Orrington, tabled pending passage to be engrossed and specially assigned for Tuesday, June 6.)

Bill "An Act relating to Restoration to Service under State Retirement Law" (H. P. 1187) (L. D. 1688)

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

**Amended Bills
Third Reader
Tabled and Assigned**

Bill "An Act to Create a Maine State Board of Human Research and Development" (H. P. 75) (L. D. 100)

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

On motion of Mrs. Cornell of Orono, the House voted to reconsider its action of yesterday where-by Committee Amendment "A" was adopted.

Thereupon, the same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 75, L. D. 100, Bill, "An Act to Create a Maine State Board of Human Research and Development."

Amend said Amendment in the 3rd line by striking out the figure "\$2,500" and inserting in place thereof the figure '\$25,000'

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

Mrs. CORNELL: Mr. Speaker, I would just like to explain that the reason for the necessity of this House Amendment "A" is to correct a clerical error in the Committee Amendment. Thank you.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: Can we have this amendment explained a little further? This is an act to create another department and the amounts involved here have been \$200,000 and then \$2,500 and now \$25,000. I think a little explanation would be

in order before this bill gets too far on its way.

The SPEAKER: The gentleman from Hampden, Mr. Littlefield, poses a question through the Chair to anyone who may answer if they choose and the Chair recognizes the gentleman from Orono, Mrs. Cornell.

Mrs. CORNELL: Mr. Speaker, in answer to the gentleman's question, this doesn't create a new department, it creates a board consisting mainly of heads of departments and people already working in various fields that are related to the subject of the bill. The money is not for any salaries or anything, it goes specifically to research projects. If this doesn't answer the question, I would suggest that the sponsor of the bill—I don't see him here, I would suggest somebody table this.

As far as the money goes the Committee thought that there ought to be a definite sum put on this bill because the original bill called for ten percent of money which the state is receiving now due to payments made by Medicare to the Department of Mental Health and Corrections, which they never had received before and asked for a percentage to devote to research and final projects; and since this is an indefinite amount and seems to be growing we decided that we would rather have a definite amount on it, and actually it only amounts to one twelfth of one percent of our total expenditures in the State in this field and we did not feel this was an exorbitant fee, the twenty-five thousand. When the Committee amendment was drawn up, a clerical error was made and she drew it up for \$2,500 which of course would amount to nothing, so we added the House amendment to put it back in the Committee recommendation, and it was a unanimous "ought to pass" report. Thank you.

On motion of Mr. Gill of South Portland, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, June 5.

Bill "An Act Increasing Number of Visitors for Maine Maritime Academy" (H. P. 382) (L. D. 529)

Bill "An Act to Change Date of Caucus Election of City of Biddeford" (H. P. 665) (L. D. 920)

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 Indefinitely Postponed

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)

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

Mr. Brennan of Portland, offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 429, L. D. 1083, Bill, "An Act Relating to Counsel's Argument of Monetary Value of Pain and Suffering in Personal Injury Actions."

Amend said Bill by adding at the end before the period the following:

'and shall be restricted from expressing units of time of less than one week where the duration of pain and suffering continues for more than 7 calendar days from the date of injury or, in the event the duration of pain and suffering is less than 7 calendar days from the date of injury, any pertinent unit of time may be expressed in the argument'

House Amendment "A" was adopted.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: Now that the amendment has been added to the bill, in accordance with the agreement of the Judiciary group, I would move indefinite postponement of this bill and all accompanying papers and ask to speak to that.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, now moves the indefinite postponement

of L. D. 1083 and all its accompanying papers. The gentleman may proceed.

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: This is an attorney's bill. The legislature has been very good to attorneys this session. We have passed three bills, one is L. D. 89, sponsored by the gentleman from Houlton, Mr. Berman, the loss of consortium to a wife when her husband was injured. Another one, also sponsored by Mr. Berman, L. D. 1373, amending the citizens process in an out-of-state situation and another one, L. D. 994, the amendment selecting a jury; so three have definitely passed and there are three others well on their way to passage, one being that a social guest becomes in the same category as a business invitee and the interest on judgment commences to run from entry of the suit and then in the death of a minor child damages of perhaps \$5,000 will be granted where there are no damages allowed at the present time. So the attorneys—we attorneys may report back to the Bar Association we have made great progress, three bills have passed and three more seem to be on their way to passage. But as for this particular bill, I am opposed to this. This permits the new element to be argued by attorneys in their final summation to the jury. Many of you have served on juries and you know that at the conclusion of the evidence lawyers present their side of the case — each presents his side of the case and the lawyer is bound by certain regulations, namely that he should argue only what evidence went into the case. This bill would permit the arguing of evidence that was not in the case. And anyway arguing the amount of pain and suffering. At the present time the juries decide how much is allowed for pain and suffering. They have been doing it ever since Maine became a State and I feel they have done a qualified and fine job and should be allowed to continue to use their own judgment and not have suggestions made to them as to what should be awarded for pain and suffering.

I might call to your attention it is my understanding that in 1962 the New Hampshire Supreme Court in the case of Dugay vs. Jalenas ruled out such an argument, so I hope that you will go along with me in this motion. Thank you.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: These bills which Mr. Hewes says were passed for the benefit of lawyers, were passed for the benefit of the people of the State of Maine. The lawyers get no particular advantage out of any of these bills. Passage of the bill before us right now would enable the lawyer to aid a jury in awarding fair and reasonable compensation for pain and suffering endured by someone as a result of someone's wrongdoing. This bill simply permits guidelines being given to the jury to arrive at a just and fair figure. The insurance industry has opposed this consistently and I am certainly bewildered why they consistently oppose something that just throws a little light on a situation and gives a jury some help.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: It hurts me considerably to get up here this morning and oppose my good friends the attorneys. I feel, however, that this is just another gimmick to get juries to make higher awards. This will result in just one thing — higher insurance premiums, and the general public are the ones that are going to pay. I think this is the reason that the insurance industry is opposed to it and I shall support the gentleman from Cape Elizabeth, Mr. Hewes.

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

Mr. BRENNAN: I would like to pose a question through the Chair to the gentleman from Wilton, Mr. Scott. What evidence does he have that this will mean higher insurance premiums?

The SPEAKER: The gentleman from Portland, Mr. Brennan, poses a question through the Chair to the gentleman from Wilton, Mr. Scott who may answer if he chooses. The Chair recognizes that gentleman.

Mr. SCOTT: Mr. Speaker, I will be very happy to answer the gentleman. Whenever juries will make a higher award in these court actions, naturally it is going to affect the insurance premiums.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: It disturbs me to no end to get up here and have to speak against insurance companies, but I wonder sometimes, I have many friends who are attorneys both in the insurance field and both as practicing against insurance cases and at time I have sat in courtrooms watching cases with a great deal of interest and I am disturbed at no end, particularly when I pick up the paper and read where a case has been settled in some court throughout the state where great bodily harm was done to a person because of the main fact that an attorney is not able to present to the jury facts and figures that would be a reasonable settlement. If they were able to do so, it would only be to the benefit of the poor party that has suffered some injury. I see no particular reason why this bill should be defeated. I am not an attorney and I have no interest in this bill other than to see that the people of the state get a fair shake. At this time I think I am aware that some courts or some judges do allow attorneys to argue the pain and suffering, and if this is so, then why shouldn't we just put it on the books and give them the right to do so? And I would pose that question to the gentleman from Cape Elizabeth, Mr. Hewes, if this isn't so if some judges don't allow some attorneys to argue pain and suffering.

The SPEAKER: The gentleman from Portland, Mr. Conley, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he

chooses. The Chair recognizes that gentleman.

Mr. HEWES: In response to Mr. Conley's question, it is my understanding that in Maine an attorney may not argue the amount of pain and suffering. Perhaps if the pain and suffering per month is worth \$100 or \$1000 or something of that nature. I do not believe it is allowed in the State of Maine at the present time.

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

Mr. BERMAN: Mr. Speaker and Members of the House: It saddens me this morning to have to listen to my good friend from Cape Elizabeth try to kill a very decent type of bill by giving it a label—so-called "scare" label—which has succeeded so often in the annals of this House by calling this an attorneys bill. I am grieved. I do not consider this other than a shoddy trick and I say this advisedly. I am also grieved to hear my good friend from Wilton, Mr. Scott, talk in very general terms that this bill, with the amendment proposed by my good friend from Portland Mr. Brennan, would raise insurance rates. My good friend from Wilton, Mr. Scott, in past sessions have together spent considerable time in the office of the Insurance Commissioner. In those instances, as I recall, I approached this from a very factual situation and pointed out to Mr. Scott and the Insurance Commissioner that the proposed legislation at that time would not raise insurance rates, and as I understand the history of that situation the proposed legislation as passed did not raise insurance rates.

Now what is this all about? As a foreword I would say that eighty percent of your Judiciary Committee favored passage of such a proposal, and there are those in this House I think who know what this Judiciary Committee has had to go through this session in behalf of pain and suffering; in behalf of someone who was crippled and has known pain and suffering—that this Judiciary Committee has considerable backbone and does its home work.

At a matter of fact since I knew that we would be running into formidable opposition, but frankly not the type that so far has been proposed, I took pains to look into what the doctors had to say on pain and suffering. I consulted a world-famous monograph which I have here, written by a professor of neurology at the Cornell University Medical College. I consulted a book on traumatic surgery and medicine under the editorship of a man who is both a doctor and a lawyer, and who is a professor of law, a professor of medical jurisprudence at the Georgetown University Law Center; the article on pain being written by two very famous doctors who are members of the Faculty of the Yale Medical School, a Dr. Francis J. Braceland and a Dr. John Connolly. I took pains to go over it—a rather heavy document called "neuro-surgery" by Dr. William Sharpe and Dr. Norman Sharpe. I took pains to send away to the Mayo Clinic and get their book published by the W. B. Saunders Company of Philadelphia quite recently on clinical examinations in neurology so that I would have some understanding of what actually was involved here.

Now in many of the jurisdictions of this country, a proposal such as we propose here for Maine has been adopted. As I understand it, there are at least twelve jurisdictions that would allow what we seek to allow here and this has been held by the decisions of their Appellate Courts. On the other hand, to be candid, there are, I think, about twelve jurisdictions that say, "No." Some federal jurisdictions and at least three intermediate courts allow a situation such as we are proposing for Maine.

Now actually, I would like to close my initial debate on this matter by reading to you at some length from a monograph which was published back in 1957 which was called "Current Medicine for Attorneys," and on the article on "Pain and Suffering" it goes on to say that:

"Very few people who have been the victims of intense and prolonged pain ever receive a jury verdict that is anything like ade-

quate for what they have suffered. Pain is not only unpleasant to endure; it is unpleasant to think about. The only chance of a fair trial for the plaintiff on the issue of pain and suffering is to persuade the jury to steel themselves to the disagreeable task of looking at the shocking reality of what pain is and what it does to a man." Well, I will not burden this House this morning with my own close connection with pain and suffering which I have seen at very close quarters in my immediate family since 1929. I will go on to read: The fact that,

"It is human nature to keep our minds from the impact of other peoples' troubles as we must keep our minds from the thought of our own eventual death. If we did not have that "mental block" we would all be the victims of such anxiety and concern that we could not stand it. The trial lawyer and the trial jury have the duty to overcome that abhorrence and look at pain and see it for what it is. It is like opening a window into Hell.

"Portia observed that mercy is an attribute of God. Pain is an attribute of the Devil. Pain is the blood brother of death. They are partners and allies and the chief enemies of man. A man in great pain has asked for death to give him peace, but no man ever asked for pain.

"Pain is a cruel monster—choosing as its victims the helpless and the sick, those who are the least able to bear it. It loves to prey on children. It attends every human birth and it torments the last minutes of the dying who have little enough time to make their peace with God and say goodbye to their loved ones.

"When the time comes for a defendant to pay for that misery he has inflicted, they often ask that you take an attitude of tolerance toward pain as if it were really not worth any money. They often ask that your mind tolerate pain, which is something your body will never do. An hour of pain is a sample of hell. It is this sickening horror, this tool of torturers, this scourge of mankind that you are asked to belittle and not permit

counsel to speak upon from the evidence. Many of these defendants are like the proverbial man in the Bible who was willing to show his sincerity with everything except what counted. When asked for that, he went away sorrowing though he had great possessions.

"Look at the law's attitude toward pain—wherever it arises outside of an action for damages. The law forbids cruel and unusual punishments. The law says to the State: You can inflict capital punishment," in the states unlike Maine which allow capital punishment, "but you cannot use the lash on any man. You can take a man's life so long as you do it without pain. You can kill him, but you may not hurt him.

"What about the men who invented anesthesia? The men of medicine who taught us how to get rid of pain for an hour during an operation are immortal, and justifiably so. They are heroes of science because they taught us to push back pain.

"I do not see how a man can ask you to make friends with the idea of pain, and not permit comment upon it, or to tolerate it or to belittle it any more than he would ask you to accept and fraternize with a murderous enemy of your country, or to say of a malignancy in your body—It is nothing—only cancer.

"Penology will not tolerate pain for murderers and criminals. By the same token, the innocent victim of an accident is not unreasonable in insisting that when it comes to payment in dollars, his pain should be considered with the same enormity as it is considered by God and man, by law and medicine, by human experience and by people on the jury," and this I submit is not an attorney's bill.

"Sir Geoffrey Jefferson in his foreword to "Pain" by White and Sweet said: 'Pain works to such a degree on man's emotions, so reduces his usefulness to himself and others, so shakes his morale that we must rehabilitate him if we can.'

"The finger of pain leaves its own traces on the human face with a look in a man's eyes and the very

way he carries himself. Long continued pain enervates and saps the life and strength from a man and his organs.

"Dr. C. M. MacBryde has said, in *Signs and Symptoms* published by J. D. Lippincott Company, 1952: 'Continued pain has been demonstrated to have deleterious action upon vital organs, such as the heart and kidneys—elevation of arterial blood pressure, cardiac arrhythmias, cardiospasm, disturbances of gastric and colonic functions—the facial expression of true pain — the pinched features, the pallor, the clammy skin, the dilated pupils, the knotted brow—cannot be imitated by the malingerer: these, with the intermittent involuntary cry or groan and the characteristic writhing or bodily contortions, present an unmistakable picture of suffering.'

He goes on to say: "Pain may cause profound disturbance in the function of vital organs. Shock from pain may be so profound that death results. . ."

Members of the House, pain is the opposite of pleasure, the antithesis of comfort. A man thinks nothing of spending as much money as he can for an evening or a day of pleasure, or comfort, but it is hard for him to see how heartless it is, how heartless it is to deny some miserable wretch a few dollars compensation for suffering pain. And this I say, ladies and gentlemen of the House, is what this bill is all about, and when the vote is taken I ask for a division.

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

Mr. HEALY: Mr. Speaker and Members of the House: I mean no disrespect, neither do I mean to be facetious here, but I think we legislators should be compensated somewhat for pain and suffering, and before we get another round of this one, I would move the previous question.

The SPEAKER: For the Chair to entertain a 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 pre-

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

A vote of the House was taken. 44 voted in the affirmative and 34 voted in the negative.

The SPEAKER: A sufficient number having voted, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? This question is debatable for no more than five minutes by any one member. Shall the main question be put now? All those in favor say yes, those opposed say no.

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

The SPEAKER: The main question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that Bill "An Act relating to Counsel's Argument of Monetary Value of Pain and Suffering in Personal Injury Actions," Senate Paper 429, L. D. 1083, be indefinitely postponed. All those in favor of indefinite postponement of this Bill will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 69 having voted in the affirmative and 54 having voted in the negative, the Bill was indefinitely postponed in concurrence.

Bond Issue Amended

An Act to Authorize the Reconstruction and Elimination of Hazardous Locations on Portions of State Route 6 (H. P. 404) (L. D. 570)

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

On motion of Mr. Richardson of Cumberland, the House voted to suspend the rules and to reconsider its action of May 24 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

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

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

HOUSE AMENDMENT "A" to H. P. 404, L. D. 570, Bill, "An Act

to Authorize the Reconstruction and Elimination of Hazardous Locations on Portions of State Route 6."

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

'Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with Section 14 of Article IX of the Constitution of Maine to authorize the issuance of bonds of the State for the reconstruction and elimination of hazardous locations on portions of State Route 6.'

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: By way of explanation of this amendment, it adds an emergency preamble to this bill authorizing reconstruction and elimination of hazardous locations on portions of State Route 6 and it does not involve any other substance.

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

Bond Issue Amended

An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and Southern Maine Vocational Technical Institute and Eastern Maine Vocational Technical Institute and the Issuance of Not Exceeding \$6,712,000 Bonds of the State of Maine for the Financing Thereof (H. P. 1160) (L. D. 1659)

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

On motion of Mr. Richardson of Cumberland, the House voted to suspend the rules and to reconsider its action of May 25 whereby the Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto.

Thereupon, Mr. Richardson of Cumberland offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1160, L. D. 1659, Bill, "An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and Southern Maine Vocational Technical Institute and Eastern Maine Vocational Technical Institute and the Issuance of Not Exceeding \$6,712,000 Bonds of the State of Maine for the Financing Thereof."

Amend said Bill in section 3 by striking out all of the 2nd paragraph and inserting in place thereof the following:

'Such bonds shall be issued in series from time to time so as to meet the needs of the state colleges and vocational technical institutes for student housing and dining facilities.'

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen: This corrects an error in the L. D. 1659 to permit issuance of these bonds on an as-needed basis. You will see that it indicates such bonds shall be issued in series from time to time so as to meet the needs of the state colleges and vocational technical institutes. Thank you.

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

Passed to Be Enacted

An Act to Appropriate Funds and Provide Staff for Alcoholism Services (S. P. 9) (L. D. 15)

An Act relating to Reports of School Administrative Districts (S. P. 534) (L. D. 1369)

An Act Creating the Short Form Deeds Act (S. P. 537) (L. D. 1442)

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

**Enactor
Amended**

An Act relating to Emergency Admittance of Paupers to Hospitals (S. P. 659) (L. D. 1676)

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

On motion of Mr. Conley of Portland, the House voted to suspend the rules and to reconsider its action of May 31 whereby the bill was passed to be engrossed.

Thereupon, Mr. Conley of Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 659, L. D. 1676, Bill, "An Act Relating to Emergency Admittance of Paupers to Hospitals."

Amend said Bill by inserting after the underlined word "admittance" in the 5th line (4th line of L. D. 1676) the underlined words 'of a pauper'

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

**Enactor
Tabled and Assigned**

An Act relating to Assistant County Attorneys (H. P. 33) (L. D. 53)

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

(On motion of Mr. Nadeau of Sanford, tabled pending enactment and specially assigned for Tuesday, June 6.)

An Act Appropriating Funds for Time and a Half Overtime Payment for State Employees (H. P. 51) (L. D. 76)

An Act Removing Tolls from Augusta Memorial Bridge (H. P. 349) (L. D. 497)

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

An Act 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)

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

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

Mr. McMANN: Mr. Speaker, I move this be tabled until Monday, June 5.

The SPEAKER: The gentleman from Bath, Mr. McMann now moves that item 10 be tabled until Monday, June 5 pending passage to be enacted. It is the pleasure of the House?

Mrs. Lincoln of Bethel requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until Monday, June 5 will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

40 having voted in the affirmative and 65 having voted in the negative, the tabling motion did not prevail.

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

Mr. McMANN: May I inquire what the vote was when it was tabled last when we voted please?

The SPEAKER: Would the gentleman repeat his question?

Mr. McMANN: May I inquire what the vote was when we voted on this bill originally?

The SPEAKER: Would the gentleman like the report of the Committee?

Mr. McMANN: Yes.

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

Mrs. LINCOLN: Mr. Speaker, if he wants the report of the Legal Affairs Committee, it came out six ought to pass and four ought not to pass.

Mr. McMANN: I would like to have the vote of the House please?

The SPEAKER: The vote of the House on the tabling motion was forty in favor and sixty-five in opposition and the motion did not prevail.

Is it now the pleasure of the House that this bill be passed to be enacted?

Mr. Ross of Bath requested a vote.

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

A vote of the House was taken. 65 having voted in the affirmative and 47 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Providing for a Council-Manager Form of Government for Town of Skowhegan and Increasing Compensation of Councillors of Town of Ashland (H. P. 800) (L. D. 1209)

An Act Increasing Indebtedness of Baileyville School District (H. P. 1142) (L. D. 1628)

An Act Revising the Laws Relating to Physical Therapists (H. P. 1177) (L. D. 1675)

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 first tabled and today assigned matter:

Bill "An Act to Permit Savings and Loan Associations and Savings Banks to Consolidate" (H. P. 1002) (L. D. 1464)

Tabled—May 31, by Mr. Robertson of Brewer.

Pending—Passage to be engrossed.

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

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

HOUSE REPORT — Ought Not to Pass as covered by other legislation—Committee on Legal Affairs on Bill "An Act to Provide for Electing the Civil Service Commission for the Fire Department of City of Biddeford" (H. P. 613) (L. D. 855)

Tabled—May 31, by Mr. Buck of Southport.

Pending—Acceptance.

Report was accepted and sent up for concurrence.

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

HOUSE MAJORITY REPORT (9) — Ought to Pass in New Draft under new Title "An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Eight Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" (H. P. 1174) (L. D. 1673)—Committee on Highways—MINORITY REPORT (1)—Ought Not to Pass on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Ten Million Dollars on Behalf of the State of Maine to Build State Highways" (H. P. 691) (L. D. 972)

Tabled—May 31, by Mr. Benson of Southwest Harbor.

Pending—Acceptance of either Report.

On motion of Mr. Crockett of Freeport, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned the next legislative day.

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

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

Tabled—May 31, by Mr. Martin of Eagle Lake.

Pending—Passage to be engrossed.

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

Mr. MARTIN: Mr. Speaker and Members of the House: This L. D. was a redraft which came unanimously from the Committee on Inland Fish and Game and in an attempt to make it somewhat more restrictive I now offer House Amendment "A" under filing number H-391 and move its adoption.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now offers House Amendment "A" and moves its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1167, L. D. 1668, Bill, "An Act Regulating Firearms in Active Lumbering Operations in Unorganized Territory."

Amend said Bill in the 7th line (6th line in L. D. 1668) by striking out the underlined word "**person**" and inserting in place thereof the underlined word '**alien**'

The SPEAKER: Is it now the pleasure of the House to adopt House Amendment "A"?

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

Mr. MARTIN: Mr. Speaker, I have been notified that possibly this bill, even with this amendment, is unconstitutional. Therefore I would hope that it would be tabled until we have a chance to get an opinion from the Attorney General's Office.

Thereupon, on motion of Mr. Cookson of Glenburn, tabled pending adoption of House Amendment "A" and specially assigned for Tuesday, June 6.

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

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

Tabled—May 31 by Mr. Birt of East Millinocket.

Pending — Adoption of House Amendment "A" (H-346)

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

Mr. EWER: Mr. Speaker and Members of the House: In regard to this amendment to L. D. 1660, it is an amendment which completely cuts everything out of the L. D. The paper was requested by the Department of Labor and Industry as a result of conferences between the Highway Commission and the Bureau of Public Works and that Department. This bill has had a great deal of debate and I'm not going to press my luck today with any further debate. I move for indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Bangor, Mr. Ewer, now moves the indefinite postponement of House Amendment "A". Is this the pleasure of the House?

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

Mr. DRUMMOND: Mr. Speaker and Members of the House: I am sure that you people will remember that I spoke on this bill when it was first presented. I still think that this is a very very poor bill. The original wasn't a workable bill. A great many people have voiced the opinion that the redraft still isn't a workable bill, and I am sure that that was the main reason my offering the amendment that I offered, that I hoped the House won't go along with the motion to indefinitely postpone the amendment. Thank you.

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

Mr. HINDS: Mr. Speaker and Members of the House: This bill is just a bill to square around a bill that was passed in the last Legislature. The last bill was very unworkable, the terms were vague and inconsistent, and this bill is to straighten the situation around. Now this amendment to this bill is very similar to L. D. 730 that was introduced earlier in this session and that this Legislature killed, and this amendment would do the same thing as the bill that we have already killed, L. D. 730, and I hope that you support the motion of the gentleman from Bangor, Mr. Ewer, to indefinitely postpone this amendment.

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

A vote of the House was taken.

68 having voted in the affirmative and 33 having voted in the negative, the motion to indefinitely postpone House Amendment "A" did prevail.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I've held my breath all morning and waited here in fear and trepidation, because I know that since yesterday there's been an amendment being made up in the Legislative Research office and I wonder if this couldn't be tabled until the next legislative day. There are still parts of this bill that are not acceptable to the construction industry in this state.

Thereupon, on motion of Mr. Scott of Presque Isle, tabled pending passage to be engrossed and specifically assigned for Tuesday, June 6.

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

Bill "An Act relating to Applications for and Marking of Absentee Ballots" (H. P. 215) (L. D. 305) (In House, indefinitely postponed) (In Senate, passed to be engrossed as amended by Senate Amendment "C" (S-207))

Tabled—June 1, by Mr. McMann of Bath.

Pending—Motion of Mr. Ross of Bath to recede and concur.

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

Mr. McMANN: Mr. Speaker, I would oppose the motion to recede and concur and move that we adhere to our former action, which was to indefinitely postpone this L. D. 305.

The SPEAKER: I would advise the gentleman that the motion to recede and concur has priority.

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

Mr. GILL: Mr. Speaker and Members of the House: I arise to oppose the motion to recede and concur on this matter, and originally L. D. 305 was turned down by this most gracious group. This legislative document at that time was not one to warrant the merit of your support and I simply would add that the addition of Senate Amendment "C" does not make a poor

bill any more palatable. I would like to read briefly what Senate Amendment "C" says in essence. In order to get an application, this is a piece of paper, an application, so someone may vote, "Applications available. On the oral or written request of any registered voter, the clerk of the municipality in which said voter is registered, shall furnish a ballot application to said person, or to a 3rd person. . . on which said clerk shall first plainly write in ink the name of said applicant in full." Now I contend that rather than to encourage an absentee voting, and in a great number of cases this is the only way these people have got to vote, this will tend to deter them. I don't know as they will accept writing in a ball point pen or not, according to this bill I believe a ball point pen would not be considered proper; but I do contend that this would tend to discourage the person from voting by an absentee ballot and I would certainly feel that you should go along and recede and concur if you want to discourage the people in the State of Maine from the right to vote. If you are in favor of them possessing the right to vote you will oppose this motion to recede and concur.

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

Mr. ROSS: Mr. Speaker and Members of the House: The gentlemen—plural, from Bath are at it again, I guess. As most of you realize there are a great many very flagrant abuses in the solicitation and collection of absentee ballots, and neither political party is without guilt. I sponsored original L. D. 305 and the appropriate House amendments later on. It was my intent in this bill to eliminate the third man and thus decrease the temptation to these violations.

This bill had the unanimous support of the Election Laws Committee. However, the House did not agree and as always I was very happy to abide by the decision of this House of Representatives. But now the bill has come back in an entirely different form. In my mind it is not ideal certain-

ly, but it is a method of tightening up the law and giving better control. The third man is still in the bill, those of us who take ballots around now can do so in the future. This only removes the better skelter system that we have of procuring applications now. The voter under this amendment would have to request the application. That's all it does, and I hope the people will vote for my motion.

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

Mr. McMANN: Mr. Speaker, we're at it again, there's no argument there. But, I don't know how Rodney knows so much he is talking about; he doesn't go out to get them anyway. So—can I make a motion to insist on our former action?

The SPEAKER: The Chair would advise the gentleman that the motions in priority are recede, concur, insist and adhere, and the present motion before the House has priority over all.

Is the House ready for the question?

Mr. McMANN: Would you tell me what the motion is?

The SPEAKER: The motion pending is to recede from our former action and concur with the Senate.

Mr. McMANN: If I made that motion can I withdraw it?

The SPEAKER: The gentleman from Bath, Mr. Ross, made the motion to recede and concur. If this motion is defeated, another motion will be entertained.

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

Mr. GILL: Mr. Speaker, for clarification of my colleague and supporter, Mr. McMann, kindly vote no on this motion.

The SPEAKER: Is the House ready for the question?

Mr. GILL: Mr. Speaker, I move that the rest of the members please do the same. (Laughter)

The SPEAKER: The Chair will order a vote. All those in favor of receding from our former action and concurring with the Senate will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

33 having voted in the affirmative and 84 having voted in the negative, the motion to recede and concur did not prevail.

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

Mr. McMANN: Mr. Speaker, I am wondering whether I should move to adhere or to insist on our former action.

The SPEAKER: The gentleman from Bath, Mr. McMann, moves that the House adhere to its former action. Is this the pleasure of the House?

The motion prevailed.

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

HOUSE REPORT—Ought Not to Pass—Committee on Legal Affairs on Bill "An Act relating to Definition of Practice of Professional Engineering" (H. P. 451) (L. D. 626)

Tabled—June 1, by Mr. Lewin of Augusta.

Pending—Acceptance.

Thereupon, on motion of Mr. Richardson of Cumberland, retabled pending acceptance of Report and specially assigned for Monday, June 5.

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

HOUSE MAJORITY REPORT (7)—Ought Not to Pass—Committee on Taxation on Bill "An Act Increasing the Gasoline Tax" (H. P. 428) (L. D. 592)—MINORITY REPORT (3)—Ought to Pass.

Tabled—June 1, by Mr. Susi of Pittsfield.

Pending—Acceptance of either Report.

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

Mr. SUSI: Mr. Speaker, I move that we accept the Minority "Ought to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House accept the Minority "Ought to pass" Report. The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: At the present time we have available to us two methods by which we could finance our Highway program here in Maine, and they are rather obviously to bond for a portion of the cost or to raise the gasoline tax one cent. I am the sponsor of this bill which would provide for the raising of the tax one cent. In my opinion, there is one argument for bonding, and that's a doubtful one, that it might be politically expedient to bond. But if we persist in following this rule of bonding I believe that the chickens are going to come home to roost.

If at this time we approve the bonding which we have under consideration for our Highway program, our total highway bonds will, after such approval, exceed \$60 million. Presently over and all, including our general fund bonding, we have a total of \$186,000,000 in bonds outstanding or authorized. We in this session have approved further bonding for General Fund purposes, a large portion of which will undoubtedly be approved. On highway bonds alone our interest charge for the next biennium will be two and a half million dollars. Now this is money that is a burden on our budget, but it accomplishes no useful purpose in solving any of the many problems that are facing us.

What is the net effect under this bonding program? What I am driving at here is to raise the question, are these bonds warranted in the light of any particular accelerated program that we have or any problem which exists now which is unusual? Our Highway people explain to us that about four percent of our primary and secondary highways should be replaced each year, assuming the life of a given piece of primary or secondary highway to be about twenty-five years. This figures to about 160 miles per year which should be reconstructed.

Our current budget for highways is evidently the appropriation equal to the amount that we will need to reconstruct about 60 miles of our primary and secondary high-

ways which the State is responsible for. So that even with a bonding program which we are considering, we will in effect be slipping backwards at the rate of about 100 miles a year. One cent on the gas tax will bring in about \$4 million per year, which will just about keep us even on a program which many people doubt is adequate. There is presently no accelerated program in effect or under consideration. We are in effect bonding for routine housekeeping expenses in highways. Bonding has been sold to the Maine Legislature as money being raised for the construction of highways which are long term assets — actually a hundred percent of our expenditures are for reconstruction of highways. This reconstruction cost is a return cost that we can expect to have with us for many years.

These are good times now in Maine, I don't think any of us will doubt that. It seems to me that in times such as these we should plan at least to stay even, as we do in our private affairs. The thing boils down pretty much to the point of political philosophy whether or not we as individuals believe in deficit financing. I personally don't, and I urge your support of my motion to accept the "ought to pass" report. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: As a member of the Highway Committee, all the avenues were explored. I think that the leadership and the Governor from both parties have finally agreed on this particular bond financing, and for a very good reason. First let me tell you for the present bond issue that's been before this House at the end of — in other words at the end of three years we will be retiring as many bonds as we are now asking the people to put back on. In other words, at the end of three years our bonded indebtedness will—as far as Highway is concerned, will be exactly the same as it is now.

Now it is pretty much agreed amongst all those that have been working with the problem that

two years from now we no doubt will have to raise the gas tax. Of course another reason for not feeling as though that a gas tax at this time would be reasonable, first of all it's eleven cents now. It is quite likely that the Federal Government is going to increase it a cent—the possibility is quite great that they will. This is very high as it is now, and when the Federal Government increases it a cent, which we have no jurisdiction over, it will then make it twelve cents. And we felt as though, and I think the Taxation Committee by their report which is borne out by—the Taxation report felt about the same way. And seeing as this is one of the few areas that the leadership of both parties and the front office have been able to agree, I would be against accepting the Minority Report and I hope that this House will also be, because the Committee on Highways and Taxation has given this a lot of consideration. Thank you.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: As one of the signers of the Minority Report, I want to get up in support of Mr. Susi. I originally was against the increase in the gasoline tax, but after looking over the bonded indebtedness and the interest we pay and so forth I think we should show some fiscal responsibility. We are asked to bond \$16 million. There is—the Representative said that it was to be all paid off, I understand, that's approximately I think, is twelve or fourteen million that will be paid off, leaving a deficit in 1970 rather than have \$16 million, in 1971 we will probably have twenty to twenty-four million dollars deficit to finance for the next three years. If we put on this tax of one cent on gas at least we can pay off the most of it, and the bonds that will mature during that time will not put us too much further in the hole.

If we go along until '72 or '73, instead of paying two and a half million dollars interest we are probably going to pay \$5 million a year interest which is enough to take care of our program based on

this year of \$16 million bond issue, with the income that's derived from dedicated funds to take care of for the year. And I think that we should get on a basis of fiscal responsibility and enact this tax and pay as we go, because the costs are going to go up and chances are rather than having a twenty or twenty-four million dollar deficit it could be a thirty due to increase in inflation.

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

Mr. HANSON: Mr. Speaker and Members of the House: You members of the House have already been informed that the Committee report was seven to three "ought not to pass." Now if this Legislature increases the seven percent gasoline tax by one cent a gallon, Maine would have one of the very highest rates in the Nation. To make matters worse, there is presently a lot of talk in Washington about raising the Federal gasoline rate to another cent a gallon to help finance the cost of scenic highways, or "Ladybird" highways perhaps.

I believe that the last Federal gas hike was in 1959, so I feel reasonably sure that a cent increase will be added on the Federal level. If we fail to enact the Highway bond issue before us, which has been before us here, we might very well be hitting the Maine motorist on both ends; and if both the State and the Federal tax rate is jumped by a penny a gallon we will be talking about a tax of thirteen cents a gallon. That's about \$2.50 in taxes alone for every time we fill the tank of our car. It makes sense to me, for this legislative session at least, to utilize the systematic Highway bonding. It makes sense to me to allow today's motorist to share the expense of these roads with all the people who will be using them twenty years from now. The receipts for 1966 on the national level were up eight percent, and I believe that the government obtained approximately 22 millions of dollars.

As far as the State of Maine is concerned, I believe that there is approximately 11 millions of dollars that the motorist either di-

rectly or indirectly through the sale of cars, accessories, oil and so forth is paying into the general fund under the sales tax.

Personally I would like to see some future Legislature start in to take the monies from this general fund which the motorist is paying and they be applied to the State Highway fund. Just how those would be replaced in the general fund I don't know, but I believe this could be taken out over possibly a three-year period and it would be proven then that the motorist is more than paying his just way.

I certainly hope that this House will not support the motion of the gentleman from Pittsfield, Mr. Susi, that this bill ought to pass, and when the vote is taken I request a roll call.

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

Mr. PORTER: Mr. Speaker and Members of the House: Last January when I came down here for the first time, during the most of that month this brand new desk of mine was cluttered with a lot of reports, and so on, and among them was one from the Highway Commission. I studied that quite interestedly, and there are two thoughts in that report that have struck me very forcibly. One was that whereas we were building 100 miles of road, now for a greater cost we are building only 65 which goes to show the increase in costs.

The other fact that was in that report was that the roads are wearing out faster than we are building them. That's a horrible thought. Carried to the extreme, we could continue to spend hundreds of millions of dollars and wind up with nothing but Moose trails. I think we ought to do something; I think we ought to raise more money to build more roads, otherwise we will wind up without roads if it is carried to the extreme.

Now in my family the boys and I have five cars; across the road the neighbor with the same number of sons he has one car. It is not hard to decide which family wears the roads out more; I do,

and I am perfectly willing to pay for them and I would like to have an increase in the gas tax.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Waltz.

Mr. WALTZ: Mr. Speaker and Ladies and Gentlemen: I favor the motion of Mr. Susi, and I present this to you, which would you prefer, a high gas tax or a high bond issue?

The SPEAKER: The yeas and nays have 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 question before the House is the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Minority "Ought to pass" Report on Bill "An Act Increasing the Gasoline Tax," House Paper 428, L. D. 592. All those in favor of accepting the Minority "Ought to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Baker, E. B.; Belanger, Boudreau, Bragdon, Brown, Crockett, Drummond, Dunn, Edwards, Evans, Gill, Hall, Hanson, B. B.; Harriman, Hewes, Hinds, Jannelle, Lincoln, Littlefield, McNally, Meisner, Mosher, Nadeau, N. L.; Pendergast, Philbrook, Pike, Porter, Rackliff, Richardson, G. A.; Ross, Sahagian, Scott, C. F.; Snow, P. J.; Susi, Thompson, Trask, Waltz, Watts, White, Wight, Wood, Speaker.

NAY — Allen, Baker, R. E.; Bedard, Benson, Bernard, Binnette, Birt, Bourgojn, Brennan, Buck, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cornell, Cote, Cottrell, Couture, Crommett, Crosby, Curran, Dennett, Dickinson, Driogtas, Dudley, Durgin, Eustis,

Ewer, Fecteau, Fortier, Foster, Fraser, Fuller, Gaudreau, Gauthier, Giroux, Hanson, H. L.; Hanson, P. K.; Harnois, Harvey, Haynes, Healy, Henley, Hennessy, Hoover, Huber, Humphrey, Hunter, Immonen, Keyte, Kilroy, Keyes, Lebel, Levesque, Lewin, Lewis, Lycette, Martin, McMann, Miliano, Minkowsky, Nadeau, J. F. R.; Noyes, Prince, Richardson, H. L.; Rideout, Robertson, Robinson, Rocheleau, Sawyer, Scott, G. W.; Scribner, Shaw, Shute, Snowe, P.; Starbird, Tanguay, Truman, Wheeler.

ABSENT — Beliveau, Berman, Bradstreet, Bunker, Cookson, Cushing, D'Alfonso, Danton, Darey, Farrington, Hawes, Hichens, Hodgkins, Jalbert, Jameson, Jewell, Maddox, Payson, Quimby, Quinn, Roy, Soulas, Sullivan, Townsend, Williams.

Yes, 42; No, 83; Absent, 25.

The SPEAKER: The Chair will announce the vote. Forty-two having voted in the affirmative and eighty-three having voted in the negative with twenty-five being absent, the motion does not prevail.

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

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

HOUSE MINORITY REPORT (6)—Ought Not to Pass—Committee on Taxation on Bill "An Act relating to Refund for Malt Liquor Excise Taxes" (H. P. 768) (L. D. 1115)—MINORITY REPORT (4)—Ought to Pass.

Tabled—June 1, by Mr. Hanson of Gardiner.

Pending—Acceptance of either Report.

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

Mr. HANSON: Mr. Speaker and Members of the House: I move that we accept the Minority Report "Ought to pass" and I would like to speak to my motion.

You have had placed on your desks a sheet of paper which is practically the same as the one I would like to have placed in the

record. Now this bill is an effort to correct an injustice, it is an administrative matter.

Over the years, if a malt beverage wholesaler has a disaster through flood or fire, the Liquor Commission has had a variable policy of reimbursing the wholesalers for the malt beverage excise tax paid to the State. Some commissions have allowed a refund and some have not. The last disaster occurred some years ago.

Now the problem is a simple one and so is this legislation. There are approximately forty-five wholesalers in the state and their inventory runs from \$20,000 to \$150,000 and about twenty of the wholesalers carry \$150,000 worth of inventory, the others less. On cases of quarts or pints the excise tax is 75c. Thus, the excise tax paid to the state in advance could run as much as \$20,000 in some instances. In the event of fire or flood, an inspector of the Health and Welfare Department along with Mr. Murphy of the Enforcement Division, determine whether the malt beverage is fit for human consumption and if they rule that it is unfit, the beverage is either returned to the brewery or destroyed. No sale has been made. Therefore, there is no loss to the State. The malt beverage that was destroyed is replaced and the excise tax is paid on that which is utilized or sold. All of this money is paid in advance and therefore a refund is necessary.

Now those who have signed the ought not to pass report are saying that the insurance to protect against such a loss is a normal business expense and if the wholesaler covers his loss with insurance then he should also cover the state for any loss on the excise tax to the state. But the State has no loss for no sale has been made. When the malt beverage which is destroyed is replaced, sales take place and the State gets its excise tax.

The cost of this insurance runs from 20c per hundred to \$3.00 per hundred. The wholesalers' costs for the excise tax protection can run as high as \$4500 for the entire inventory. Thus, whereas the

wholesaler has a disastrous loss the State has lost nothing, and yet the wholesaler is being asked to pay for insurance to cover taxes for the State which the State is not entitled to. Such disasters have been infrequent, yet year after year wholesalers have been required to carry this insurance.

That which is proposed here has been done for years in regard to the excise tax on damaged cigarettes. If you will check back I think you will find that under L. D. 1338 where Ray Lammers owned the Pioneer House paid \$980 for his license and yet there was a bill before this Legislature to refund him a balance on that and I believe it came out of the Claims Committee and was passed in this Legislature where he received a return of \$870.

I would hope that you would support the minority report ought to pass. I thank you.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I concur with the minority ought to pass report and this bill has the approval of the Liquor Commission. What is proposed here is exactly what is done in regard to damaged or destroyed cigarettes, the excise tax is refunded. Not so in the case of malt beverages. We are forcing others to use their funds to give the State a windfall. I concur with my good friend from Gardiner, Mr. Hanson and urge passage of this bill. If there is a fire of any consequence there is usually a total loss.

Now as far as the Federal Government is concerned, they recognize this. They have what they call bonded warehouses, and the excise tax is not paid on liquor unless it is removed from these bonded warehouses. Now if there should be a fire in one of those warehouses they don't lose anything on their excise tax because they haven't paid it, and if the liquor is removed from a bonded warehouse then the tax is paid. I think that the malt beverage people should have the same privilege.

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

Mr. HARRIMAN: Mr. Speaker and Ladies and Gentlemen of the House: I don't think this bill ought to pass. Maybe I'm a suspicious soul, but I don't think it is being passed to take care of the excise tax, I think it is being passed to save insurance costs for the brewers or the distributors. There is 75c a case tax. Based on their own figures here they have about \$4,000,000 to put out in fire insurance. If the State guarantees the excise tax which they do in no other instances that I know of, they will save them approximately a million and a half dollars fire insurance and I think this is all the bill is about and I think it is for a special group, I want no part of it and I don't think this House should have either. Thank you.

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

Mr. SUSI: Mr. Speaker, as a signer of the ought not to pass report along with the gentleman from Hollis, Mr. Harriman, I would like to explain my objection to the bill and my opposition to it.

The bill says that you can apply for the refund only if the loss involves 500 or more cases. This is strictly class legislation for a very few people in this state. There are many others who have smaller inventories around at their retail establishments who wouldn't have the opportunity to apply for these refunds even though they are in exactly the same circumstance. These larger distributors are being treated just the same as everyone else under the present law and we are setting up in this law an exception for them which I think is completely unwarranted. If we were to open this door I think we would be flooded by requests of people so that they would have to carry insurance on sales tax paid on expensive items, or excise tax paid on expensive items and in any fire they would want to be able to get a refund for the taxes paid on the items lost in the fire. I

think it would be a terrible mistake to pass this bill.

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

Mr. ROSS: Mr. Speaker, like the gentleman from Hollis, Mr. Harriman, the gentleman from Pittsfield, Mr. Susi, I also signed the Majority "Ought not to pass" Report. My reason was exactly the same as theirs. I felt also that it was class legislation to help only a few malt beverage wholesalers. They can get insurance now. I also felt that this was the one method that they were after to get out from under the insurance premiums. I did not think it was equitable so I signed the ought not to pass report and I hope the House will go along with it.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Gardiner, Mr. Hanson that the House accept the Minority "Ought to pass" Report on Bill "An Act relating to Refund for Malt Liquor Excise Taxes," House Paper 768, L. D. 1115. All those in favor of accepting the Minority "Ought to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the Hosue was taken.

23 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act to Clarify Errors and Inconsistencies in the Fish and Game Laws" (S. P. 660) (L. D. 1678)

Tabled—June 1, by Mr. Hanson of Solon.

Pending — Passage to be engrossed.

Mr. Hanson of Solon offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to S. P. 660, L. D. 1678, Bill, "An Act to Clarify Errors and Inconsistencies in the Fish and Game Laws."

Amend said Bill by striking out all of sections 4 and 5 and inserting in place thereof the following:

Sec. 4. R. S., T. 12, §1960, amended. The 3rd paragraph of section 1960 of Title 12 of the Revised Statutes, as revised is repealed and the following enacted in place thereof:

Hearings shall be held on all prospective changes in regulations during the months of August and September of each year, before the commissioner, or such other officer of the department as the commissioner may designate in his stead, at a date and place to be designated by the commissioner but in the county affected. Petitions shall be filed in the office of the commissioner as follows: Not later than August 1st for hearing in August and September.

Sec. 5. R. S., T. 12, §1960, amended. The last sentence of the 5th paragraph of section 1960 of Title 12 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof: **Such regulations shall become effective on January 1st of the year following the August and September hearings.'**

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

Mr. HANSON: Mr. Speaker and Members of the House: I became involved in fish and game matters by—through acts of my constituency. Some of my people bought a license, got the rule book and it indicated that Center Stream in Kingsbury Township was open to smelting. They went over to catch some smelts and fortunately in their instance they were stopped by a Game Warden prior to actually taking smelts so they didn't suffer any fine or inconvenience, but they were somewhat disturbed why the book would say that the stream was open and yet the Game Warden told them that it was closed, so they asked me to inquire and find out why. I did inquire of the Fish and Game Department and Mr. Bucknam, the Deputy

Commissioner and Mr. Marsh the Chief Warden indicated to me that a law which had previously required only one hearing on the fish and game matters in the fall previously had been changed and that now hearings could be held twice a year, in the fall and again in January and February, and in this particular instance the hearing had been held in February.

The change would go into effect as I understand it normally the first day of April. However, in this particular instance through workloads in the department the change was not effective until April 23 and notification of it was not made to the Game Wardens until several days after that. The Deputy Commissioner, Mr. Bucknam, and Mr. Marsh, the Chief Warden, indicated to me, and I concurred, that this poses a very very serious inconvenience to the fishing public that they don't know if they are breaking the law or not. They did indicate to me that corrections are sent out which would indicate changes in the law. I returned home and reported this to my people. We endeavored to obtain some copies of these corrections and found that they were not available; this was in the middle of May. I returned again to the Fish and Game Department and requested a copy of the changes. They did have them in mimeographed form which would be printed and sent out, however they hadn't been sent out at that date. I did get some copies and brought them home, but my feeling and the feeling of my constituents and the feeling of the Chief Warden and the Deputy Commissioner is that having hearings in the middle of the winter is very inconvenient, the weather is inclement and it is miserable traveling and people don't turn out, they are not much concerned with fishing perhaps at that time of the year, and that they are unnecessary.

In every odd year at least the Legislature is in session and can effect any emergency changes that may be necessary, so this amendment was drafted to simply remove the provision where two hearings or hearings could be held in the

months of January and February. This would put it back to the old way of doing it and so after the hearing was held in the fall and the book was printed at the end of the year it would be good for the next calendar year and the people would know where they stood.

I also discussed this with several members of the Fish and Game Committee and I have yet to hear any opposition. It strikes me as a step in the right direction, but I would confess I am out over my head, I am not a fisherman and perhaps there are some very valid objections, but I can tell you that the Deputy Commissioner at least and the Chief Warden and those members of the Fish and Game Committee that I did contact were in favor of this amendment. Thank you.

Thereupon, House Amendment "C" was adopted.

Mr. Crommett of Millinocket offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 660, L. D. 1678, Bill, "An Act to Clarify Errors and Inconsistencies in the Fish and Game Laws."

Amend said Bill by inserting after "Sec. 36." a new section 36-A, to read as follows:

'Sec. 36-A. R. S., T. 12, §2651-A, **additional.** Title 12 of the Revised Statutes, as revised, is amended by adding a new section 2651-A, to read as follows:
§2651-A. Portions of Penobscot County

Notwithstanding the provisions of section 2651, the lakes and ponds in T. 7, R. 8, W. E. L. S., Penobscot County, shall be open to ice fishing on Saturday and Sunday of each week only, during the months of February and March of each year, with live bait prohibited.'

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

Mr. EWER: Mr. Speaker, may I address a question to the gentleman from Millinocket, Mr. Crommett through the Chair. This Township 7, Range 8 west east line

of the State, does that include Millimagasset Lake?

The SPEAKER: The gentleman from Bangor, Mr. Ewer, poses a question through the Chair to the gentleman from Millinocket, Mr. Crommett who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. CROMMETT: In answer to the gentleman from Bangor, Mr. Ewer, the answer is in the affirmative.

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

Mr. EWER: Mr. Speaker, I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, now moves the indefinite postponement of House Amendment "A". The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: This amendment should meet the approval of the true conservatives. It is a proven fact that the overcrowded fish population in our lakes and ponds fail to reproduce; therefore it is recommended by the Department of Inland Fisheries and Game that these waters be harvested. It is my belief that natural resources of the State belong to the people, all the people, not just a few, and the movement to indefinitely postpone this amendment before hearing the arguments in favor of it is not taken lightly. This amendment, if adopted, would satisfy the majority of the fishermen in the inland counties.

It has always been of great concern to me the attitude of many residents of the coastal counties abetted by those of the inland having cast a fly on our inland waters and enjoying the bounty thereof to see and suggest regulations for these waters. Now the lobster has received the greatest share of the publicity and its delicacy is unquestioned, but I am sure you of the coastal counties will pardon me when I say a fresh water trout and lake—landlocked salmon are on a par with the lobster, and the

delicacy of our inland fish remains the same whether caught in the open water or through the ice. This is an inland affair and in support of my thinking I voted for the bill sponsored by the gentleman from Southwest Harbor, Mr. Benson. In further support of my thinking and previous votes for good legislation and fair play, when I supported the gentleman from Pittsfield, Mr. Susi on his bill for Unity Institute, I had no choice but to support the John F. Kennedy Institute which I did without reservations.

Ladies and gentlemen, I tell you this for it is an open bid for your support in adopting amendment "A" to 1678. I believe this amendment is good, I believe it is justified and I believe it would serve the interest of all the people of the State of Maine and I move the adoption of House Amendment "A".

Mr. Binnette of Old Town requested a division.

The SPEAKER: A vote has been requested.

Mr. Richardson of Cumberland requested the yeas and nays.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now requests the yeas and nays. 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 in favor of the yeas and nays 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 Bangor, Mr. Ewer, that House Amendment "A" be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: This bill provides for an exception in favor of Township 7, Range 8 west of the east line of the state which is we know if

you spell it out the long way it spells Millimagassett.

Now the gentleman from Millinocket, Mr. Crommett, has had at least three shots at this. This House has had extensive debate. Back in February and March this might have been amusing; I suggest to you that June 2 attempts of this kind are an insult to the intelligence of this House, that we are again debating Millimagassett Lake, the same question that we have gone over and over and over again. I hope that you will vote in favor of the indefinite postponement of this bill and let's get on with the important business of the State of Maine.

The SPEAKER: The Chair recognizes the gentlemen from Millinocket, Mr. Crommett.

Mr. CROMMETT: When this bill was before the House previously, the Majority Floor Leader made the move for indefinite postponement. At that time he said he was speaking in his individual capacity as a Legislator. Today I didn't hear him make any such remark and I don't know whether he is speaking for his constituents or perhaps his clients. This bill has been heard, but I submit to you ladies and gentleman that this is democracy in action, and after hearing the arguments on the Floor of the House the past week or so and the eloquence of my colleagues, I do not find it in my heart to ask you to excuse me for taking up your time, for every bill before this House whether you like it or whether you don't, it is important to some people. Now this bill is important to the people in the northern part of the state, the inland counties of the state.

This amendment does not refer to any previous arguments, that I would say is water over the dam. It does take in Millimagassett Lake, Scraggly Lake and part of Stogley Pond. The Fish and Game Department in the past have looked favorably on lakes, large lakes, lakes such as these two with 1400 acres and 800 acres without any detriment to open water fishing. I thank you for listening.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: When the first time this bill was before you to open Millimagassett Lake, you voted for just a minute to let the people of Millinocket have the right to fish where they wanted to when they wanted to instead of letting a small clique control the area. I beg with you to vote again today for justice because that's just exactly what it is, it's a small matter state-wide, it's true, but it's—as far as people are concerned all people will be allowed to go there and it is a simple matter of justice, or injustice, and I would hope you would vote for justice.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I hope that by now you all know that I am from Penobscot County. I rise in defense of this amendment and Mr. Crommett and his efforts and I don't mind if he has one shot or two shots or ten shots, he is representing the people of Millinocket that feel as though this lake is near them and would like to have a chance to fish it. Now if he is willing to make a compromise, the bill didn't pass to open it up completely, this amendment only opens it up two days at a time, two days a week so that the poor people that lug the dinner pail have a chance at least once a week to go fishing. Now let me tell you this is in the wintertime and they can't even have it once a week because some of these days it will be stormy, it would probably mean that they could fish there once or twice during the whole winter, the weather and so forth being a factor and this being in Penobscot County and I know the feelings of Penobscot County, I hope that this House will go along and adopt the amendment and not for Mr. Crommett necessarily but for the people that carry a dinner pail and live in Millinocket that supported Mr. Crommett to be here and expect to have justice before this body.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: I am heartily in accord with my colleague Mr. Crommett from Millinocket because as I have said previously I believe in home rule and I think that gentleman knows what his constituents want and desire in that area. I sincerely hope that you people who are assembled here today will give Mr. Crommett support on this measure.

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

Mr. BOURGOIN: Mr. Speaker, I wish to bring to the attention of the House that this lake in the past was open to ice fishing for quite a few years. It was closed for a minority group who wished to restrict the local people from ice fishing on that lake. We have the same problem, we applied for a lake to be opened to ice fishing, Second Chase Lake back of St. Francis and there is only one camp situated between Second and Third Lake that is owned by a private individual who had — who opposed that motion that we wanted some ice fishing in February and March and for that reason we went over to Beavertail which is not the same kind of fishing but it was closed by the Department, it was closed by the Department at least one of a minority group, not the majority group. Thank you.

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

Mr. DUDLEY: Mr. Speaker, for half a minute, I would just like to point out that you would not be creating a precedent Embden Lake, Great Embden Lake is open on certain days, Tuesdays and Sundays of each weekend and I can remember a short time ago in Washington County where Grand Lake Stream was open Friday, Saturday and Sundays, it is now open all week, but for a good many years it was open just weekends, so we are not by this amendment creating a precedent.

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

Mrs. CARSWELL: Mr. Speaker, we are rather frustrated up in this corner here, the mikes over on that side don't seem to be working, so I wish that the gentleman from Enfield, Mr. Dudley, would repeat that speech on another mike.

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

Mr. DUDLEY: Mr. Speaker, for the benefit of those that my voice didn't carry to - -

The SPEAKER: The Chair would advise the gentleman that his voice does not carry well and will he speak directly into the microphone.

Mr. DUDLEY: I merely wanted to point out to the House that by this amendment we are not creating a precedent because in Embden, Embden Lake is open Tuesday and Sunday of each week, and I can remember in Washington County not too long ago when Grand Lake Stream was open Friday and Saturday and Sunday for many years and it is now open for the whole week, but for a good many years it was open only on weekends, and I just wanted to point out that this amendment is not something that we haven't had in the past and we are not creating a precedent.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: Previously I voted against this measure, but due to the persistence of the gentleman from Millinocket, Mr. Crommett, I am going to vote for it this time.

The SPEAKER: The pending question is the motion of the gentleman from Bangor, Mr. Ewer, that House Amendment "A" be indefinitely postponed. A roll call has been ordered. 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.; Benson, Cornell,

Cote, Crockett, Crosby, Dennett, Dunn, Durgin, Eustis, Evans, Ewer, Fuller, Hanson, B. B.; Hanson, P. K.; Haynes, Henley, Hewes, Hoover, Humphrey, Lewis, Lincoln, Littlefield, Noyes, Pendergast, Pike, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Thompson, Trask, Waitz, White, Wood.

N A Y—Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Brown, Buck, Burnham, Carey, Carrier, Carswell, Champagne, Clark, Conley, Cottrell, Crommett, Curran, Dickinson, Drigotas, Drummond, Dudley, Edwards, Fecteau, Fortier, Foster, Fraser, Gaudreau, Giroux, Hall, Hanson, H. L.; Harnois, Harvey, Healy, Hennessey, Huber, Hunter, Immonen, Keyte, Kilroy, Lebel, Levesque, Lycette, Martin, McMann, McNally, Meisner, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Philbrook, Porter, Prince, Robertson, Robinson, Rocheleau, Sawyer, Scribner, Snowe, P.; Starbird, Tanguay, Truman, Watts, Wheeler, Wight.

A B S E N T—Berman, Birt, Bradstreet, Bragdon, Bunker, Carroll, Cookson, Couture, Cushing, D'Alfonso, Danton, Darey, Farrington, Gauthier, Gill, Harriman, Hawes, Hichens, Hinds, Hodgkins, Jalbert, Jameson, Jannelle, Jewell, Kyes, Lewin, Maddox, Miliano, Payson, Quimby, Quinn, Roy, Soulas, Sullivan, Susi, Townsend, Williams.

Yes, 44; No, 68; Absent, 37.

The **SPEAKER**: **F o r t y - f o u r** having voted in the affirmative, sixty-eight having voted in the negative, the motion does not prevail.

Thereupon, House Amendment "A" was adopted.

Mr. Sahagian of Belgrade offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 660, L. D. 1678, Bill "An Act to Clarify Errors and

Inconsistencies in the Fish and Game Laws."

Amend said Bill by inserting after section 31, a new section, as follows:

'**Sec. 31-A. R. S., T. 12, S2554-A, additional.** Title 12 of the Revised Statutes, as revised, is amended by adding a new section 2554-A, to read as follows:

Sec. 2554-A. Long Pond, Belgrade Lakes

There shall be no bag limit on white perch in Long Pond of Belgrade Lakes, Rome and Belgrade, Kennebec County.'

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

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

An Act relating to Wearing Fluorescent Clothing When Hunting in Southern Zone for Two Years (H. P. 671) (L. D. 943)

Tabled—June 1, by Mr. Snowe of Auburn.

Pending—Passage to be enacted.

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

Mr. **SNOWE**: Mr. Speaker and Members of the House: Yesterday after reading this bill and its accompanying papers I realized that if this became law it could be very dangerous, you would have hunters shooting at everything not dressed in fluorescent orange. I now move this bill and all its accompanying papers be indefinitely postponed.

The **SPEAKER**: The gentleman from Auburn, Mr. Snowe, now moves the indefinite postponement of L. D. 943.

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

Mr. **GAUDREAU**: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 943 is an act relating to wearing fluorescent clothing for hunting. This is a safety measure, and the wearing of fluorescent orange is the best known method available of identifying hunters from game. I want to make this

clear, in debating the bill I will confine my remarks to visibility involved accidents, not to self-inflicted or accidental discharge accidents.

In Massachusetts, although the hunting probably is different, the fact remains since they have written into law a similar measure, they had no mistaken for game shootings involving victims wearing fluorescent clothing. This definitely proves to me that the State of Maine would benefit greatly by this bill especially in the congested areas.

Since this bill was written the hunting zones have changed and the Committee Amendment would change the area affected to the southern zone. Approximately 75 per cent of the hunting accidents happened in the southern zone in the last eight years. Because the major causes of accidents are visibility connected. I sincerely believe of the fifty-eight accidental shootings in 1966, half could have been avoided if the victim had been wearing fluorescent clothing. The Fish and Game Department had a computer tabulation made of pertinent information concerning the four hundred and twenty accidents that happened between 1959 and 1966. It shows 195 accidents under the causes involving visibility of the victim. Of these 195 shootings, 53 occurred during the early and late hours of the day, hours of poorest visibility. We tend to think that the visibility accidents as involving deer hunters as a majority do, but 20 of these accidents during the eight year period took place on bird hunting trips, 13 during rabbit hunting trips, 8 on bear hunting trips. Each year hunters in Maine shoot other hunters because they fail to recognize them properly.

The Fish and Game Department believes that making hunters distinctively visible to one another would be the greatest help in reducing the number of these incidents. The wearing of fluorescent orange is the best way of having each hunter announce himself silently, but definitely, that he is not a proper target. Such an announcement is a protection for

not only the potential victim, but the potential shooter as well.

We are not asking for a law for the whole state for all the years to come, but a test period of two years in the southern zone. We are not specifying the amount of fluorescent clothing that has to be worn. We feel that a fluorescent cap or vest of the right color is sufficient in most cases. I request that a vote be taken.

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

Mr. SNOWE: Mr. Speaker, I agree that this is a safety measure, I'll be the first to admit it, I think it is wonderful and that everyone should wear this fluorescent orange, but I am merely saying if this becomes a law, if a child would go out in the woods not dressed in fluorescent orange it could become a target. If it was shot, then the hunter has a way out because this person was not dressed in fluorescent orange. That's why I oppose this.

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

Mr. WOOD: Mr. Speaker, there are so many things wrong with this bill that it is practically impossible to pick out one over the other. There is no proof; some people will state why accidents occur or why one didn't occur, but there is no proof that anybody ever was shot because they wore one kind of clothing over another. If this is good to go into the woods with fluorescent clothing on, it ought to be compulsory that you couldn't venture outdoors anywhere in the State of Maine during the month of November without fluorescent clothing on because it surely will cause a lot more trouble if it passes than it will if it don't. The people that hunt in the woods are going to be looking for people with fluorescent clothing on because it is compulsory. If I go in the woods to cruise my wood lot, if I have a crew working in the woods, the law don't say that they have got to wear fluorescent clothing and they will be in danger of being shot if they are there.

Another thing, on November 1 two zones of hunting in the State of

Maine will be open. I think there is a railroad up there that separates these two zones. If this bill becomes law those people that don't have fluorescent clothing on in the northern zone if they shoot a deer and he goes over the railroad track and dies, they don't even have the right to go over there and pick him up and carry him home. Another thing wrong with it is that somebody is dictating to me what I can wear on my person as clothing, and that is the most wrong of anything we can do. I don't want people dictating to me what I can wear on my person in clothing. If I want to take a chance on getting shot, that's my business, but it's wrong to make it compulsory that you have got to wear one certain kind of clothing if you don't feel that you want to do it, and I tell you that it will be dangerous for our children to play in the fields or even be walking to school if the people that hunt are looking for fluorescent clothing, especially when their eyes are a little bit foggy. Thank you.

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

Mr. NADEAU: This is another one of the hearings that I attended and I notice that some of the speakers who were speaking against this weren't there. Point number one, why do you have a hearing? All the pros and cons were mentioned at that hearing. It was also mentioned of the decrease of accidents that have occurred in other states who are using this. We didn't specify how much you had to wear, but just a certain amount to help. It was brought out in fact by the Government that they are using this color, they have proven it as the best color that you can possibly see in dawn and dusk. All the wardens were in favor of it, the Department was in favor of this. They stipulated about the number of people that we are supporting, and I may be wrong, but I think it is 47 widows and families that we are supporting because of shooting accidents. I'm not talking about the _____, I'm talking about those that are buried, that we will al-

ways support. But what about those that this could have prevented, and this will prevent if you will allow just a trial period.

Those states that have this in effect, they have not repealed this, so again I ask you why do we have committees, and it came out ought to pass, and why do we have a Department and why can't we back both of them up? The Department says that it is a good thing, we are spending the money, you appropriate a budget, why don't we back them up and let us try it?

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

Mr. STARBIRD: Mr. Speaker, I would like to pose two questions through the Chair to the gentleman from Lewiston, Mr. Gaudreau. The division between the proposed southern and northern zones bisects the Township of Kingman almost in two, the northern part of the town being in the northern zone and the southern part being in the southern zone, the tracks going through the town. Presumably, if I hunt on the northern side of the tracks I do not have to wear fluorescent clothing, and yet if I go a few feet away I have to. Now what would the effect be in my town and several others along in that same general area that are bisected by these tracks? Question number two, what would we do about hunters who are color blind?

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird poses a question through the Chair to the gentleman from Lewiston, Mr. Gaudreau, who may answer if he so chooses and the Chair recognizes that gentleman.

Mr. GAUDREAU: Mr. Speaker, I will try to answer his questions. Number one, if I lived in his township I would certainly procure myself a cap and be safe, and number two, very few persons are color blind but I believe that even that fluorescent orange is the best possible color that they can identify while in the woods, I think that it is proven to be the best color that anybody can identify. If a man goes in the woods and he

is color blind, he is liable to shoot anything.

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

Mr. LYCETTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to be repetitious and say that I am an expert on alcoholics and what have you, but it just happens that it is the prerogative and the law for the Sheriff to investigate hunting accidents, careless shooting in the woods, so I believe I am somewhat of an expert on this type of case, and it is a good deal like people driving cars. You know you can't make brains; a lot of these people may be smart enough but they get out with a gun and they're a nut, and there is nothing you can do about it and there is no type of an examination that would eliminate them when they get a license.

I can tell you of cases that I investigated several where the man got shot because he had a white glove on. Now that just shows you what a serious situation you have. As far as the fluorescent coloring, I don't believe it is constitutional, and I go along with the gentleman from Brooks, Mr. Wood, and I say that I don't believe if I want to go out on my wood lot that I should be made to wear fluorescent clothing, and if I didn't—knowing some of these crazy birds with guns, I'd stay home.

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

Mr. GAUDREAU: Mr. Speaker, in answer to the gentleman from Auburn, Mr. Snowe, on shooting anybody not wearing fluorescent clothing, this is pure speculation. Records show, almost without exception, that mistaken for game and the out-of-sight of shooter accidents are other hunters. In 65 per cent of all hunting accidents, the shooter and the victim are members of the same party. Furthermore, thirteen states that have compulsory color laws do not have the problem of shooting anyone not wearing color.

I wish all of you could have heard the testimony of the six Wardens who appeared before the Committee. Some of these Wardens

have had fifteen to twenty years service in the field. One in particular, Warden Harry Cady spoke of a tragic accident between a father and a son. He related that they had wounded a deer, separated to pursue the animal, the boy had circled, bent down to pass underneath a branch with his rifle hanging down. The father saw a figure which looked like the wounded deer with a broken leg. He shot and killed his son. This man had to be restrained from taking his own life. Some time after this tragic accident, Warden Cady and others went to the scene and under the same visibility conditions had a man dressed in similar clothing as the boy had been wearing, red and black, and in the exact position that the boy had been standing when shot. The Warden took the position of the shooter and he could not identify the man, only a shadow. They made the experiment with a man wearing a fluorescent cap and it stood out like a sore thumb, definitely identifying the object as non-game.

He also stated at the hearing that all the visibility accidents that he investigated could have been prevented if the victims had been wearing fluorescent clothing. I know some of you will say there is no excuse for shooting a human being, that it is just carelessness. You can say the same thing about car accidents, but you must admit that they do happen and this bill is concerned with preventing some of these hunting accidents.

Let's face facts, safety measures requiring legislation receive some objection at the beginning, but most of them have proven themselves given a chance. If we only save one life or prevent a half a dozen non-fatal accidents, this measure would be well worth writing into law. This Legislature has a great opportunity to do something worthwhile about safety. Let's not kill this opportunity. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Humphrey.

Mr. HUMPHREY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there is any person in this House that hunts

any more than I do, and I still would like to choose what to wear when I go hunting, so I do concur with the gentleman from Brooks, Mr. Wood that this bill be indefinitely postponed.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Auburn, Mr. Snowe, that L. D. 943, H. P. 671, An Act relating to Wearing Fluorescent Clothing When Hunting in Southern Zone for Two Years, 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.

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

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

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

SENATE REPORT — Leave to Withdraw as Covered by Other Legislation — 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) (In Senate, Report accepted)

Tabled—June 1, 1967 by Mr. Dunn of Denmark.

Pending—Acceptance in concurrence.

Report was accepted in concurrence.

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

Bill "An Act Appropriating Funds to County of Lincoln, Town of Wiscasset and Town of Westport for Reimbursement of Funds Expended on Westport - Wiscasset Bridge Span" (H. P. 1181) (L. D. 1683)

Tabled—June 1, by Mr. Hennessey of West Bath.

Pending—Adoption of House Amendment "B" (H-378)

On motion of Mr. Harvey of Woolwich, retabled pending adoption of House Amendment "B" and specially assigned for Tuesday, June 6.

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

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

Tabled—June 1, by Mr. Harriman of Hollis.

Pending—Motion of Mr. Pendergast of Kennebunkport to indefinitely postpone House Amendment "A" (H-307)

Mr. Pendergast of Kennebunkport withdrew his motion to indefinitely postpone House Amendment "A."

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

On motion of Mr. Richardson of Cumberland,

Adjourned until Monday, June 5, at ten o'clock in the morning.