

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

*One Hundred and Third  
Legislature*

**OF THE**

**STATE OF MAINE**

**Volume II**

**May 10 to June 15, 1967**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Tuesday, June 13, 1967

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

Prayer by the Rev. Mr. Robert Canfield of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that the Committees be directed to complete their work and file their final reports no later than Friday, June 16th (S. P. 683)

Came from the Senate read and passed.

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

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

Report of the Committee on State Government on Bill "An Act relating to Membership of the Advisory Council of the Department of Economic Development" (S. P. 87) (L. D. 168) reporting same in a new draft (S. P. 671) (L. D. 1702) under same title and that it "Ought to pass"

Came from the Senate read and accepted.

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

**Ought to Pass**

Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act Providing for Paid-up Life Insurance Coverage for State Employees and Teachers" (S. P. 236) (L. D. 561)

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

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

**Ought to Pass with Committee Amendment**

Report of the Committee on Industrial and Recreational

Development on Bill "An Act to Authorize the Creation of the Maine State Park and Recreation Area Fund and the Issuance of Not Exceeding Eight Million Dollar Bonds of the State of Maine for the Financing Thereof" (S. P. 14) (L. D. 30) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of same Committee on Resolve Proposing an Amendment to the Constitution to Increase Credit of State for Guaranteed Loans for Recreational Purposes (S. P. 158) (L. D. 329) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Reports were read and accepted in concurrence, the Bill read twice and the Resolve read once. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill and second reading of the Resolve.

**Final Report**

Final Report of the following Joint Standing Committee:

Retirements and Pensions

Came from the Senate read and accepted.

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

**Non-Concurrent Matter**

Bill "An Act relating to Municipal Regulation of Community Antennae Television Systems" (H. P. 632) (L. D. 888) which was passed to be engrossed as amended by Committee Amendment "A" in the House on June 5.

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

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

### Orders

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

Mr. HEWES: Mr. Speaker, does the Chair have in its possession Senate Paper 352, L. D. 936, Bill "An Act relating to Election of School Board of City of Old Town"?

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

Mr. HEWES: Mr. Speaker, I move reconsideration of our action of yesterday whereby we adopted House Amendment "A".

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the House reconsider its action whereby this Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence. Is this the pleasure of the House?

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: As a signer of Report "A" on this bill I urge the members of the House to adopt the bill without amendment. It seemed to be a good bill and a fair bill.

In the last session of the Legislature we revised the law giving the people of Old Town the right to elect their School Board members and that is what they ask, they voted to do it in referendum. There is nothing in the referendum about the ward system and I believe that this bill is in accord with what the people of Old Town want.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: The gentlewoman from Orrington states this is a good bill. No one denies the merits of the bill, but she told the truth when the people voted at the last session to elect the members of their School Board, and now this bill decides that they should elect them in a different manner than what they voted on. Therefore, that is the reason why that I had an amendment put on here yesterday with the hopes of getting your approval to allow the

people to either accept this bill or not. So therefore, I am now in opposition to the motion from that lady from Orrington, and when the vote is taken I would like to have the yeas and nays.

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

Mr. ROSS: Mr. Speaker, I would like to pose a question to the gentleman from Old Town, Mr. Binnette. When this item came up for referendum, did the referendum question specifically state that the people were going to be elected from wards or did it state that they were just going to be elected by the people?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the gentleman from Old Town, Mr. Binnette, who may answer if he desires, and the Chair recognizes that gentleman.

Mr. BINNETTE: Mr. Speaker, in answer to the question that Mr. Ross has posed, I would like to know if this refers to this referendum or to the previous referendum which was presented two years ago?

Mr. ROSS: I am talking about the previous referendum.

The SPEAKER: The gentleman from Bath, Mr. Ross, advises the gentleman, and the gentleman may continue.

Mr. BINNETTE: Did I understand correctly? Is it this referendum — the previous referendum?

The previous referendum was in to allow the people to vote in wards. That's what it was.

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

Mr. ROSS: Mr. Speaker, just for the record, may I now read to the House the referendum question as it appeared before the voters of Old Town, and I quote: "Shall the Act Providing for Election of School Board of the City of Old Town passed by the 102nd Legislature be accepted?" It did not mention wards.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I was under the impression that this was the way that the question was worded and I think Mr. Binnette misunderstood. However, this should be the very reason why this thing should go to referendum now, so that the people should be able to decide whether they want to vote on an at-large system or by wards, and I think that no one should be denied the right to choose in a referendum the form of election that they wish any of their governing bodies to be chosen by.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: This morning I hate to impose on you again relative to the Old Town matters. I am somewhat amazed at the tenacity of my very dear, dear friend the gentleman from Bath, Mr. Ross, when he gets up again and through his untiring efforts repeatedly denies the people of my community their sacred rights to express themselves by their ballots. I am very sorry for him and his stand, for in my book I have always had a lot of respect for his background, his extensive education and also his capabilities.

I would like to remind the members of this body also that I was surprised at the statements and actions of our Majority Floor Leader Mr. Richardson, when he admitted that he placed petty politics above the desires of the people when he wanted to deprive these people of my community of their cherished rights to vote on something which they are acquainted with.

At this time I can truthfully say that in all the time that I have been a Member of this House, I have never opposed any issues where the people of any community had a referendum attached to it. I strongly believe, as many of you do, in home rule. I always felt it was their prerogative — far be it from me to try to tell or impose on the people of Bethel, Mexico, Poland, Caribou, Norway, China or any other town or city how they should run their local affairs, and I certainly hope that many of you

good people here believe as I do in this regard.

Yesterday I was very appreciative of your action, and I wish to thank you all for voting along with me. Please again, I ask you kind people to have some concern by letting this amendment stand, and I sincerely urge you to support me in this action against the motion.

I do not want to bore you again with debate about the merits of this bill, as it has been very well debated during the past few days, but I do want to say at this time as I have heard said on this Floor on several occasions, I am — and that is no joke, I am somewhat very disturbed at the Majority Leader's action, of his insistence and his arrogance on this minor issue, by his injection of petty politics in this trivial matter. Please, I beg of you, using some of the words of our great Emancipator, Abraham Lincoln, — "Let there be a government of the people, by the people and for the people." Please, give these people a chance by accepting this amendment. Thank you.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I believe last March I brought to your attention that we would be cutting hay in August down here in Augusta. I can assure you that if you keep reconsidering, recalling, carrying on as you are here, and you the party in power, the Republican Party that wants to save so much money for the State of Maine are playing petty politics here today. Here is a bill, you killed the bill yesterday, reconsider today, kill a bill and you reconsider today, I wish the people of the State of Maine could really know what's going on down here.

The sales tax bill, you bring it up and you table it again. You keep telling the press we've got the votes, we've got the votes. Yesterday you didn't produce the votes, tomorrow you won't produce the votes and the day after you won't. Now here again you are trying to play around and prolong this session, not because you want to

put out good legislation, but because you haven't got the votes on the sales tax so you pick on these little bills here to play around with. Let's get down and get on the ball here, this \$9,000 a day you are wasting and start saving some money.

The SPEAKER: The Chair will order a vote. All those in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

The Chair recognizes the gentleman from Madawaska Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I believe the yeas and nays have been requested by the gentleman from Old Town, Mr. Binnette.

The SPEAKER: Does the Chair understand the gentleman from Old Town, requested the yeas and nays?

Mr. BINNETTE: Yes, sir.

The SPEAKER: 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. 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 Cape Elizabeth, Mr. Hewes, that the House reconsider its action of yesterday whereby L. D. 936, Bill "An Act relating to Election of School Board in the City of Old Town," was passed to be engrossed as amended by House Amendment "A" in non-concurrence. All those in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cornell, Cote, Crockett, Crommett, Crosby, Cushing, Darey, Dennett, Dickinson, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Fuller, Gill, Hall, Hanson, B. B.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hewes, Hinds, Hodgkins,

Hoover, Humphrey, Immonen, Jannelle, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Philbrook, Pike, Porter, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Ross, Scott, C. F.; Shaw, Shute, Snow, P. J.; Snowe, P.; Thompson, Townsend, Trask, Waltz, Watts, White, Wight, Williams.

NAY—Bedard, Belanger, Bellevue, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carrier, Carroll, Carswell, Champagne, Conley, Cottrell, Curran, Drigotas, Dudley, Eustis, Fecteau, Fortier, Foster, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Hichens, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Rocheleau, Sahagian, Sawyer, Scribner, Starbird, Sullivan, Truman, Wheeler.

ABSENT—Berman, Bradstreet, Carey, Cookson, Couture, D'Alfonso, Danton, Drummond, Hanson, H. L.; Huber, Jewell, Noyes, Payson, Pendergast, Quimby, Robertson, Roy, Scott, G. W.; Soulas, Susi, Tanguay, Wood.

Yes, 76; No, 51; Absent, 22.

The SPEAKER: Seventy-six having voted in the affirmative and fifty-one in the negative, the motion to reconsider does prevail.

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

Mr. HEWES: Mr. Speaker, I now move reconsideration of our action on yesterday whereby we adopted House Amendment "A".

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, now moves that the House reconsider its action of yesterday whereby it adopted House Amendment "A". Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: The Chair will order a vote.

Mr. Starbird of Kingman Township then requested a roll call.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I would like to have an explanation from that gentleman from Cape Elizabeth, Mr. Hewes, why he wants to reconsider this amendment.

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

The Chair recognizes that gentleman.

Mr. HEWES: Mr. Speaker and Members of the House: I think that I was swayed by some of the oratory yesterday by Mr. Conley, the gentleman from Portland, Mr. Conley, and some of the others. I had a chance to sleep on this and think this over. I have also heard more information as to the amount of the vote, apparently it was a very close vote, 400 odd to 400 odd, when it was taken at Old Town a year ago, and it is my considered opinion that House Amendment "A" should be indefinitely postponed. I will so move if given the opportunity.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I figure if the vote was that close that people should be given a chance, just as they were given a chance today to reconsider. The people in Old Town should have a chance too.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes and that is, whether or not this is a party issue, this bill?

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

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

Mr. ROSS: Mr. Speaker and Members of the House: To answer

the gentleman from Portland, Mr. Brennan, the roll call vote as of yesterday proved that it was a party issue. Not one member of the Democrat Party voted against the amendment. Several members of the Republican Party voted for the amendment. I think that proves it is a party issue; I think that proves which party is taking the issue. I would like to just remind the House again that if this is put to referendum, the same wording will be on the ballot as was on last time except it will say 103rd Legislature instead of 102nd Legislature. Why must we make these people vote over and over again on the same wording?

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I am glad to hear from the gentleman from Bath why should the people vote again. That is very nice to hear from him, because once they voted two years ago to me it is an insult to their intelligence to try to overthrow it without a vote. They have voted in good faith and that is what they wanted, and if they want to change it let them have the right to vote again.

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

Mr. BRENNAN: Mr. Speaker. I would like to pose a question through the Chair to the gentleman from Bath, Mr. Ross, and that is why the Republican Party has chosen to make this a party issue.

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

The Chair recognizes the gentleman.

Mr. ROSS: Mr. Speaker and Members of the House: I did not say that the Republican Party had decided to make this a party issue. I could reverse that and say, why in the world do the Democrats want to make it a party issue?

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

Mr. MARTIN: Mr. Speaker: I would pose a question through the Chair, to the gentleman from Bath, Mr. Ross, and ask this, was this topic discussed in the Republican caucus this morning?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. ROSS: Mr. Speaker: I rather doubt if members of either political party would reveal, on the floor of this House, what they have discussed in closed caucus.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When I yielded the Chair by withdrawing my adjournment motion to the gentleman from Cumberland, Mr. Richardson, yesterday, and he announced that there was going to be a caucus of the Republican Party this morning at 8:30, he didn't make mention that this was a closed caucus. Now, I am not going to discuss the merits or the fallacies of this measure. However, I will say this that in my humble opinion, I think that we've got other things to make party issues outside of a petty piece of legislation like this. I think it is actually a slap in the face to a distinguished member of this House.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I would like to pose a question to the gentleman from Cape Elizabeth, Mr. Hewes, and that is, doesn't he believe that the people of Old Town should render their own decisions? Why does he choose to try to ram something down their throat?

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

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 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 Cape Elizabeth, Mr. Hewes, that the House reconsider its action of yesterday whereby it adopted House Amendment "A". All those in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Brown, Buck, Bunker, Cornell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Fuller, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hewes, Hinds, Hodgkins, Hoover, Humphrey, Immonen, Jannelle, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Mosher, Philbrook, Pike, Porter, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Scott, C. F.; Shaw, Shute, Snow, P. J.; Snowe, P.; Susi, Thompson, Townsend, Trask, Watts, White, Wight, Williams.

NAY—Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crommett, Curran, Drigotas, Dudley, Eustis, Fecteau, Fortier, Foster, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Hichens, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Rocheleau, Sahagian, Sawyer, Scribner, Starbird, Sullivan, Truman, Wheeler.



ABSENT — Berman, Bradstreet, Carey, Clark, Cookson, Couture, D'Alfonso, Danton, Huber, Jewell, Miliano, Noyes, Payson, Pendergast, Roy, Scott, G. W.; Soulas, Tanguay, Waltz, Wood.

Yes, 76; No, 53; Absent, 20.

The SPEAKER: Seventy-six having voted in the affirmative and fifty-three in the negative, the motion to reconsider the adoption of House Amendment "A" does prevail.

The pending question now is the adoption of House Amendment "A". Is the House ready for the question? The Chair will order a vote.

Mr. Binnette of Old Town then requested a roll call vote.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel as serious about this amendment as I did two years ago when I insisted then that it have an amendment. I feel just as serious today as I did yesterday, but I doubt my message doesn't seem to reach the ears of a lot of people. I wish it did, and that's all I have to say because I think the people of this town should make the final decision. Thank you.

The SPEAKER: The pending question is on the adoption of House Amendment "A". A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed will vote no. 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 Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I hope that you will vote against the present question, which is the adoption of House Amendment "A".

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

Mr. BINNETTE: Mr. Speaker and Members of the House: Once again, I ask you, please, let these people of my community decide their affairs and let us go for home rule and I ask you and I urge you with all my powers—please vote yes.

The SPEAKER: The pending question is on the adoption of House Amendment "A". A roll call has been ordered. All of those in favor of the adoption of House Amendment "A" will vote yes, those opposed will vote no, and the Chair opens the vote.

The Chair has an announcement to make. The tabulation is not operating correctly. It will be necessary to take another roll call vote and we will have to send for the maintenance man, unless you would like to have this taken orally while we're waiting. What is the pleasure of the House?

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

Mr. RICHARDSON: Mr. Speaker, I would inquire of the Chair whether or not we can withdraw from our action in requesting a roll call?

The SPEAKER: It has been ordered, and that is not possible.

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

Mrs. CARSWELL: Mr. Speaker, could we table this until later on in the day? I make that motion.

The SPEAKER: The gentleman from Portland, Mrs. Carswell, moves that this matter be tabled until later in today's session, the pending question being the adoption of House Amendment "A."

Mr. RICHARDSON: I request a division, Mr. Speaker.

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

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

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

The SPEAKER: The gentleman from Portland, requests that this be taken orally. Is there objection?

Mrs. CARSWELL: I move that this be tabled — this motion be tabled until later on in the day.

The SPEAKER: The Chair didn't understand the gentlewoman. Would she pose her question again?

Mrs. CARSWELL: If the machine is still not working, I move that we have a roll call and table that motion until later on in the day.

The SPEAKER: A roll call has been ordered, for the information of the gentlewoman, and it will be necessary to take this orally, and some sheets will be passed to you by the Pages very soon.

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

Mr. JALBERT: Mr. Speaker, would an order to table this roll call motion until later on in the day's session by division be in order?

The SPEAKER: It would.

Mr. JALBERT: I so move.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this be tabled until later in today's session, and a division will be taken, and the Pages and Sergeants-at-Arms will please oversee this and the monitors — the gentleman from Durham, Mr. Hunter, the gentleman from Bath, Mr. Ross, the gentleman from Belgrade, Mr. Sahagian, and the gentleman from Madawaska, Mr. Levesque, will count those standing in favor of a tabling motion.

All those desiring this matter be tabled until later in today's session will rise and be counted.

A division of the House was had.

55 having voted in the affirmative and 83 having voted in the negative, the motion to table did not prevail.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I've heard tell about breaking the bank in Monte Carlo and at Nevada, but I never knew that Old Town who has the distinction of making the best skiddooes in the world would upset the House like it has this morning.

The SPEAKER: A roll call has been ordered. The pending question is the adoption of House Amendment "A". All those in favor

of adopting House Amendment "A" will vote yes; those opposed will vote no. The Clerk will call the roll.

### ROLL CALL

YEA — Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Couture, Crommett, Curran, Drigotas, Dudley, Eustis, Fortier, Foster, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Hichens, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Martin, Miliario, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Rochelleau, Sahagian, Sawyer, Scribner, Starbird, Sullivan, Truman, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cornell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Fuller, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hewes, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jannelle, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Mosher, Philbrook, Pike, Porter, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Susi, Thompson, Townsend, Trask, Waltz, Watts, White, Wight, Williams.

ABSENT — Berman, Bradstreet, Cookson, D'Alfonso, Danton, Fecteau, Jewell, Noyes, Payson, Pendergast, Roy, Soulas, Tanguay, Wood.

Yes, 55; No, 80; Absent, 14.

The SPEAKER: Fifty-five having voted in the affirmative and eighty in the negative, House Amendment "A" fails of adoption.

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

Mr. CONLEY: Mr. Speaker, I now move that this bill be indefinitely postponed and when the

vote is taken I request the yeas and nays.

The SPEAKER: The House will be at ease for a few moments so that we can work on the machine, it will be ready I think within a reasonable time.

#### House at Ease

The pending question now is the motion of the gentleman from Portland, Mr. Conley, that L. D. 936 be indefinitely postponed. The yeas and nays are requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Conley, that Senate Paper 352, L. D. 936, Bill "An Act relating to the Election of School Board of the City of Old Town," be indefinitely postponed. All those in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I hope you will vote no against this motion to indefinitely postpone.

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

Mr. SULLIVAN; Mr. Speaker and Members of the House: You're voting today on a principle, and you know there's an old saying that a long lane sometimes doesn't have a turn, and the members of the Republican Party want to remember this that what they are acting on and what they are voting for is a principle, either they are for home rule or they're not. They have demonstrated by their votes this morning that they are against home rule. Every fair-minded person wants to remember that for

the future. That's what they are voting on, don't let them kid you, and because the Majority Leader as he has demonstrated time and time again in this House that he is not in favor of seemingly what is right and correct. He wants to play so-called politics, maybe Republican politics on these measures which have an interest to all people. Thank you.

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

Mr. CONLEY: Mr. Speaker and Members of the House: I would like to concur one hundred percent with the gentleman from Portland, Mr. Sullivan.

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

Mr. GILL: Mr. Speaker and Members of the House: I don't believe anyone's vote is going to be changed here this morning. However, I would like to bring out one point on this action that was taken this morning. This is the fourth roll call which we are now holding. I realize it is a vote, it is the right of anyone to ask for a roll call; however, such as the gentleman from Limerick, Mr. Carroll, who is very concerned with getting this session on, but yet he has voted for four roll calls in a row on the same question and I believe that with him following this particular line that as time goes on if he is able to vote for a fifth roll call, he will.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: As long as the boys want to play a game, why let's play it. The Republican legislatures have time and time again kept the legislature in session four, five or six weeks beyond what was a reasonable length of time. The one that made the record for a short session was the Democratic legislature, the 102nd. And referring to what my very dear and beloved friend from South Portland had to say, the reason we are going on in this fashion is due to the actions of the Republican Party; so if they want to play that game let's make it out

and out. Now I'm going to try to have us here till Christmas. And you know who is responsible, the Republican Party and its leadership.

And they have tried and delayed all kinds of tactics, did this, did that, the other thing. Now that I have the floor maybe I should stay on here and speak for a couple of hours to help them along. I am frankly disgusted at some of the tactics I see going on here. I suggest also to the gentleman from South Portland that he might look into the Boys' Training Center over there at the tremendous amount of waste that goes on there and how they have been using that as patronage for the Republican Party. The same thing applies to most of the other departments of this State, and if they go on the way they are going—maybe what they are trying to do is push this State into bankruptcy. The methods they were using indicate that, because if they use their own personal affairs the way that they use the taxpayers' money here in this Legislature, and all this delaying tactics is due to the Republican Party.

Now, I've got to take my breath for a little while, I am only going to go on here, now, for about three more hours, and further, I want to mention this fact—that they displayed yesterday, certain Republicans and a few Democrats, that they didn't want to give me the opportunity which they take for themselves. Well, I'm going to teach them a lesson on that so the next one that gets up, particularly in the Republican Party and wants to talk three times, I will object, unless the Republican leaders, the Majority Leader, that great legal light, Mr. Richardson, and his chief assistant, Mr. Benson who, seemingly, has been fairer than Mr. Richardson. Now, as long as we are going to have these delaying tactics, let's go on. I've got a strong voice, I'll lower it if I want to save my strength, because I'll be going here for a couple of hours.

So, my good friends, I'm amazed at some of the tactics that have been employed here. I'm a little

bit amazed at the tactics employed by the gentleman that I advocated and spoke for him in the 102nd as a future governor of this State. I'm a little bit in doubt now as to the way he speaks and what he has done on some of these votes. Boys, are you enjoying yourself? Maybe, I ought to sing you a song to kind of break the tension. Thank you.

I want also to refer to a gentleman who comes from Auburn. His name starts with S, just like mine does and he has displayed here, during this session, that he has in my opinion no idea of what is right and correct. I am going to recommend that he attend the church he belongs to a little more and that he follow out in action what his clergyman recommends. I guess I'll quit now and give me a chance, boys, but you're getting an idea what I'm going to do, if you want delaying tactics, why I'll give them to you. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think this morning we're at what you might call an impasse because of making Old Town a party issue in this branch of the Legislature. As the gentleman from South Portland has pointed out, Mr. Gill, that we have had four roll calls on this matter this morning with another one pending. This only refreshes my memory as to the amount of time this would have taken two years ago and years prior. So again, as I have reminded the members of this House quite some time ago, at \$9,000 a day, we cannot very well afford too many of these delays. So, therefore, we can thank the Democratic roll call machine that it is going to shorten the session, which was intended.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I wish to set the record straight. No Republican member or any member of the leadership has contacted me to vote for or against this bill. And nobody has twisted my arm, and

I have voted for this bill, in favor of it in the past and I am still voting for it, but I just want the members in this House to know that I can't consider this as a party issue; and there was six or seven other Republicans voted along with the Democrats, so where is this party issue comes into this? And again, I want to repeat, that no member of the Republican Party, or Republican legislature, or the leadership, have contacted me or twisted my arm to vote either way on this bill. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I move the previous question.

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

A vote of the House was taken.

The SPEAKER: Obviously, more than one third have voted for the previous question.

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. Is it the pleasure of the House that the main question be put now? 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 Portland, Mr. Conley, that Senate Paper 352, L. D. 936, Bill "An Act relating to Election of School Board in the City of Old Town," be indefinitely postponed. The yeas and nays have been ordered. All those in favor of this matter being indefinitely postponed will vote yes; those opposed will vote no. The Chair opens the vote.

### ROLL CALL

YEA — Bedard, Belanger, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier,

Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Couture, Crommett, Curran, Drigotas, Dudley, Eustis, Fortier, Foster, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Martin, Miliano, Nadeau, J.F.R.; Nadeau, N.L.; Quinn, Rocheleau, Sawyer, Starbird, Sullivan, Truman, Wheeler.

NAY — Allen, Baker, E.B.; Baker, R.E.; Benson, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cornell, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Fuller, Gill, Hall, Hanson, B.B.; Hanson, H.L.; Hanson, P.K.; Harriman, Hawes, Haynes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jannelle, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Mosher, Philbrook, Pike, Porter, Prince, Quimby, Rackliff, Richardson, G.A.; Richardson, H.L.; Rideout, Robinson, Ross, Sahagian, Scott, C.F.; Scott, G.W.; Shaw, Shute, Snow, P.J.; Snowe, P.; Soulas, Susi, Thompson, Townsend, Trask, Waltz, Watts, White, Williams.

ABSENT — Beliveau, Berman, Bradstreet, Cookson, Crockett, D'Alfonso, Danton, Fecteau, Jewell, Minkowsky, Noyes, Payson, Pendergast, Robertson, Roy, Scribner, Tanguay, Wight, Wood.

Yes, 50; No, 80; Absent, 19.

The SPEAKER: Fifty having voted in the affirmative and eighty having voted in the negative, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be engrossed in concurrence.

Mr. Dudley of Enfield was granted unanimous consent to address the House.

Mr. DUDLEY: Mr. Speaker and Members of the House: Very briefly I would like to say that in my many years that I have sat in a seat in this House, I have never seen anything like education on the local level and discussed as

it has been in this House this morning. And I would like to say that on this June 13th in 1967 will surely be known as Old Town's Day, the day that Old Town was knocked down on its nose as not having the right to make their own decisions. I would like to say that I think that somewhere here we need a salesman somewhere because, how are we going to sell a tax measure to people with this kind of action? I was considering voting for a package that was being offered by what I thought was a sincere man which I feel reluctant now to support a man with this type of thinking, and for this reason I say that without salesmen we're going to be here for a long time because when we should be out mending fences and making friends they seem to be making enemies; in other words, very little headway. We're never going to get anywhere that way. Now my friend, Mr. Binnette says to me, and it's true, he says that he has taken a couple of bites of the crow and it went down kind of hard. But there's a lot more of the crow left and somebody else is going to eat the rest of the crow. I believe that's so. Someone said we have had five roll calls in this affair. Let me assure you, ladies and gentlemen, this isn't the last one. There'll be another one and it's too bad that we have to lose time and lose friends over such a small item. Thank you.

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**House Reports of Committees  
Ought to Pass in New Draft  
New Drafts Printed**

Mr. Martin from the Committee on State Government on Bill "An Act relating to Temporary Loans by State" (H. P. 1026) (L. D. 1492) reported same in a new draft (H. P. 1203) (L. D. 1712) under same title and that it "Ought to pass"

Mr. Starbird from same Committee on Bill "An Act relating to Membership of Aeronautics Commission" (H. P. 200) (L. D. 289) reported same in a new draft (H. P. 1204) (L. D. 1713) under title of "An Act relating to Duties of State Transportation Commission" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

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**Ought to Pass with  
Committee Amendment  
Passed to Be Engrossed**

Mr. Watts from the Committee on State Government on Bill "An Act relating to Approval of Plans and Competitive Bids under Bureau of Public Improvements Law" (H. P. 551) (L. D. 783) which was recommitted, reported that the same new draft (H. P. 1127) (L. D. 1600) under same title, which was formerly reported, "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted. Under suspension of the rules, the House reconsidered its action of April 27 whereby the Bill was passed to be engrossed.

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

COMMITTEE AMENDMENT "A" to H. P. 1127, L. D. 1600, Bill, "An Act Relating to Approval of Plans and Competitive Bids Under Bureau of Public Improvements Law."

Amend said Bill in section 2 by striking out all of the last underlined sentence (same in L. D. 1600) and inserting in place thereof the following: **'Such contracts shall be awarded by the appropriate department or agency with the prior authorization of the Bureau of Public Improvements.'**

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

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Mr. Watts from the Committee on State Government on Bill "An Act Entering the State of Maine into the New England Interstate Planning Compact" (H. P. 620) (L. D. 876) 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. 620, L. D. 876, Bill, "An

Act Entering the State of Maine Into the New England Interstate Planning Compact.”

Amend said Bill in the first line (same in L. D. 876) by striking out the underlined abbreviation and figure “Sec. 1.”

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

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

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

Majority Report of the Committee on Judiciary on Bill “An Act relating to a Power of Sale in a Mortgage and Sale under a Power in a Mortgage” (H. P. 365) (L. D. 512) reporting “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

Report was signed by the following members:

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

Messrs. FOSTER  
                                of Mechanic Falls  
HEWES of Cape Elizabeth  
DAREY  
                                of Livermore Falls  
BRENNAN of Portland  
QUINN of Bangor  
                                — of the House.

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

Report was signed by the following members:

Messrs. BERMAN of Houlton  
DANTON  
                                of Old Orchard Beach  
                                — of the House.

Reports were read.

(On motion of Mr. Berman of Houlton, tabled pending acceptance of either Report and tomorrow assigned.)

#### **Passed to Be Engrossed**

Bill “An Act relating to Use of County Surplus Funds” (S. P. 457) (L. D. 1134)

Bill “An Act relating to Mortgage Insurance Fund under Maine Industrial Building Authority Act” (S. P. 471) (L. D. 1163)

Bill “An Act relating to Certain Expenses in the District Court” (S. P. 474) (L. D. 1166)

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 relating to Salaries of Director of Legislative Research and Legislative Finance Officer” (S. P. 509) (L. D. 1223)

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

(On motion of Mr. Henley of Norway, tabled pending passage to be engrossed and specially assigned for Thursday, June 15.)

Bill “An Act to Extend the Life of the State Transportation Commission” (S. P. 672) (L. D. 1703)

Bill “An Act Increasing Salaries of the Several County Attorneys and Their Assistants” (H. P. 700) (L. D. 981)

Bill “An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax” (H. P. 813) (L. D. 1189)

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

#### **Amended Bills**

Bill “An Act to Correct Errors and Inconsistencies in the Education Laws” (S. P. 358) (L. D. 966)

Bill “An Act relating to Pensions for Members of the Police Department and Fire Department of the City of Auburn and Their Beneficiaries” (H. P. 925) (L. D. 1357)

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

#### **Passed to Be Enacted Emergency Measure**

An Act relating to Competence to Stand Trial and Release of Persons Found Not Guilty by Reason of Mental Disease or Defects. (S. P. 361) (L. D. 965)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Bond Issue Tabled Until Later in Today's Session

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)

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

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

Mr. WALTZ: Mr. Speaker and Members of the House: In my mind, this particular bill and its allied bill, 1672, represents the nearest approach to a shell game that I have witnessed since I was in Cheyenne in 1944. Initially this bill was brought in in the early days of this Legislature in the amount of \$10 million. Now, we have a revised copy asking for 16 million and I would like to call to the attention of all of you one of the requirements in this particular bill and I quote, "The proceeds from the sale of these bonds shall be used for the construction

or reconstruction of roads and bridges." I repeat, "construction or reconstruction of roads and bridges." Now, I have here a breakdown of how this \$16,800,000 is to be spent.

First, it is to pick up a deficit of \$6½ million which apparently has occurred during the three preceding years, and may I state that this particular bond issue is supposed to cover a three year period. As we go down through, we find that out of this \$16,800,000 actually there is roughly \$5 million for construction; in other words, \$11 million for miscellaneous items which includes this \$6½ million deficit. And here's one significant fact. Several days ago I spoke against the highway allocation bill in which they had included an item of \$2½ million for a highway building. At that particular time, in the bill, it was stated that \$1 million would be taken from current revenues. Well, I mean I was all ready to believe that, and then when I get the allocation of this particular bond issue of 16 million 8, I find that in there they have a million set up for a building. That's where the shell game comes in, I think, they are covering up all the time.

Now, here's another factor, and I am sure that these figures are accurate. Going back to the year 1963, the Highway Department received from taxes and incidentals which includes motor vehicles, licenses, et cetera, et cetera, 38 million: '44 it goes up to 40 million; '65 43 million, and '66 44 million. Now it just seems to me with those figures that we should get away from a deficit.

Here's another rather significant thing that I found which is perhaps difficult for me to understand, and that is this. The Highway Department, which includes construction of highways and bridges, has approximately \$30 million worth of bonds which are authorized and unissued.

Here's another thing, 7½ million of these bonds were issued back in 1959, a long time ago, What's happened, aren't we going to use those bonds? It seems to me rather unique, shall I say, that with \$30 million worth of bonds already issued and approved, as it were, that



have been authorized but unissued, we would have enough money to carry us along for some little time.

Here's something else that I would like to point out. As of the moment, including this \$16,800,000 of highway bonds, we've already approved about \$7 million more. In other words, 4 million for this bridge in Lewiston-Auburn and 3 million for Route 6. I ask you, how do you think our people are going to vote when it comes to approving a bond issue of approximately \$24 million?

I am sincere and believe it that we can get along without this bill and I move for indefinite postponement.

The SPEAKER: The gentleman from Waldoboro, Mr. Waltz, now moves item three, L. D. 1673, be indefinitely postponed.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I shall be brief, very brief this morning regarding this document. I think the need has been very well pointed out as to what the needs are going to be in the very near future, and this is paramount if we are going to continue with the expansion of our present highway system and also highway facilities.

Fully realizing that Mr. Waltz is being very sincere, still points out the need has not been eliminated, and certainly we hope that all the members of this House this morning will vote against the indefinite postponement as the motion has been made.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett:

Mr. CROCKETT: Mr. Speaker and Members of the House: I firmly believe in Dave Stevens, Commissioner of Highways. I believe the schedule that he has given us, what money he needs to operate, will come out of the Highway Fund and nothing out of the General Fund. Therefore, I hope that you will accept the statement from Mr. Levesque, and if I am in order, I would like to say I recede and concur.

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

Mr. SUSI: Mr. Speaker and Members of the House: I move this item be tabled for two days.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, now moves that item three, L. D. 1673, be tabled until Thursday, June 15, pending the motion of the gentleman from Waldoboro, Mr. Waltz, that it be indefinitely postponed.

Mr. Nadeau of Sanford then requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled and specially assigned for Thursday, June 15, will vote yes; those opposed will vote no, and the Chair opens the vote.

A vote of the House was had.

44 having voted in the affirmative and 73 having voted in the negative, the motion to table did not prevail.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: Is it permissible now to debate the merits of the bill?

The SPEAKER: The gentleman may proceed, it's debatable.

Mr. HARRIMAN: I was a little bit disturbed this morning after finding that our committee amendment the other day was killed, to find that this building was in this bond issue. I came down here to represent the people in my community and the people of the State of Maine have voted against an office building and I have no intention of voting for an office building that is put in against the wishes of the majority of the people in the State of Maine. Furthermore, I don't believe we need the office building at this time. We've got the Federal Building, we're putting a piece on that, and I think we can wait two or three years. The more buildings we get, the more employees we will have, we jumped our payroll up with additional employees since the last legislature, three or four hundred thousand dollars. If we put another office building there, we'll jump it up three, four, five

hundred thousand dollars more, and I'm definitely against it.

At a meeting here the other night, the statement was made that the reason they needed a new building was because they had so much help they didn't have efficiency. They only had sixty percent efficiency. I asked for a definition of that, whether it was in quality or quantity. After a few seconds I got an answer that supposedly it was in quantity. My answer to that is, we don't need so much help, we need more efficiency, and we need to spend less money that we haven't got.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I support the position of my good friend from Waldoboro, Mr. Waltz. I think it would be sheer arrogance to fly in the face of the wishes of the people of the State of Maine as they expressed themselves in referendum. I think, reading the newspapers and periodicals that appear today, that there could be perhaps a bit too much arrogance in politics and I, for one, want no part of that.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Waldoboro. I understand, from what he said, and the two speakers just after him, that the item concerning the highway office building is included in the \$16 million bond issue, as well as in the allocations act, is this true?

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, poses a question through the Chair to the gentleman from Waldoboro, Mr. Waltz, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. WALTZ: Mr. Speaker and Members of the House: That is correct. Thank you.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I just would just like to read something that I picked up in the newspapers. It says,

"Of course, many of the lobbies don't give a damn what or how the citizens think. Just for an example, let us discuss again the Maine State Highway Commission, which we commented on last week.

"Last year the voters of Maine rejected a proposal for a new State Highway Commission office building. It was a fair referendum, fairly conducted, and supposedly killed the office building proposal. The project would have cost \$2.5 million and the money would have been raised through a bond issue. The voters didn't buy it.

"But who gives a damn about the voters and their wishes? They don't know anything anyway and if they vote a building down, there must be a way to get around them. There is, and, of course, the Highway Commission came up with it."

And this is why I believe we ought to defeat this bond issue if you are truly here to represent your people.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would be less than candid with you if I told you that I was enthusiastically in support of the L.D. which is before you, but it seems to me to be only way out of what is a very difficult situation. We are faced with a critical space shortage which even the opponents of this bill admit it operates to reduce the working efficiency of state employees, or at least there are some state department heads who say so. It is for this reason that we ask you today to authorize through this L.D. a building which will at least partially relieve the congestion at our state employee working areas. It is up to each one of you to make the decision whether or not you wish to take this step. But I think every one of you recognize the fact that we cannot expect top operating efficiency from state employees

crowded into tiny rooms and into corridors and we cannot expect to have adequate record keeping systems and all of the other business of big state government, which we are, in the present overcrowded facilities.

I would urge you to vote against indefinite postponement.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: To me, these two methods of getting around what the people voted on are one of the most high-handed and arrogant acts I have ever seen in all my life. It is the act you might expect from King John of England who had to be forced by an army at swords point to sign the Magna Carta. You may wonder if I'm a little angry right now; well, I am, but I will try to keep myself on the subject.

I thought it was bad enough when this building was included in the allocations act, where it was fairly plain to see. I think it is even worse to include it in this bond issue. The people have turned it down. If there is a space lack, and I believe there is—I think I have seen sufficient evidence of it to see that there is a definite space lack, why doesn't the State Highway Commission pose another bond issue, a bond issue the same size, the same requirements as the one of last year, put it to the people through us; I'll go for it, with its purpose definitely stated, and then go out and sell this to the people, sell it to them. Show the people that they do have a plight, that they are definitely snug for space. The people in this State aren't stupid. They'll vote for something if it's really needed. But, the fact that they have already voted this down—the Highway Commission sitting way up there in their own cubby holes, their own ivory towers, apparently didn't think that the people of Maine know enough to vote against anything that was submitted to them. I take issue with that point. The people of Maine are intelligent and the people of Maine will respond when they are told, and told rightly, straightforwardly, that the

space is needed and shown evidence that it is.

Now, for these reasons, I am going to vote against this bond issue and I am going also along with amending out this building from the allocations act if it can be done. To me, this is one of the most high-handed and arrogant acts that I have ever seen of any Commission or any department heads in this State government.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: Of course it is a very high-handed and arrogant act and, in my opinion, the reason that they need more space is because that department, and I checked up on it very closely two years ago, they have at least 40% more help than they really need. The result is they are falling over one another. Maybe that's the reason so many of them are spending so much time down in the cafeteria. I've seen some of them, when I went in there at half-past eight in the morning, they reported in for work and they are down there approximately half an hour supposedly having breakfast. You go down again an hour, an hour and a half later and you find the same people down there, they're having a coffee break. Well, that coffee break, instead of being fifteen minutes it looks to me as if they spent twenty minutes down there, it takes them five minutes to get down, five minutes to get back, so that's a half an hour!

And that evidently is true, to some degree or another, of most the departments in the State House, and what is it due to? Due to the fact that the Republican Party has controlled the employment of people in the State. If you didn't happen to be a Republican and you were the best qualified, you applied for a job in any one of these departments, and lo and behold you are probably the best qualified, but, you happen to be a Democrat, and what happens? Of course you are not chosen. In other words, they have loaded up all these departments with patronage for the benefit of who? The Republi-

can Party. That's the reason we have so much waste of the taxpayers' money.

I guess I'm on my feet, I may have to go on for — well, I ought to go on for at least a couple of hours. I think this is kind of a second warning. Maybe, someday I'll get to get on the Floor, talk all day and then I have the Floor and when we adjourn, of course I have the Floor the next day. There is a gentleman here that wants me to speak on motherhood. I'll be glad to at some time later.

I'm frankly a little bit disgusted at the tactics of the majority of the people seemingly in the Republican Party, and I was a delegate to three Republican Conventions. I went over to the Republican Party to find out how they did it, and I found out. I'll give you an illustration. They had a Republican Convention in Bangor, 1952, yours truly Bartholomew Joseph Sullivan was a delegate; and lo and behold, the Republican Party went on record for a just and equitable minimum wage, 75c an hour. Wasn't that a magnificent sum? And if they worked forty hours they would get \$30.00 a week, they would take home \$26.50. Could they live on it? Of course not. And what happened? When it got into the Republican controlled legislature in '53, 78% of the Republican Party voted against their own platform. Why? Well, of course, that was just hypocrisy to gain votes.

The Republican Convention was in Portland in '54, yours truly, Bartholomew Joseph Sullivan Sullivan was again a delegate. And lo and behold, they put that in their platform once more. You know, what they probably said to themselves, look, look, we can fool the suckers, let's fool them again. They don't know what we do. They went again on record for a just and equitable minimum wage, 75c an hour. We had no minimum wage in the State. And lo and behold, they had certain of the ribs of the Republican Party that went up to the hearing and I was up there, spending my time and my money to see if I couldn't keep them straight, seeing if I couldn't con-

vince them that they ought to follow the advice of their mothers.

And lo and behold, it gets into the legislature in '55 and we managed to get it through the legislature with the support of those Republicans who had open minds. Of course, in the Republican party you have possibly, seemingly, maybe thirty-five or forty percent of them that have open minds. So we get it through the legislature. It went into the Republican controlled Senate. There were thirty-three members, eight of them were Democrats, naturally they would vote for 75c an hour minimum wage. But, what happened? Twenty-five Republican Senators, twenty of them or eighty percent voted and killed the 75c an hour minimum wage. Now, that is what you have going on in the Republican Party. In other words, they forget the advice of that great Republican President, Abraham Lincoln, when he said "You can fool some of the people all of the time, and all the people some of the time, but you can't fool all the people all the time."

Well, ladies and gentlemen, this is more or less of a second warning, and if I have to repeat the warning later, I may start, I may talk all the rest of that day. I may start when they have the floor on the following day. I got a good strong voice and strong lungs and I got a lot of reserve power, so I feel if I have to maybe I ought to go on for three days. Some people this year need a good lesson in what is fair, just and equitable and I realize that when I say some of these things it's just like as if I was talking, to some people, as if I was talking to the wall. Or if I was going over there and trying to stop the flow of Niagara Falls all by myself, but I feel that I have a duty to my conscience, to my standards of fair play and ethics. And you will notice that when I talk on certain subjects it doesn't interest me whether the individual who is speaking is a Democrat, a Republican or an Independent, and unfortunately I've got an idea that some people who have the best of intentions, their ethics and sense of fair play seems to get shall I say, a little bit contaminated.

Now I don't want to go on further, I hope I've made myself clear — if I haven't, why gentlemen you'll be in the next time for a least two hours talk. I hope I don't have to give that third warning. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would like to make a few brief comments on the subject before us.

I was somewhat disappointed this morning in that we didn't see fit to table this matter for another two days. I think my feelings in regard to raising all of our revenue money by bonds is well known to all of you without my further enlarging on that point, and I think at this time I'm mainly here to clarify my voting position on this at this time.

Until such time as we have given serious consideration to raising part of our highway revenue by an increased tax measure, I shall feel called upon to vote against this bond issue.

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

Mr. WOOD: Mr. Speaker and Members of the House: It seems as though we're having a lot of fun, but we don't seem to be accomplishing very much. I would believe that it's pretty near time that we started talking about the issues and do something for the people we're here to represent.

There's a few things about this bill that's before us that I don't like too well, some things I don't approve of wholly, but we've come to the place where we've got to do what we think is best for the people. Sure enough the bond issue was turned down to build a building; we could put up another bond issue, it might be passed, it might be turned down, but whichever way it went we could spend that much money in waste and inefficiency before we ever accomplished a thing.

The State of Maine is hiring buildings around the City of Augusta — it's costing a lot of money;

we have crowded conditions in all of our departments that are very inefficient, costing thousands and thousands of dollars. It could be alleviated with a little more room to work in. We have roads to build, we have roads that are wearing out a good deal faster than we're building them. By letting this happen we're letting the people that live in the State of Maine down; we're letting our tourists down that come here and ride over our roads, and we must raise the money to build those roads with.

I didn't know until today that the money for this building was included in the bond issue, also in the other bill that came before us. I don't believe it should be in both of them, I think something should be straightened out, and I think the bill could have been tabled — it could have been taken care of.

Another thing, a good many weeks ago I talked with people and approved of part of our highway revenue coming from further increasing the gasoline tax. I believe now that's what should be done, but nevertheless, until it is done we've got to have the money to build our roads. If we have to have space in our office building to save money for the State and make better working conditions for our state employees we've got to do something about that.

Until something better comes before us, I think we should vote to pass this bond issue and get along with the State's business.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: It's not my desire to delay action on this bill. However, I think there may be a little bit in the way of misinterpretation as far as Members of the House are concerned because I think I was working under that problem for a short time here until it was a little bit clarified. This particular issue we are talking about obviously is for money in the amount of \$16,800,000 in behalf of the State of Maine to build state highways. It's a little

bit deceiving. We are discussing only the highway building.

Now I think there are many in this House, and I think I agree with them, who feel that we voted on this issue and we feel at this time we are not ready to put it in this bill. However, as I understand the motion if I am correct, it is to defeat the entire measure. Now in so doing, are we defeating something we don't want to go down the drain at this time? Would it not be more in order to delete the item pertaining to the highway building before we kill the entire measure? Now I may be wrong in this interpretation, it's more than — perhaps it's just a question I'm asking rather than making a statement, but I would like the members of the House to be sufficiently clarified on what they are voting on. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I'm going to try to clarify this issue just a little bit, maybe I'll confuse you worse; I noticed that I don't have many open ears generally when I speak, but I'm going to try to straighten this out.

Now first of all this building is not in this bond issue. It has been stated here that it was. Now this is in error; this building is not in the bond issue. This proposed building is going to be built, part of it from the surplus that they now have — Highway Surplus account, and the rest from current revenue. Now that's where the building is going to be built from — so much for that.

Now, it has nothing to do with this bond issue that I can see. Let me say about the building, I was here before this monstrosity of a building over here that's there now was built, and the people also voted that down. That was built out of current services later, and it was built because this House employed so many people that there was no place to set them on the street. Now this House, whether you believe it or not, not by my vote but by most of yours, as near as I can figure, has voted to hire an-

other 107 people. In other words, you've passed, legislation that has now passed this House, some of it's pending on the Senate table and some of it isn't, that would require hiring approximately 107 people — it may be 106, it may be 110, but to the best of my figures it's about 107.

Now I say to you, where do you propose to put these 107 people? In this hall after we have adjourned, or on the street? Now — that's enough about that.

Now the alternative to this bond issue is a gas tax. I'm sure you can't pass a gas tax in this House as well as most of you are, as well as it may be the best thing to pass a gas tax. Best, or not best, I'm sure you can't pass it in this House as well as the leadership is.

These are just some of the things that I want to straighten out. There's much more to be said — this Committee of Highways wasn't unanimous, but it was quite unanimous that this was the best alternative and the best bet that we could get out of this House. Here again, I don't care to be a salesman, but here again we need a salesman to sell either the gas tax or the bond issue. Our Committee felt nine to one that we possibly could sell the bond issue, and one of our chief reasons for it — at least mine and I'm sure some other members of the Committee was, that with during this time we'll be retiring approximately this same amount of bonds. Now, this being so, we'll end up at the end of this three-year period with approximately the same bonded indebtedness we have now.

Now, I think this was the thing that decided me in going for the bond issue, rather than to try to increase the gas tax at this time. I am sure the gas tax will have to be increased in the next legislative session and I am sure that we will be doing the right thing if we pass this bond issue. But don't get the bond issue confused with the building, because the building is not in the bond issue. I can prove this and it would take me a little time to dig the affair

out. I hope that before this carries on way by lunch hour, for those of us that plan on meeting this afternoon, that the leadership will see fit to table this about twelve o'clock so we can thoroughly discuss it. Thank you.

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

Mr. WALTZ: Mr. Speaker and Members of the House: Apropos of the statement that my good friend Mr. Dudley just made. I have in my hand, ladies and gentlemen, a breakdown of this \$16,800,000 bond issue and it is put out over the signature of Senator Ferguson who is the Chairman of the Highway Committee and there is definitely in this breakdown a million dollars for a building. Now, if again this shell game comes into operation, perhaps this thing may be removed for cause and effect in here, but that I don't know, but it is here at the present time over the signature of the Chairman of the Highway Committee and, ladies and gentlemen, permit me to make one more statement, perhaps not necessarily a statement but to refresh the minds of you.

The last time that we voted upon four bond issues at referendum, two of them went over, the Archives Building and the Allagash; two of them went down the drain, the Sidney airport and the Highway building. Now, certainly the voters were discriminating; some of you perhaps may be inclined to argue with me as to whether or not they were intelligent. I claim that they were both intelligent and discriminating.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I move this lie upon the table until later in today's session.

Whereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Waltz of Waldoboro to indefinitely postpone and assigned for later in today's session.

### Passed to Be Enacted

An Act Adopting the Uniform Arbitration Act (S. P. 263) (L. D. 644)

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)

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

An Act to Clarify Errors and Inconsistencies in the Fish and Game Laws (S. P. 660) (L. D. 1378)

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 Creating a State Planning Office (S. P. 668) (L. D. 1696)

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

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

Mr. GILL: Mr. Speaker and Members of the House: I now move that this bill be passed to be enacted.

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

Mr. HINDS: Mr. Speaker and Members of the House: I was just out for an interview at the University of Maine, and I don't know if anyone has explained this, but I have read this bill and I don't understand it. It has quite a large price tag on it. I am wondering if some member of the Committee or someone that might be familiar with the bill would explain it to me.

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

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

Mr. GILL: Mr. Speaker, I explained to Mr. Hinds that it was a good bill but evidently it wasn't satisfactory, so if someone else would care to answer the question.

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

Mr. SUSI: Mr. Speaker and Members of the House: I'm not a member of the Committee and I'm not the sponsor of the bill, but I am somewhat acquainted with the bill and I believe it's Natural Resources that heard it and there may be some member of that committee here who later would like to make a fuller explanation.

I am quite certain that it was a unanimous "Ought to pass" report and it calls for the beginning of a planning effort on behalf of the State of Maine. Putting it very briefly, Maine has been in certain areas, rather a static state over many years and in a static situation, very little planning is required. I think that, fortunately, our State is beginning to move, particularly in recreational areas. This planning effort would be aimed along the lines of alleviating situations as described in the Bowdoin pictorial report on conditions along the Maine Seaboard. I think this is badly needed. I think this is excellent legislation. I think it was recognized to be excellent legislation on the part of the Natural Resources Committee. There are considerable Federal funds available to pursue this subject and I hope that you give favorable action to the bill. Thank you.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I'll be very brief. This bill that is before you at this moment was originally put in as L. D. 1019. It was heard by the Committee on State Government from which it has a unanimous "Ought to pass" report. This bill as it appears before you now is a new draft and it entails a comprehensive plan for the State of Maine. I am happy, very happy, to say that this is one bill before this Legislature and it is my understanding that it has the approval of the Governor, of the majority and the minority leaders, and in general I think it should have the approval of the entire Legislature. Thank you.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: Now that the good gentleman, Mr. Gill from South Portland has caught this bill before it slipped past, I find Section 5 in this new draft calls for \$140,000 for 1967-68, \$141,550 for the next year of the biennium. That is a quarter of a million dollars. This is a new draft of L. D. 1090 which was drawn up by our good State Government Committee and I am concerned with the money figures in the bill as well as the duplication of services. Under this bill, there is to be a State Planner \$16,000; an Economist, \$15,500, and I don't know how many bills for an economist we have had in this body. A Regional Planner for \$12,000; a secretary \$5,500 and they propose to give him a \$300 raise in the next year of the biennium; Clerk for \$5,000 and they propose to give that Clerk a \$250 raise. I question whether we need all of these planning offices. We have a Governor and a Council, a legislative body of 185 members, and it seems too bad to appropriate another quarter of a million dollars for another board. When the vote is taken, I request a division.

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

Mr. PIKE: Mr. Speaker and Members of the House: This bill was before State Government and not before Natural Resources. We had some reference to it in some sort of companion related bills. Now, my understanding is this, if I am wrong I hope I can be corrected. This will not be entirely an additional expense, that something comparable to this is now operating in the Governor's office, by executive order let us say. Our Committee, while it had no vote, did not hear the bill, felt that this was almost a necessary thing for a forward look in seeing what we've got, where we want to go, how we want to get there; and it will cost a little money, but I don't believe it will be all additional money because the area in the Executive Office that now exists will



be either absorbed into or replaced by the staff that is set up by this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The good gentleman from Lubec, Mr. Pike, is absolutely correct. The remarks of the gentleman from Kittery, Mr. Dennett, should be heeded. This measure has had the approval of our executive branch and obviously the approval of the leadership of both parties and certainly it should have the approval, resoundingly, of the membership of this branch.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I would like to pose a question to anybody who will answer. Is this the bill that would plan for long range planning for office space and improvements to the State Capitol and other such buildings?

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

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

Mr. HINDS: Mr. Speaker, this is why I asked the question on this, if that was another bill that plans that and we have several other bills that are planning other things and I just was confused here. I still don't know what this particular bill is going to plan. I am sorry that I have to ask the question, I see there are two or three people who don't think that I should ask a question on this, but I still don't understand what they're going to plan. We have the Capitol Area Planning Commission, which I think has been enacted here, and we have Area Planning Boards throughout the State that handle things on the local affairs. We have plans for higher education, have bills before us that are going to plan and lay that in the right direction, and I still don't understand and no one has explained to me yet, what this

particular planning group is going to take of.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I will attempt to answer the question posed by the gentleman from South Portland. Basically this L.D. in redraft, as we have it as L. D. 1696, is an attempt to prevent duplication of services in the field of economic advising as far as the State of Maine is concerned in planning. If the gentleman would look at the L.D. and take a look at page three, he would find under Section 3305 the powers and duties of the State Planning Office which would be to provide technical service, to provide that the Commission itself would set up a comprehensive plan as far as the physical development of the State itself is concerned. Also, to provide for economic analysis in planning of which we have none today. It would also provide for planning assistance, inter-governmental planning and for assistance to public and private groups. The money that you find in the appropriation section deals with a number of items and some of these were included in other bills. We decided to leave these as Leave to Withdraw and to put these all in one bill; so this is why you have it as one comprehensive document before you.

I hope that this answers the question as posed by the gentleman.

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

Mr. JALBERT: Mr. Speaker and Members of the House: To further answer the gentlewoman from Portland, Mrs. Carswell and the gentleman from South Portland, Mr. Hinds, wherein it concerns space planning, the Legislative Research Committee made a study, empowered a study to be made of space planning in this building here. After we convened, I asked a representative of the Administrative Branch as well as the representative of the Executive Council and the leadership of both branches to join with the Legisla-

tive sub-committee as the reports of the firm hired to do this work were given to us. This was done in three phases. The reports have been given to the third phase, and final phase was given to us recently; and it is a separate entity entirely but it is progressing well and the final report has not been accepted but I presume will be before we convene in the Legislature, we adjourn here.

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

Mr. BROWN: Mr. Speaker and Members of the House: In answer to, why do we need this? I think that before our Committee we had several bills pertaining to water uses, pertaining to marine algae control, for example, oceanography. I think that all of these are related, and we found that there are so many things going on from the Federal Government and the State government that unless there is a State Planning Office that these sometimes there are things going on that other departments don't know anything about. This would be merely a coordination in my opinion, or would help to coordinate the plans of all the various departments in the State. It would also give the State a long range plan, something which we don't have now for our natural resources, for perhaps our wild lands, water uses and so forth. I certainly think this is a very fine bill.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: I am concerned about the bill because we have a Department of Economic Development who have been doing this very work, analyzing and planning, and either we can abolish the DED and have this bill or dispense with this bill and keep the DED. I haven't had time to analyze the bill thoroughly, just quickly looked it over. I request a division.

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

Mr. HARVEY: Mr. Speaker and Members of the House: After a quick glance through this docu-

ment 1696, it's a Planning Board beyond any doubt. It also has a lot of power and authority there. For instance, "Section G-2C. Agreements. The State Planning Office is authorized and empowered to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter.

"D. Acceptance of Funds. Funds from the Federal Government or from any individual, foundation, or corporation may be accepted by the State Planning Office and expended for purposes consistent with this chapter."

It appears to me that there's an awful lot of power in this little bill. I would recommend every member here to get a copy of 1696, study it thoroughly, see what it provides for and I would hope that someone would table this bill until the members of this Legislature could study this bill. Thank you.

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

Mr. GILL: Mr. Speaker and Members of the House: I first set this aside because I was curious about it. I was assured by some of the proponents that it was a good piece of legislation and I truthfully believe that they feel that it is. However, in all good conscience, I can't go along with the passage of this bill and I feel that I should tell them so. This creates a Board of Advisory Council with fifteen members and I do not see where its duties are actually spelled out in detail. I have read this, I think the direction they are given by this is very broad and I would like to apologize again for being required to oppose it.

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

Mr. HENNESSEY: Mr. Speaker, I would like to table this until June 15.

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, now moves that item 8, L. D. 1696, be tabled and specially assigned for Thursday, June 15, pending passage to be enacted.

Mr. Dennett of Kittery then asked for a division.

The SPEAKER: A division has been requested on the tabling motion. All those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

46 having voted in the affirmative and 71 having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The pending question is on the enactment of Senate Paper 668, L. D. 1696, An Act Creating a State Planning Office." A vote has been requested. All those in favor of this matter being enacted will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

70 having voted in the affirmative and 50 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 the Official Observance of the 150th Anniversary of the Formation of the State of Maine (H. P. 723) (L. D. 1018)

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)

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)

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

#### Orders of the Day

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

Senate Majority Report (7) — Ought to Pass as amended by Committee Amendment "A" (S-226)—Committee on Election Laws on Bill

"An Act relating to Recount and Other Election Procedures and Changing the Primary Election Date (S. P. 649) (L. D. 1657) — Minority Report (3) — Ought Not to Pass (In Senate, Majority Report accepted, Bill indefinitely postponed)

Tabled — June 9, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Hawes of Union to accept Majority Report.

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

Mrs. BOUDREAU: Mr. Speaker and Members of the House: First, I would like to comment on the notices we received on the Mock Session. I am very glad that Judge Darey asked the question to clarify the situation, because, frankly, I thought the notices were late and we held the Mock Session this morning.

Now, ladies and gentlemen, L.D. 1657, before you, is the child of the Election Laws Revision Study Committee appointed by this Legislature. Ever since the general election has been moved to November, the general public and the candidate have complained about the length of time between elections. Both Senator Katz and Representative Healy had introduced bills to change the primary date. When these bills came before the Election Laws Committee we realized that certain changes would have to be made before it would be feasible to hold the primary in September. So the study committee's first project was to resolve these obstacles. We worked very closely with the Secretary of State, the Deputy Secretary and the Attorney General.

I cringe when I use the term study committee, but I feel this committee has done a good job, and whether or not you accept a September primary at this time, I do hope some of the recommendations of this committee will be adopted.

There were four major obstacles in the way of a September Primary; namely, the printing, the absentee ballots, the delivery of the ballots and the recounts. The

only change necessary in the printing is that all ballots would be run at the same time and the city and town clerks would stamp absentee ballot, as required. And I think this should save the State some money on its printing. But the big saving would be in the delivery of the ballots. Presently, the ballots are delivered by one state truck, taking as long as three weeks. These ballots can be delivered by common carrier within three days at approximately half what it now costs to do this. And the final obstacle was the recounts and if these can be conducted at the local level they should be processed very quickly.

Now, at the public hearing, the opponents consisted mostly of city and town clerks, about 150, and I would have you note that this represented less than one third of all the city and town clerks—oh, excuse me, there was one legislator at this hearing. The city and town clerks did not object to a September primary; in fact, they thought it was a good idea, but they did object to taking the responsibility of conducting the recount. It was much like saying on a lovely summer day, let's have a cookout but don't light the fire.

Many of you have probably read the horseblanket of June the 7th when this was first debated in the other body, and I would like to correct one statement by an opponent of this bill. The City Clerk from the City of Portland was not present at this hearing and did not speak in favor of this legislation. But, to my knowledge, he has no opposition as long as the recount can be conducted in one central place. In the City of Portland, this would be the City Hall. The City Clerk who did speak in favor of this bill was the very capable lady from South Portland.

In conclusion, I am sure shortening the time between elections would result in greater voter participation and, to my knowledge, none of the present or potential major candidates have opposed this bill. In fact, if my memory serves me right, I believe the Senior Senator from Maine proposed this change.

Now, the study committee as a group took no stand on this. We just provided the tools to make it workable. This is progressive legislation that would improve our election system and improvements have not been too popular this session. So, in conclusion, I will say, it's up to the members of this House to take it from there.

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

Mr. BOURGOÏN: Mr. Speaker and Members of the House: I would like to inform the House that the Deputy Secretary of State went to Massachusetts to study their law which has a September primary and November election. They have had it for twenty years and it's workable. This bill is patterned after the Massachusetts workable law.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I would like to pose a question to the representative from Fort Kent. In regard to the Massachusetts ballots, do they have voting machines entirely?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question through the Chair to the gentleman from Fort Kent, Mr. Bourgoïn, who may answer if he so desires.

Mr. BOURGOÏN: Mr. Speaker and Members of the House: The smaller towns, they don't have voting machines entirely. The ballot is in such a way that it can be used for machines for voting like we normally vote and the smaller towns do not all have voting machines, and I understand that towns with less than a thousand or twelve hundred voters that it is a very small matter to count the votes.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Fuller.

Mrs. FULLER: Mr. Speaker and Members of the House: I am strongly opposed to changing this primary date. I had hoped to be able to testify before the committee hearing but because of an Ex-

ecutive Session of my own Committee, I was not able to.

This is one area in which I feel qualified to speak. From the point of view of practical politics, I'd be willing to match the length of years and hours spent working as a Party worker at town, county or State level with anyone in this House. I can't believe the negative factors in such a change have been truly analyzed. Though no date is without its problems, this change has serious implications and very definite drawbacks.

I remember earlier in this session our bemoaning the change in the September election to November, when hindsight seems to have proved we should have taken a much longer look and realized the implications of such change.

We also seem to have a short memory, for one of the principal arguments for the change at that time were the difficulties of campaigning in the summer, in August before Labor Day, particularly in our coastal areas where every two out of three on the street are our treasured summer visitors who can't vote. Secondly, you just can't interest volunteers to work or to organize at that time of year. It's no exaggeration to say that the women do much of this tedious organizing and leg work. They are not interested until after Labor Day when their children are in school. Thirdly, it's hard enough to challenge the interest of the voter ordinarily, it's surely more difficult before the Primary in September when they are still interested in outdoor activities or conducting a business that makes its money during the summer months.

I can conceive of Primary candidates money for TV time in the month of August and early September being almost wasted, with the competition of other activities vying for the voters time. These arguments are still valid when it comes to considering a September Primary today.

I can't conceive of our major candidates or even some on the local level, possibly having time to set up a campaign schedule in the six or seven weeks after a September Primary and a November election. The problem of raising

ing financing alone would be a tremendous burden. No one is going to contribute to a Primary candidate for the November election until they see if he is a winner. By the time he has some idea of what he can count on for funds, it's too late to order or distribute campaign material or plan for prime radio or TV time.

Incumbents who are likely to have had no Primary fight would be well along the way with plans, prime TV time, money and an organization of workers for a November election.

I have heard Massachusetts used as an example. Anyone who uses this has lost sight of the fact that they hold a Convention in May or June and a slate of candidates is picked. From that time on the organization works behind this slate, collecting money and organizing their campaigns. They do not wait until after the September primary.

As for voters getting tired, there are some who will never get tired because they aren't interested, they don't listen to candidates. There are some who would get tired of a six or seven weeks campaign, and there are some voters who are interested and challenged and accept this as part of the game, listening to candidates. As far as candidates go, if they do any kind of a job they are going to be tired no matter what length of time, but the problems and burdens produced by shorter schedule are going to add to instead of subtract from the strain.

I think these months between June and November are a blessing in disguise when a winner in a June Primary election can regather his wits, plan his strategy with his close supporters, raise money, campaign on a low key and really go to work in September for the November election, with helping hands and heads of those who are willing and ready after Labor Day, with an audience among the voters who are less distracted and will begin to follow the campaign efforts of various candidates.

It isn't difficult to also conclude that with a shorter time to reach voters the candidates will have to turn to more and more TV time,

which is tremendously expensive, and not only an additional burden to your candidates but also to your political organizations that assist in raising funds.

If there are changes in the Bill that are valid as far as recounts, sending out the ballots and all that, they can be voted in relation to the June primary and perhaps the filing date for nomination papers should be advanced. But let's keep the June Primary.

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

Mr. HEALY: Mr. Speaker and Members of the House: Until I had discovered this handy glossary, I wasn't too familiar with some of the moves in the House, particularly to insist, to adhere, to recede and concur and if the rest of you folks haven't got one of these, I wish you would get it, because it certainly has enlightened me. This one here says, "I shall be brief" The answer to that is "bait to keep the suckers in their seats," but I notice that everybody is looking pretty tired here. I think I am tired and perhaps hungry and I shall be brief.

But, I would be remiss, indeed, if I didn't step up to speak on behalf of the long suffering public who had to listen from June till November to campaign issues. By the end of that time, the issues have become thin, the candidates are thinner — so is their purse.

Ladies and gentlemen of the House, I am passionately in favor of changing the date of the primary from June to September. We start off in January to collect signatures on nomination papers. We file our reports in April. We have a primary in June; then we wait from June until November to get the results. This is way too long and it's an imposition on the electorate, the long suffering electorate of this State, to expect them to accept the hashing and rehashing of these issues, and I submit to you, ladies and gentlemen, in all candidness, even with the astute political help that some of the leading candidates have, it's a difficult proposition for them to find anything new to say at the end of the time that they are

campaigning for election. Now, I have to eat a few words here. When the order was issued to create this study of the election law procedures, I made a few remarks and one of them was that my bill would be dumped, the buck would be passed. Well, my bill was dumped and as I look at the sponsor of this new bill, I was dumped too. But, be that as it may, I am so concerned, so interested in seeing to it that the public will be relieved of this long, tedious hashing and rehashing of these issues, that I swallow my words, I accept this bill, and I would ask you to vote against the motion the gentleman from Enfield, Mr. Dudley that this bill be indefinitely postponed. And when the vote is taken, I ask that it be taken by the yeas and nays.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: My objection to this bill does not come with the change of date. I agree there should be something done in way of a change of date. My objection comes mainly on placing the responsibility for recounts on the town clerks. I think this is an imposition on the towns, not only on the time of the clerks themselves, but also an imposition in placing a cost on the towns. It might be a long time should there be a recount in my own particular district, or even in the Senatorial district, before we could learn the results of a recount conducted in quite a number of different places. There are eighteen towns and plantations in my district and should they all have recounts of their own vote, I think it would look a little bit ridiculous. It is bad enough now when I have to try to locate how the first round of votes goes by telephone.

Now, I think if some method could be devised to eliminate this problem of the recount, I think most people would be in favor of this change of date. I think there are very good reasons, but until this can be resolved, I can't in my position, and I feel there are probably others with as large an area, probably with as many or

more towns than I have, that would be in the same position. In our new Senatorial district arrangement, it is going to be even worse should there be a recount between two Senatorial candidates, so I simply, for the present, will have to go along with the indefinite postponement of this bill unless somebody can come up with an amendment that will resolve this question.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am in favor of this bill and I hope you will accept the majority report. I believe that this brings up to the jet age of 1967 and the future the horse and buggy laws that has been in effect for some time now. We've had so many scientific improvements in transportation and communication. Campaigning is different now, I believe, than it was and a time between the filing of a century ago. Many other states do have a shorter primary date papers and the election and I think the State of Maine can catch up with those other states as well. If this bill is enacted it would shorten the campaign time by three months. Three months, hopefully, during which elected officials can tend to their business and be doing their work to which they are elected instead of campaigning during those three months. It doesn't seem right to me that papers have to be taken out in March to be used for the election the following January some nine or ten months hence. Thank you.

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

Mr. STARBIRD: Mr. Speaker: Am I to understand by this notation here that in the other body the bill and its accompanying reports were indefinitely postponed?

The SPEAKER: The Chair would advise the gentleman that procedurally in the House the pending question is on the motion of the gentleman from Union, Mr. Hawes, that the House accept the Majority Report. However, a motion to indefinitely postpone both reports and bill is in order.

Mr. STARBIRD: Then I so move.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, now moves that both reports and bill be indefinitely postponed. 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. 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 both Reports and Bill be indefinitely postponed on Bill "An Act relating to Recount and Other Election Procedures and Changing the Primary Election Date," Senate Paper 649, L. D. 1657. All in favor of indefinite postponement of both Reports and Bill will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Baker, E.B.; Baker, R.E.; Bedard, Benson, Berman, Birt, Bragdon, Brown, Bunker, Carrier, Clark, Cornell, Cote, Couture, Crockett, Crommett, Crosby, Cushing, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Foster, Fuller, Gill, Hall, Hanson, B.B.; Hanson, H.L.; Hanson, P.K.; Harriman, Henley, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Hunter, Immonen, Jameson, Jannelle, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Pendergast, Philbrook, Porter, Prince, Quinn, Rackliff, Richardson, G.A.; Richardson, H.L.; Rideout, Robertson, Robinson, Ross, Sahagian, Sawyer, Scott, C.F.; Scott, G.W.; Shaw, Snow, P.J.; Snowe, P.; Soulas, Starbird, Susi, Tanguay, Thompson, Townsend, Trask, Waltz, Watts, Wheeler, White, Wood.

NAY — Belanger, Beliveau, Bernard, Binnette, Boudreau, Bour-

goin, Brennan, Buck Burnham, Carey, Carroll, Carswell, Champagne, Conley, Cottrell, Curran, Danton, Darey, Drigotas, Eustis, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Hawes, Haynes, Healy, Hennessey, Hewes, Huber, Jalbert, Keyte, Kilroy, Lebel, Levesque, Martin, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Pike, Quimby, Rocheleau, Scribner, Sullivan Truman, Wight.

ABSENT — Allen, Bradstreet, Cookson, D'Alfonso, Dudley, Farrington, Jewell, Noyes, Payson, Roy, Shute, Williams.

Yes, 86; No, 51; Absent, 12.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-one in the negative, the Bills and Reports are indefinitely postponed in concurrence.

Thereupon, on motion of Mr. Richardson of Cumberland,

Recessed until two o'clock in the afternoon.

**After Recess  
2:00 P. M.**

Called to order by the Speaker.

Mr. Hinds of South Portland presented the following Joint Resolution out of order and moved its adoption:

WHEREAS, the General Electric Company has announced the locating of its Heat Transfer Products Business Operation on a peninsula formed by Fore River and Casco Bay at South Portland; and

WHEREAS, company spokesman, impressed by the site's access to water transportation and the availability of skilled personnel within the area, indicated Maine's good fortune to have attractive developed sites, resources and a favorable business climate; and

WHEREAS, upon renovation, the company can ship heat transfer products from South Portland directly to customers for use in electric power generation and process industries; and

WHEREAS, the General Electric Company is a sizable industrial employer and an outstanding

source of opportunity for Maine men and women in a variety of fields; now, therefore, be it

RESOLVED: That the members of the 103rd Legislature of the State of Maine unite in special recognition of the General Electric Company for their many contributions to the growth and progress of the State and a further demonstration of their faith and confidence in the State of Maine and its people by the establishment of facilities at South Portland; and be it further

RESOLVED: That a copy of this resolution be sent to Mr. John A. Spencer, regional vice-president of General Electric and Mr. Paul G. LaHaye, manager of the proposed plant. (H. P. 1205)

The Joint Resolution was adopted and sent up for concurrence.

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

SENATE MAJORITY REPORT (7)—Ought to Pass in new draft—Committee on Judiciary on Bill "An Act Revising the Laws Relating to Arson" (S. P. 301) (L. D. 740)—New Draft (S. P. 675) (L. D. 1705)—MINORITY REPORT (3) — Ought to pass as amended by Committee Amendment "A" (S-244) (In Senate, Majority Report accepted and passed to be engrossed)

Tabled—June 9, by Mr. Berman of Houlton.

Pending—Acceptance of either Report.

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

Mr. BERMAN: I move the acceptance of the Minority Report and I would speak briefly to my motion.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Apparently there are some problems with the present arson law. When the original bill came before our Committee, some of us devoted a considerable amount of study comparing the present arson law to what the



bill proposed to do. Now in the several Revised Statutes which we have in effect as of 1964, the arson law runs from page 66 to page 78 with annotations; and this, if I recall, was a very expensive annotated set. Now, the proposal as it comes in, suggests that we do away with all these twelve pages in the law books and substitute instead an entirely new arson law. Some of the other members of the Committee on Judiciary thought that this probably was going too far. If we have a problem of arson, we want to solve it but we don't want to solve it to the extent of wiping out the entire arson law with its annotations which has been in the Statutes for quite some time. Therefore, we came up with a compromise, which was the Committee Amendment. At the present time if a fire is set to a mobile home or a trailer, there doesn't seem to be any offense with respect to the fire laws. This we thought was wrong. This we tried to solve. Therefore, this is why I hope that the House will accept the Minority Report, the bill with the Committee Amendment "A", rather than wipe out the entire arson law and start from scratch.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would hope that you would defeat the motion of the gentleman from Houlton, Mr. Berman. There is a need for improved arson laws in Maine and at the hearing there were thirty-two I believe, fire chiefs represented. An excellent hearing was held. It is my understanding there have been several fires of undetermined origin in Maine of late, causing a great deal of damage and this new bill, which was proposed by the majority of the Judiciary Committee, seven in number, sets up four degrees of arson. It is something that the insurance department of the State is willing to go along with and I would hope that you will defeat the pending motion; in other words, defeat the minority report, but then later would adopt the majority report. Thank you.

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

Mr. SCOTT: Mr. Speaker and Members of the House: I concur with the gentleman from Cape Elizabeth, Mr. Hewes, and hope that you will vote against the minority report.

This is a department bill of the Fire Prevention Division to improve law enforcement in Maine as respects arson. At the public hearing some thirty people were present, mostly fire chiefs from all over Maine and other people interested in this law enforcement problem, all in favor of upgrading our arson laws.

Law enforcement in Maine as respects arson has been hampered for many years by antiquated laws. Maine is one of very few states without modern arson laws and even with good laws arson detection is the most difficult to detect, to convict, or even deter. Anyone reading our Maine newspapers the last few years must be conscious of the definite increase of arson or suspected arson in this state.

L. D. 740, the predecessor of 1705, was born from a modern law adopted as far back as 1940 by more than 41 states. I can read the States to you, these 41, if you desire. Our Judiciary Committee has worked long and hard and have adopted and modified these laws to the State of Maine's conditions.

In brief, L. D. 1705 provides four degrees of arson: 1st degree, covering dwelling houses in which people are living or might be living, including mobile homes and house trailers; the 2nd degree takes care of property other than dwellings and includes buildings and structures; the 3rd degree includes personal property, cars, boats, furniture, etc.; the 4th degree covers the attempt to burn property, and there are some other provisions, in detail.

As law makers we must be concerned with critical law enforcement problems facing our officers in Maine, not any less than in other parts of the country. Our enforcement agencies are dangerously close to the breaking point, hampered by antiquated laws and

court decisions with over-solicitous concern for the law breaker. Perhaps we feel these things cannot happen in Maine and yet they are and have with terrible frequency—from a \$100,000 fire in a Fort Kent school to a large total loss of the Old Orchard school. The present trend seems to be complete disregard for the property of others—vandalism and malicious destruction of property, not by the owners but by groups of young adults.

A little over a year ago we had some five or six fires set one night in the Skowhegan area and last year six fires were set one night in Westfield and Mars Hill area.

It is rumored that owners of property, including farmers, warehouse owners and other property are arming themselves with guns to protect their own property and their own lives. This report is received from several towns all over Maine. Someone, perhaps some innocent person, may be shot by our people trying to protect themselves and their property.

We must have a better and up-to-date arson law and better training of our law officers and most of all, the understanding and action by interested citizens in order to have effective law enforcement. In L. D. 1705 we have a chance to slow this trend of destruction to property of others. In L. D. 1705 we have a choice between rampant vandalism, or vigilantes. I hope that you will support all that are interested in law enforcement and I hope that you will oppose the minority report.

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

Mr. BERMAN: Mr. Speaker and Ladies and Gentlemen: I shall be very brief, if possible. I don't think it behooves any of us today to wipe out twelve pages in the Annotated Statutes, and this is why. I will talk very factually and not in generalities which I have heard from the opposition.

I have asked from the department that was concerned about the bill to find out the number of court actions under arson in the period from January 1962 to December

31, 1966 — January 1, 1962 to December 31, 1966. There were 45 court actions according to the department. The number of convictions is 39. Now, I suggest to this House that if the number of convictions in that long period from 1962 to 1966 was 39 by the 45, then this compromise evolved by the minority members of the Judiciary Committee would better serve the people of the State of Maine.

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

Mr. DAREY: Mr. Speaker and Members of the House: For the past twenty years there has been no changes, no amendments to the arson laws as we have them now. As has been pointed out, this 41 states that have adopted a model and modern arson law, we are one of the nine states still having the obsolete law to work with.

For the past four years directives from the fire investigation report show, Mr. Berman, the gentleman from Houlton has given you a part of the report. The entire report is as follows: During that four year period requests for investigations, 425; investigations made, 849; court action taken has been pointed out, only, out of all these incidents only 45 with convictions in 39 of them. I think that in and of itself speaks for the inadequacy of our present working law. During these twenty years we have had laws in this category such as fire escapes, regulation for fire escapes, duties of the Commissioners, fire inspection and inspection of hospitals and nursing homes, installing of fire alarm systems, etc.

Now the crime of arson is one of the more serious crimes. It's a crime which calls for premeditation, for planning, a motive to cheat, defraud and to revenge and to hurt somebody. I am fully aware of the ruling in the Escopedo case concerning civil rights and the second round, the Miranda case. I, too am for civil rights, but, by the same token we must consider the rights of the rest of our citizens and protect those citizens. L. D. 1705 calls for the four degrees

of arson and each one willfully and maliciously, whoever willfully and maliciously. There is also another section to this, assault with intent to commit which provides for taking care of that individual that has been assaulted during the commission of this crime. Otherwise, he would be subject to the assault and battery laws of the State which might result, what? Simple assault probably a \$10.00 fine.

I feel that by voting for this bill, we will be voting for a model arson bill which has been followed in 41 states. To be voting against it would be voting on the side of the arsonist, on the side of that criminal who premeditates his crimes, and I respectfully urge for the acceptance of the majority report.

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

Mr. WIGHT: Mr. Speaker and Members of the House: The people of Aroostook County are sincerely concerned with the number of fires occurring in the past two years which are a suspected arson. There have been numerous fires in Fort Fairfield, Caribou, Easton and Mars Hill of a very suspicious nature. I feel that we must give more assistance to our law enforcement and this arson bill could be the start. I support the majority report of seven to three.

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

Mr. QUINN: Mr. Speaker and Members of the House: I happen to be one of seven on the Judiciary Committee that signed the majority report. The gentlemen from the arson division came before us and recited the problems they were having and requested us to give them a little strength in the law to assist them in performing their duties and we did so by this bill. Consequently I hope that we will go along and reject the minority report and accept the majority report.

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

Mr. DICKINSON: Mr. Speaker and Members of the House: I had

not intended to speak on this bill but as representative of the people of Mars Hill and Westfield, I would be remiss if I didn't. As most of you know, we had fires in the Mars Hill area within the past few days which burned four potato storage warehouses on one night and the following night another burned. Previous to that time, several fires occurred within a radius of four to five miles in the Town of Westfield, which certainly were of a very suspicious nature. There is some question in my mind about the cost of insurance for these people in that area, if such coverage is available. I would wonder just what attitude the insurance companies would take if there isn't some end put to this act which is threatening the people in the area which I represent. I thank you.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: There have been a great many very suspicious fires in the greater Portland area and of course the arsonist today, they use very modern and scientific measures and methods to prevent detection. And so it's about time that we did modernize our laws. Maybe they should be strengthened more later. Certain individuals and particularly from a certain group, have been getting away with what I would term murder. So vote for the majority report. Thank you.

Mr. Scott of Presque Isle then requested a division.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Houlton, Mr. Berman, that the House accept the Minority Report "Ought to pass" as amended by Committee Amendment "A" on Bill "An Act Revising the Laws Relating to Arson," Senate Paper 301, L. D. 740. All those in favor of accepting the Minority Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

24 having voted in the affirmative and 97 having voted in the negative, the motion did not prevail.

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

Mr. HEWES: Mr. Speaker, I now move that we accept the Majority Report.

Thereupon, the Majority "Ought to pass" in new draft Report was accepted in concurrence, the New Draft read twice and assigned for third reading tomorrow.

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

SENATE REPORT "A" (5) — Ought to Pass in New Draft — Committee on Judiciary on Bill "An Act Providing for Implied Consent Law for Operators of Motor Vehicles" (S. P. 11) (L. D. 17) — New Draft — (S. P. 670) (L. D. 1701) — REPORT "B" (5) — Ought Not to Pass. (In Senate, Report "A" accepted and passed to be engrossed)

Tabled — June 9, by Mr. Lewin of Augusta.

Pending — Motion of Mr. Quinn of Bangor to accept Report "B" in non-concurrence.

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

Mr. QUINN: Mr. Speaker and Members of the House: This bill came out of the Committee with a five to five report. I happen to join the group of five that reported "Ought not to pass," and I want to discuss with you my reasoning and why I did it.

It has been my privilege in the past to have served a considerable period of time in law enforcement. I spent four years as Judge of the Bangor Municipal Court and ten years as County Attorney of Penobscot County, the third largest county in the State and one of the counties that has one of the heaviest criminal dockets in the State; not because Bangor is a criminal area but because Bangor is a hub center where routes join in at Bangor to go east, southwest and up to Moosehead, and so forth, so that people stopping off there get into a lot of difficulty. And with that background, I have considered this L. D. 17, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles." I con-

sider this bill a violation of the constitutional rights of the citizens of Maine.

But before going into that in more detail, I am going to discuss the bill itself. Now we on the Committee were one hundred percent in favor of law enforcement, reducing accidents, preventing deaths and we felt that we had an adequate law to do that now if that law was properly enforced by the enforcing officers. We have a law in Maine that says that no one can drive while he is at all under the influence of intoxicating liquors. Now the judges in charging juries, emphasize those words, "at all under the influence of intoxicating liquors." The law goes on a little further and says "and drugs" but apparently this law only has to do with the liquors.

Now, we have under our Constitution the proposition that anyone is presumed to be innocent — presumed to be innocent — until he is proven guilty, beyond a reasonable doubt. And that is a very good law and a very good presumption and it protects the citizens of the State. This law has a tendency of requiring the accused to prove himself innocent, just reverse. The trouble with the enforcing of the law at the present time is that enforcing officers aren't giving adequate attention to obtaining evidence at the scene of the offense, and obtaining cooperating evidence to assist them in their duties.

Now, they seek to have you take away from the constitutional rights of the citizens in order that the enforcing officer may, without too much work, successfully prosecute his case. Now, this particular law as I see it, isn't going to do that. This particular law is going to get the citizen of the State into a lot of difficulty and a lot of hearings and a lot of expense when he perhaps shouldn't be held in the first instance.

Now this law says that if a person is arrested for any offense, arising out of acts which have been committed while the person was operating or attempting to operate a motor vehicle, while under the influence of intoxicating liquor, and the officer stopping

him has reasonable grounds to believe that that is the situation, he can require this driver to take a test. Now in my enforcement of about fourteen years I have seen all kinds of officers and certainly some of them I wouldn't want to stop me and ask me to take a test claiming that I had a constitutional right to refrain from doing that because if I did it I might be giving evidence in a criminal case against my constitutional privilege. And it is a privilege that I must assert.

Now if John Doak, the officer, has seen you coming from a social with some of your friends somewhere or saw you coming home from a dance somewhere, under circumstances whereby he thought possibly that there had been some drinking and he should investigate to the point of stopping you and smell an odor of liquor on your breath, there are many officers that wouldn't go beyond that before they would be asking you to take a test to determine how much liquor you did have, after having arrested you.

Now, that's going to cause a somewhat confusing situation. Because, if that officer arrests you in the proper manner he's got to warn you of your rights, immediately after placing you under arrest. He's got to tell you that anything you say will be used against you, any statement you make or any evidence you give will be used against you, and he also has to tell you that you have a right to have a lawyer immediately. Now it is going to be rather confusing to have a citizen who has had no difficulty with the law stopped, under conditions of this sort and first being warned of his rights and then after being warned of his rights, told he wants him to take a breath test.

Now, having just been warned of his rights, and believing that he is standing on his rights, doesn't he have to say no, I'll stand on my rights and not allow this test to be taken because I'll possibly be giving evidence against myself which the Constitution provides that I shall not do, if I do not care to do it. Of course, a citizen can do

that if he wants to but he can stand on his rights and refuse.

Now, it's going to be rather confusing for that citizen to know what to do. And the chances are that nine time out of ten, he's going to say no, I won't take the test. Now, if he does that he is going to find himself in a dilemma. He is going to find that he is going to lose his license for sixty days because he refused to take the test and he can ask for a hearing on this proposition. But that hearing will be confined solely to the scope of the test. It will not have anything to do with the evidence of the offense for which he is arrested. Therefore, your citizen will find himself, in a situation where he has now two cases instead of one. He has the original case under which he is arrested and the officer must prove before a tribune beyond a reasonable doubt that he is guilty, and he has the other case in which he is accused of refusing to take a test under this law. Well now, if he has refused to take the test under this law and he has a hearing about his license, he's going to lose his license, and then when the time comes that he has this hearing, there isn't sufficient evidence to convict him, and therefore he has lost his license and he isn't convicted.

Now, that is not justice. But that is what this bill will do. I had the privilege the other day of watching this test given. I was not one of the subjects but I did observe it and I observed the tester say, "Now take a deep breath, take a deep breath, we've got to get the breath from way down in the bottom of your lungs because the breath on the top of your lungs will not give us the result that we desire." Now you can imagine giving that kind of a test to an unconscious person at the scene, or to a person who was reluctant to breathe deeply. The test is inconclusive and unsatisfactory.

Now, I read a piece in the paper the other day where one of the chief witnesses before the Committee, a man by the name of McKenney, Peter McKenney, appeared before the Augusta Rotary people here locally at a meeting and the

proposed implied consent law of Maine ran into rough weather in discussion—this is a newspaper report of that meeting, with a group of service men on Monday. The Augusta Rotarians let it be known with their questions that they were worried about the invasion of individual rights when Peter McKenney, Executive Director of the Highway Safety Committee described the legislation. McKenney pointed out “implied consent laws have met the test constitutionally in two states.” I examined the Constitution of those States that he referred to and find that their Constitution is not similar to ours, and I’ll refer to that a little later.

Then he goes on further, the report says, “The need for such a law in Maine is pointed up by the fact that alcohol was involved in 50% of all fatal accidents in this State the past three years.” But that does not mean that alcohol was actually found to be the cause of the accident in each case, he agreed in response to a question. The speaker said inadequate investigation of accidents by Maine Police officers make it difficult to determine the extent of actual cause by alcohol, a condition, he said, should be remedied by improved training. The implied consent law will bring about automatic forfeiture of license by any driver refusing a blood test after being arrested for drunken driving.

Now that is all right as far as it goes. But this one here struck me rather interesting. This is another newspaper clipping and this is an editorial from one of our large Maine papers, the Press Herald of Portland Maine under date of May 23rd, less than a month ago, and this reminded me of some of the officers that I have had to do business with in the past, in enforcing the law. The heading is, in quotes “‘Special Officers’ In County Towns Are Doing Injury To The Law”

“Not long ago the President’s Commission on Law Enforcement and Administration of Justice released a long report on U.S. police forces and methods the police use. Most of it was not flattering.

Yet we’ll bet that if the presidential commission had taken a look at the so-called ‘town policemen’ in Cumberland County, it would have been even more horrified.

Complaints are pouring in, our Evening Express reporter declared a few days ago, because some ‘special’ local cops have been grossly exceeding speed limits when not on duty, exceeding the speed limit in school zones when not on duty, chasing alleged speeders in vehicles so dilapidated (their own) that more lives than that of their quarry were endangered, while one incident involved stopping a motor vehicle for speeding when the officer’s own speedometer wasn’t working. A town constable held up an ambulance on its way to a hospital, and in the worst instance of all a young girl was halted, interrogated but not charged, and later annoyed.

It is made plain that not all ‘special officers’ are up to these capers, but one is one too many. How can motorists and others have respect for the law when these zealots, some of whom sound like psychos, break the laws themselves and conduct other inadmissible acts? And in how many other counties are these practices going on?

The Cumberland county attorney’s office has taken away their cherished blue lights, or is in the process of doing so, but this motorized guerrilla warfare has got to stop, too. Considering what has been happening, it’s a wonder that more than one tragedy has not resulted.”

Now, I don’t read that because it directly is connected with this proposed legislation, other than the key figure in this proposed legislation is the arresting officer, and if this is the type of officer that is stopping our citizens and requiring them to take tests we are getting our citizens into a peck of trouble and we are not doing what we are trying to do to prevent accidents and save lives.

Now, here in Maine we have in our Constitution under Article IV, Section 1, Constitution of Maine, the provision under Legislative Power, “The Legislature shall con-

vene on the first Wednesday of January biennially, and, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State not repugnant to this Constitution, nor to that of the United States." "Not repugnant to this Constitution." Now, the definition of repugnant is "inconsistency." These words, though not exactly synonymous, may be and often are used interchangeably. That was decided in the United States case of *Swan vs. The United States*. The word "inconsistent" is used in Texas home rule amendment prohibiting cities from adopting charter provisions "inconsistent with Constitution." "On general laws of the State" means "in conflict with or repugnant to" and does not necessarily mean "different form."

Now, that is the power and authority that we have in making laws, we can make reasonable laws that are not repugnant to our Constitution. Now, I'll refer you to Article I, Section 6, which is known in our Constitution as a Bill of Rights. Now the Bill of Rights says "To have a speedy, public and impartial trial and accepting trials by court martial or impeachment by a jury of the vicinity. He shall not be compelled to furnish or give evidence" mark you that "he shall not be compelled to furnish or give evidence against himself, nor be deprived of life, liberty, property or privileges."

Now these two states they referred to that it was found constitutional, did not have that last expression, "privileges." We do have it and during the hearing we had the proponents forever saying they were not taking the right away from the citizens of this State, they were merely taking the privilege. Our Constitution says they can't do that. I'll read that again, "He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers — that means a jury trial, "or the law of the land."

Now, the interpretation of a few of those phrases in *Allen vs the Inhabitants of Jay*, 60 Maine 124, and in the opinion of the Justices, 58 Maine 590, we find this decision of the Court. The phrase of this section "be deprived of his life, liberty, property or privileges but by judgment of his peers or the law of the land" is from Magna Charta, and was intended to secure the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private right and distributive justice. This section providing that "the accused shall not be deprived of his life or liberty but by the judgment of his peers or the law of the land" does not mean mere acts of the Legislature, get that; the law intended by the Constitution is the common law. So that under our Constitution those rights cannot be taken without a judgment of the peers of the land, and that is decided in *State versus Doherty*, 60 Maine, 504.

The Courts recognize that consent is a derogation of one's Constitutional right of privacy. It must be proven by clear and convincing evidence and it must appear that consent was not the result of duress, coercion, actual or implied. Now ladies and gentlemen of the Legislature, those are the reasons why I felt that this law was not going to serve the purpose intended; that it was going to serve an injustice to our citizens and consequently come out in the opposition. I thank you.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: It is with reluctance that I speak in opposition to the very able gentleman from Bangor, Judge Quinn. However, I wish to state that I feel that this Legislature can do one thing if they can contribute toward preventing accidents, toward preventing death and injury, that we really can tell the people that we have accomplished something.

At this hearing which was an overflow hearing in the Judiciary Committee hearing room my

memory is that there was no opposition to the bill at that time, that there were several perhaps dozens that were in favor of this bill because of the increased carnage on the highways. Hence, I have come out among others in favor of the passage of the bill and I am opposed to Judge Quinn's motion to accept the Minority Report.

As to the constitutionality of this bill, we attempted to draft a bill that would be constitutional. Last week I believe it was or two weeks ago the Committee met and we had a demonstration with a breathometer, in which one's breath was tested and I can report it is amazing to see the change in the reading of the breathometer as the evening wore on, and I might report it seemed to me it is quite accurate and it amazed me so. I understand that a breathometer has been used here in Kennebec County for a number of months or possibly a few years, and this bill as proposed, that's the amended bill which is Report A, the amended bill would provide for implied consent to apply only to a breathometer test, not to withdrawing of the blood from the blood stream. The original bill as proposed did provide for the needle being injected into the person's blood, and a test being made of his blood. Now it is by breath only.

As to the hearing or losing of the license as Judge Quinn mentioned, we are trying to prevent accidents on the highways and limit damages. We felt that if a person refuses to take this test then he should lose his license for a period of not more than sixty days, his license to operate on the highways, and he can have a hearing before the hearing officer in the same manner as prescribed now. I respectfully urge you to vote against the pending motion and then in due course to adopt Report A. Thank you.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I wouldn't want the issue

before us today to be clouded by the fact that anyone here is for drunken drivers on our highways, and I think everybody here opposes that, and the question here is constitutionality of this law in relationship to the citizens. So I would pose a question to the gentleman from Cape Elizabeth, Mr. Hewes, and ask how would this bill stop the increased carnage on our highways?

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 and the Chair recognizes that gentleman.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: The privilege of operating on the highways is a feature that many of us want to continue to have and it is thought that people would be more careful while driving if this law goes into effect. And further, if a person has been involved once before it might be a deterrent to him, so basically it is a deterrent in that it makes a person with an operator's license more conscious of his condition while driving. Thank you.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I would like to ask my good friend Representative Hewes a couple of questions. He has already indicated from what he said the answers, so those gentlemen who were taking the test I presume the way he talked, they naturally are all friends of his, and if they took those tests he advocated they probably all now would be over there in jail — I haven't asked the question. I have listened intently to what both of these lawyers had to say and of course the Judge Quinn being older than that lawyer Hewes he has had more experience and being a Judge he also has greater knowledge of human nature. And this intimation about that they are going to take these breath tests, I listened carefully to both of them, and Representative Hewes does not in my opinion make out a very



good case. In fact, if what he says goes into effect I am under the impression from what I have seen around here in the Legislature and the State Senate the past three years, God I'm under the impression that a lot of them are going to get to where they have to take those tests of their breath, I am afraid if they're taken during the session we are going to have quite a few that are not going to be present.

Now of course that idea that they want to prevent accidents on the highway, everyone is for that, but we are only going to do it and because fifty percent or more of the accidents on the highways are caused by the drinking of liquor in some degree or another, those are facts. In fact, the present Sheriff of this county when he was a Captain of the State Police went around to various groups, Kiwanis, Lions, Rotary, Church groups and so on and at that time he made the statement that the killed and injured on the roads of Maine about 75% of them were due to drinking in one form or another. Now the only way we are going to get at that is to curb the drinking, and we have already done that with that appropriation for alcoholics and various other things; we still have got to go a step further, because I've noticed that when certain individuals get drinking seemingly in my opinion, quite a few of them don't know when to stop. They get these bad habits, so let's get at this thing about stopping the killed and injured on the highways of the State of Maine, let's get at it in a sensible fashion. Let's convince those that are drinking that if they are going to drink, to get somebody else to do the driving. Thank you.

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

Mr. JAMESON: Mr. Speaker and Members of the House: On this implied consent, I had so many people contact me in Bangor that I decided to do a little research on it myself. Implied consent. I went through about a dozen dictionaries and encyclopedias and I came up with this. Implied, insinuate. Now do you people think

that for one moment I would be stupid enough to insinuate that I am loaded, plastered, unfit to drive a car? I wouldn't admit it. Of course the cop might, but I wouldn't. Consent. Now we have some wonderful legal talent here, if I am wrong they will very soon correct me, by law, willful assent by a competent person, not by coercion, not by fraud, not by an insane person or an intoxicated person. I think as the gentleman from Bangor, Mr. Quinn states that we are just taking our liberties away from us on one of these bills that are attached to highway safety.

I wonder if it ever occurred to the highway safety to resurrect an old fashioned virtue — courtesy. Courtesy died in our homes and our schools even in our churches back during the great experiment, prohibition. There wasn't anything any good come out of that. Also, one of the Lord's Commandments: Love thy neighbor as thyself.

I am not going to talk very long on this, but I wish some of you people who think I am crazy, probably I am a stupid monkey — not stupid, but I might be a monkey, I wish you would follow me ladies and gentlemen or ride with me in the car. I'll give you a little example of just how the lack of courtesy has caused so many accidents at the entrances and exits of 95; they don't know the meaning of the word yield, they have no idea what it means, and I am speaking of 75 per cent of the drivers. They hardly bother to slow down, let alone stop if they see another car coming, they're going to get ahead of them. I believe ladies and gentlemen that 90 per cent of the people, the very second they turn the key on in their car they become savages, potential killers; I've got 350 horsepower under that hood of my car and there is nobody getting in front of me, nobody passing me either — I almost said something I guess I would have been moved off the Floor for.

I think if the Highway Safety Committee endorsed this idea of mine and made a study of it and resurrected it as I say in our schools, our homes and our churches. I tried to speak of this six

years ago and I am going to remind you right now ladies and gentlemen, and I was not allowed because I would not give this House a hundred per cent credit for courtesy. Now who am I to criticize you people, but the way I was brought up, if somebody was talking and I started talking myself in my home while somebody else was talking, I would get knocked right on my fanny in a hurry. Also, if I picked up a newspaper and started reading while somebody was debating a bill, my mother would knock the daylights out of me, because that's one thing that was taught in our house, in our home and in all your homes until prohibition came into effect when people began to make their own beer, home brew and instructed their children to ignore the law, courtesy soon died. Love thy neighbor as thyself, that fell by the wayside too. Think it over folks. I would like to move that this bill and all its papers be thrown out the window.

The SPEAKER: The gentleman from Bangor, Mr. Jameson, now moves that both reports and bill be indefinitely postponed.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: I will be very brief in my presentation here this afternoon, I don't intend to repeat any arguments presented by any of the other opponents, but I think it is very clear that we do not question the goal, or none of us are opposed to highway safety or all of us want to reduce this so-called carnage and reduce the property damage and personal injuries that occur on the highway. I agree as to the end of this particular bill but I seriously disagree and object strongly to the means that are going to be employed to achieve this end.

Now under this law in order to compel individuals to take this breathometer test, the officer must place them under arrest. Now this is a very severe change from our existing practice. Under the proposed document, and I am going to speak from experience as I have just completed two years as County Attorney and I have prosecuted

drunken driving cases in District Court, the old Municipal Court and have had several jury trials of these and I am very familiar with the rules of evidence and what is needed to assure a conviction.

Under the proposed law the driver who is stopped, the police officer must only have reasonable grounds to compel him to take this breathometer, so let me cite for you a very brief example. A person is operating a car down some highway, down the turnpike, any road, he may be asleep, he may be tired, any number of factors, it could very well be that he hadn't had anything to drink, but maybe he swayed while he was operating his vehicle, he is being followed by a police officer, he stops him, has reason to believe that possibly the swaying and the manner in which he is operating the motor vehicle is attributed to some type of drinking, so he has reasonable grounds to arrest that person, so he arrests him and brings him down to some police station, compels him to — no, he doesn't compel him to, he says, you must take this breath test, this breathometer test, if you fail to do so you will lose your license for sixty days, so the individual complies.

Meanwhile, he has been placed under arrest, he takes this breathometer test, he succeeds in passing it, and it indicates clearly that he is not under the influence, but it is important to remember that he has been placed under arrest, so what must the officer do? Those of you in here who have been police officers, who are familiar with it, know that first of all he must be booked because he has been arrested, he must be fingerprinted and photographed and finally incarcerated and bailed out. That's the first thing. Mind you, this is after it has been clearly shown that he is not under the influence. The breathometer has cleared him but he is still under arrest, so the following day in order to protect the officer, the officer at this point, if he did not secure or acquire a complaint from the District Court could be exposed to some type of civil action such as false imprisonment or false arrest, so the following day the officer goes

to District Court, seeks a complaint, the individual because of the seriousness of this crime because it is a mandatory loss of license for two years, must hire an attorney, they go to court just to make certain that the case is dismissed because the breathometer clearly showed that he was innocent. Now this posed an additional question, the same case that I have cited to you where the individual successfully passed the breathometer. The State is under no obligation to introduce into evidence the results of the test.

This bill permits the defendant to have the results of the test, but in all, it requires him to prove his innocence, and I want to cite to you ladies and gentlemen the prevailing Maine law today on the rules of evidence, and this applies to a blood test because that's the existing law and this would apply equally to breathometer. I am reading from the case of State of Maine versus Hector R. Chabot, cited in 152 Maine, page 350, and I quote: "The prosecutor is not compelled or called upon to introduce, in a criminal prosecution, all of the evidence available. He is expected to in good conscience and in law to submit to the jury what he believes is sufficient evidence to prove the commission of the alleged crime", which means this. In this case, the defendant had taken a blood test, had reason to believe that the results were favorable to him, the State failed to put this into evidence and our Law Court said that the State was not obligated to do so, so I say to you if we extend this one step further, the same thing would happen in this breathometer test, if it was a favorable report the State would not be compelled to do so, I am not saying they would do it, but it puts the burden on the defendant to prove his innocence.

Now an arrest is a very serious thing. Today under our existing law this at all under the influence, which is a very severe and a very strong statute, a typical case as follows: A police officer follows this same individual that I cited earlier, the man who was tired, who had been working, the salesman, the individual whose mental

and physical faculties probably aren't as acute as they should be because of a long day at work. He is stopped by a police officer. Now under the existing law the officer is compelled in order to support an arrest, conducts certain sobriety tests. Now there are any number of sobriety tests that can be conducted, but then he conducts them there at the scene, and then if he is certain that the person is under the influence he places him under arrest, but meanwhile he has satisfied himself that the individual is under the influence.

Now it is also common experience in this State, and I would particularly try to emphasize the fact that the blood test in the State has been available to defendants and those accused of operating under the influence for quite some time. Now many prosecutors will tell you that they don't want to use the results of a blood test in a criminal prosecution because of a very real danger there. You must put on first of all a doctor, a chemist, the officer who transported the blood; in other words a good trained defense — criminal defense attorney can fracture the results of a blood test, somewhere along the lines he will find a flaw in it, and I say to you after you have seen this breathometer, and I was also present at this demonstration last week, and the individual and the doctor demonstrated and said yes, it works under ideal conditions, that is, after you have a trained operator, a person who has to go to school for several days, assuming all the circumstances are ideal; now this is a very complicated piece of machinery. It has dials, it has chemicals and various other things that I am not familiar with, but again because of its complexity, this creates another opportunity for the defense attorneys to fracture and to prevent the results of this from being introduced into evidence.

Now this bill has been of quite some concern to me and I have discussed it just recently with many many law enforcement officers, I talked to the state police officers, chiefs of police, county sheriffs and deputy sheriffs, constables, chiefs of police in small

towns and asked them — I have explained to them what this bill means and they said we don't want this bill, it places a burden on us, but we don't want to arrest these people, we don't want to be exposed to a possible civil liability, what we want is better police training. Now again for those of you who have been in Court and have witnessed a drunken driving case and talked with a prosecutor about this, any county attorney will tell you or an assistant attorney general will tell you give me a police officer who can testify effectively, we don't want any scientific evidence, we want a person who can describe accurately the manner in which the alleged drunken driver operated the vehicle and the way he handled himself.

That is why, ladies and gentlemen, that L. D. 1639, which was passed in this House some time ago which was an Act to Establish a Maine Law Enforcement Training Council, will do more to reduce the motor vehicle accidents on our highways than this implied consent law.

Now in closing, we are not opposed to any measures that would strengthen or help our highway safety laws, but this is such a radical and could be exposed to abuse because it permits the police officers who must only have reasonable grounds to arrest a person. In addition to this, it places an additional burden on the community. The communities will be required to purchase one of these breathometers which retail between \$750 and \$1,000, the results of which can be attacked and admittedly which operates effectively only under ideal circumstances, and that is why all your police officers, chiefs of all your departments would prefer, and supported so strongly this act to establish a Maine Law Enforcement Training Council because this is where the officer is going to learn how to make an arrest, and this is where it is going to be impressed upon them what is needed to successfully convict a person for operating under the influence. I say that L. D. 1701 is not needed at this time, that it would be ineffec-

tive and particularly with the police officers I have talked to and those I have talked to, Judges and other county attorneys do not believe that this would effectively help the highway safety program here in the State of Maine and I trust you will support the pending motion for indefinite postponement.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Bangor, Mr. Jameson to indefinitely postpone this bill. I think most of the forceful arguments have already been given by the gentlemen that preceded me.

I would add though that under the present law that if the police want more convictions as a deterrent, all they have to do is press their cases. Local and county police now move too quickly to reduce these charges in order to avoid trial. Also, I would recommend that the Attorney General's Office set up a workshop for local and county police to instruct them on how to garner evidence in a manner consistent with constitutional safeguards. In effect, right now there is no necessity for this radical legislation. I submit that we put a stop to an encroaching police state now. I urge you to support the motion to indefinitely postpone.

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

Mr. BENSON: Mr. Speaker and Members of the House: This bill is considered by the Maine Highway Safety Committee to be their most important piece of legislation before this session of the legislature.

At the hearing before the Committee on Judiciary, a total of 32 people appeared in support of this measure. There was no opposition.

Supporters included representatives from the American Trial Lawyers Association, various insurance groups, the Maine State Grange, the Chief of the Maine State Police, the Attorney General, Legislators from both sides of the aisle, and every conceivable

organization in Maine that is interested in highway safety.

One thing should be clearly understood and that is if this bill is passed, our police officers are not going to stop everyone they see and ask them to take a breath test. The breath test will not be requested unless a person is arrested for drunken driving. Once arrested, the officer will then ask the drinking driver to submit to a test. If the man is innocent, the test will prove it. If the man is guilty, the test will be just one more piece of evidence to help convict him. We all know that we cannot stop drunken driving completely, but let's pass this law and give our enforcement officers an important tool to fight this problem of drunken driving. I hope that you will vote against the motion of the gentleman from Bangor, Mr. Jameson for indefinite postponement and support this bill.

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

Mrs. WHITE: Mr. Speaker and Members of the House: It certainly would not be my habit to oppose any attorneys in this House for whom I have the greatest respect, but nevertheless today I am going to.

Needless to say I have received a good deal of information concerning this bill from the sponsor who is my colleague in the other branch and is a member of the Highway Safety Committee. Further, I have read considerably concerning the matter both pro and con, and I am convinced that the new draft before us now would be a good law in the interest of highway safety. I would point out to you that the Maine Highway Safety Committee with no motive other than the saving of lives, spent over two years gathering evidence and gathering facts before formulating implied consent legislation. The Committee is charged by law to furnish this body legislative proposals which, in its opinion, will help to prevent traffic accidents resulting in death, injury, and property damage on the streets and highways of Maine.

The Highway Safety Committee consulted no less than the Ameri-

can Bar Association in drafting the legislation, which Association is on record as genuinely favoring implied consent legislation.

The American Bar Association, the American Trial Lawyers Association and the Supreme Court of the United States have all declared implied consent constitutional, so it would seem that those who oppose implied consent on the grounds of constitutionality are not in line with the spokesmen of the legal profession.

The drinking driver is involved in nearly one-half of all the fatal accidents in the State of Maine, and it is in this light — in the light of such conditions that the American Bar Association backs the implied consent legislation now pending before this House.

This is the time to act, the time to pass this piece of legislation. The Highway Safety Committee would not have recommended the legislation if it had not first established a need, then covered all possible areas before drafting a bill. I urge you to vote for this measure, against the pending motion. Accidents are at an all-time high right now, and this legislation could not be more timely. Thank you.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am very sure that if all those thirty-two people that attended the hearing had had the privilege that I had in San Diego in the first of March, that they wouldn't be too much enthused about implied consent. I'll give you a very brief description in as few words as possible.

On Sunday night at the convention of Associated General Contractors we had a welcome night given by the City of San Diego, and when we arrived there they had women passing trays of liquid refreshments and hors d'oeuvres and pressed them upon you, they seemed to desire for you to take them and use them. We had not had dinner at the time when this affair closed, approximately nine o'clock at night, but before we ever went to the convention we were advised by the National Association

of General Contractors in Washington that since that we would be located at quite a distance away from the convention hall and since there was no bus system set up, that it was the best thing to obtain a rent-a-car to travel yourself around San Diego, and everybody that could hire a rent-a-car hired one, and when I arrived there the night before the convention actually started, every car in San Diego was rented.

Well, to make this a little bit shorter we didn't get from that welcome night more than a quarter of a mile before the driver was stopped by a policeman. He said — you have your high beams on, but when the driver rolled down his window he must have smelled on his breath some of these liquid refreshments that the ladies had been passing around, welcome night, so he said: "Get out" — and he got him out, and he said "Hop on your left foot" — and he hopped on his left foot — and he said "hop on your right foot" — and he hopped on his right foot. Then he threw down a quarter and a dime and a penny — mind you this was not too well lighted in that black top either and he spun him around to the right several times, then he spun him around to the left several times, and then he said "pick up one of them" I don't recall which one — but "pick up one of the pieces of money." I don't think I could have even seen the piece of money if I had never had a drink in all my life, by that particular treatment! And then he handcuffed the man behind his back and the man's wife was saying "oh-no, no, you're not going to do that" — opened the rear door of the police cruiser and pushed him in; good clothes and all right on his head and knees right into the bottom of the car. And I said to him — "when will I get a taxi here" I didn't know just where I was in San Diego and he said: "it doesn't matter when you're going to get a taxi, because it's going to be four hours after this man's bail is paid before he's going to get out!" Well, fortunately we did get a taxi in about twenty minutes, and I got back to the convention hall and found a

member of the National Organization of Associated General Contractors. He called the Chief of Police which didn't do any good, and finally he got the Mayor which seemed to work better, and we went over and eventually the sergeant at the desk gave me this fellow's license. I said to him — "when does he have to appear"? and he said: "oh, he doesn't have to appear, he doesn't have to book him." And the man behind that had arrested him said: "I'm not so sure he is intoxicated either," but he'd made him take the breath test, and who give the breath test and how many was present? He took the man into a cell, he gave him the breath test, and the only two was there, and that was it, period. And I can tell you it's a memory that I'll remember to my dying day, and I can tell you I am most heartily going to support the motion to indefinitely postpone this bill.

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

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

This is a hypothetical question. Supposing I am picked up for drunken driving. How long — can I call on legal counsel before I take the breathometer test?

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, poses a question through the Chair to any member who may answer if they desire.

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

Mr. BELIVEAU: Mr. Speaker, yes he would be entitled to call counsel, but he would still be compelled to take this, failure to do so he would lose his license for sixty days, regardless of whether or not he was represented by an attorney.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: After listening very carefully to my good friend Judge Quinn from Bangor, and the attorney from Rumford, Mr. Beliveau, I think that they

have presented something there that needs a great deal of consideration.

I'm wondering, as the gentleman from Kennebec says, a hypothetical question, I am wondering if this man who is arrested has the privilege of calling up a lawyer before, whether that privilege is controlled by the arresting officer or not?

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

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

Mr. HEWES: Mr. Speaker, in answer to the gentleman from Old Town's question, it is my understanding that it does not. It is my understanding that the driver is told of his rights — that he may have an attorney or that anything he says may be used against him. He is then, or in due course, asked to take this test. And as the gentleman from Rumford Mr. Beliveau said, if he does not take the test that may be used against him in relation to his obtaining a driver's license or operator's license.

I believe that there is to be a hearing before the Hearing Officer in the Secretary of State's Department, and it is determined then whether or not he should in fact lose his license. As I understand he does not lose his license per se, it is only after the hearing before the hearing officer. I thank you.

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

Mr. BIRT: Mr. Speaker and Members of the House: I have heard a good deal of pros and cons on this piece of legislation. I personally am very much in favor of it and opposed to the motion to indefinitely postpone. It would seem to me that any legislation, no matter how small, which can cut down on drinking and the number of fatalities that we're gradually incurring every year increasingly from year to year would be a monument to this Legislature, and I would certainly hope that the motion to indefinitely

postpone does not prevail, and I would ask for the yeas and nays.

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

Mr. QUINN: Mr. Speaker, just a word in response, or rebuttal, to some of the things that have been said.

The gentleman from Southwest Harbor, Mr. Benson, says if this bill is passed the police officer will not stop everybody. Now I'd like to know from Mr. Benson upon what he based that statement.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, poses a question through the Chair to the gentleman from Southwest Harbor, Mr. Benson, who may answer if he wishes. The Chair recognizes that gentleman.

Mr. BENSON: Mr. Speaker and Members of the House: In answer to the question of the gentleman from Bangor, Mr. Quinn, aside from it being physically impossible to stop everyone I'm sure that police officers are men of honor, — and I'm sure that they're trying to perform the duty for which they were hired. I am equally sure that they are not going to make arrests just to see someone blow into a breathometer. I think that they will use the breathometer for the purpose for which it was intended, and when I made the statement that I felt they would not stop everyone to take the breathometer test, I meant it in general terms that the mere fact that someone was driving down the road and let us take the hypothetical case posed by the gentleman from Rumford, Mr. Beliveau, of the gentleman who was tired and ultimately was asked to take a breathometer test. I think that the fact that the gentleman was tired and driving in an improper manner was sufficient reason for the officer to stop this gentleman. The fact that he was asked to take the breathometer test proved his innocence, and in this case I think that the breathometer test worked in his favor.

I do feel that in the long run this will be a means of stopping some of the drinking and driving on our highways I know that if I were a one-time loser as a drunk-

en driver and I faced the prospect of this law being on the book, I'd face the prospect of being stopped by a police officer after drinking, I am sure that I would be extremely careful of how I operated a motor vehicle after I had had even one drink, and I think this is the very deterrent that we are looking for. Thank you.

Mr. Quinn of Bangor was granted permission to speak a third time.

Mr. QUINN: Mr. Speaker, and Members of the House: I thank the gentleman from Southwest Harbor for his explanation of his thinking. I couldn't quite understand how he could be thinking that way and still consider the editorial in the Portland paper as to the activity of police officers and what that type of police officer would do.

My good friend, the lady from Piscataquis County says that it has been determined that this law is constitutional in many places. I agree with the lady. We have forty-eight states and we have a variety of constitutions. I have examined the constitutions of the states that have been referred to as having passed it and its legality found constitutional and find that they are not similar to ours. Their constitutions do not protect the privilege of the citizens as ours does.

Now if you want to pass a law like this you want it to be constitutional, and the only way to do it is to amend the Constitution, our Constitution, in order that it may be constitutional.

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

Mr. HUMPHREY: Mr. Speaker and Members of the House: I have been a police officer for twenty-five years right here in our Capital City, and I don't like to see them condemned by the attorneys. I think there are rotten apples in both barrels, both police and attorneys, and I am glad to put my name on the "ought to pass" on the yeas and nays.

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

Mr. PENDERGAST: Mr. Speaker, I rise in support of L. D. 17. I think we're tying the hands

of the police officers if we don't pass such legislation. Let us legislators in Maine be among those who give our police officers the tools they need in combating the problem of highway slaughter. Let's join the other twenty states who have this law on the books, and let's be one of the sixteen states right now considering such legislation. I urge you to vote against indefinite postponement.

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

Mr. LYCETTE: Mr. Speaker and Members of the House: I'm somewhat on the horns of a dilemma, not as a police officer, but as a citizen, and knowing the problem of drunken driving, initially I was for this bill, and a member of the Safety Committee came and asked me—knowing my background—if I wouldn't say something in favor of it, and I more or less agreed.

Later I was unfortunate enough to get in contact with one of those smooth talking lawyers who has the nicest smile and the best salesman that I know of in this House, and he almost convinced me that I was wrong.

What I say — what remarks I make is perhaps in the spirit of helpfulness as having had a good many years experience, if you'll pardon me making it personal, with police work and drunken drivers, and I want you to know that I'm not a radical, and as I said before on alcohol or any of its effects. When I tell you, and the boys will understand, from Caribou, will understand when I say that at one time I took a taxi driver out of his car in Caribou — he had fifteen children, and he had attempted to drive his car, but I took him and drove him clear across the Aroostook River, it's pretty nearly a mile and turned the keys over to his wife. So, I want you to know that I'm no radical on drunken driving and I believe in living and let living.

It was brought up about police officers in that editorial by my good friend Representative Quinn. You know Edgar Guest once said that the world will be better when we have a better type of man. That's true of police officers, and



I don't care what category they're in, whether they're town constables, they're deputy sheriffs, they're state police or what have you, there is some of them that don't have to lean through the door because of the halo that's on their head.

Reference was made to the dangers of false arrest. Now it would be ridiculous for me to question the legality of that, but I would like to ask if that would not be true in any case where a man was arrested; for instance, if he was arrested for intoxication and so forth.

I will wind this up by saying that no matter how you vote on this thing, and I think I know how it's going to go now, but, I would urge you folks that are going to come back here again to give this matter a lot of thought. You know this is a routine in court. What was his condition? Well, his eyes were red — his face was flushed. In other words it gets so monotonous after you have six or seven or eight cases in court that the jury gets disgusted because it's a repetitious thing and it's pretty hard to prove in many cases whether the man is drunk or not.

Now you've got one type of man and I know some of my friends in Houlton, they're the problem ones; they're fellows that drink a little every day and one of them is a friend of mine, he's an alcoholic, and he admits it. Now — but don't think you're going to convict that man unless you have some kind of a test. As I say whether this has got some flaws in it I don't know, but I think you should give this a lot of thought, and if you don't pass it now I think there should be something done to perfect this matter of some sort of test. Thank you.

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

Mr. WOOD: Mr. Speaker and Members of the House: I would like to pose a question to somebody that might be able to answer it. Has it ever been shown, does anybody know if it has ever been shown, that there is anything aside from alcohol that you could drink

that would have the same effect upon the breathometer?

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

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

Mr. BELIVEAU: Mr. Speaker, I don't pretend to be a chemist or anything but I do know that this same machine has been used on a person who has not consumed any alcoholic beverage within forty-eight, or several days and it did indicate that there was some type of alcohol in their system. As to whether or not consumption of some other liquid or solids would indicate on this breathometer, I don't know.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I'd just like to make one brief comment on the constitutionality problem here.

If this bill is passed the suspect is in a dilemma. Under the Constitution he has a right to remain silent, but if he remains silent by not saying yes to taking the test, under the Statute he loses his license. This is the heart of the constitutional problem. In effect the statute would require him to waive his constitutional rights. Consequently, the bill is unconstitutional.

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

Mr. MEISNER: Mr. Speaker and Members of the House: I'm not going to make a speech at this time, I just want to stand up here and say that I am in favor of this bill in spite of the fact that so many of my good friends are against the bill, but I am convinced that we need to do something to save lives. Now somebody will be inconvenienced, of course. We're inconvenienced now by a great many laws.

Some time ago I was held up on the road and the officer opened my door and wanted to know what was the matter with me, and he put his head in to smell my breath.

I told him there was nothing the matter with me, but I had an appointment that I had to meet at such a time and I was trying to make up a little time. I was just driving a little too fast. "Well," he said — "let me see your license" — so I took my license out and it happened at that time that it was made out in favor of the Reverend John W. Meisner, and so he colored up a little bit and patted me on the shoulder and said, "Well, don't drive so fast because you might not make your appointment." And he apologized. Well, he should not have been too sure, but he might have found some minister sometime that had a little on his breath, so that should not have convinced him altogether. But we all have to be inconvenienced, I was at that time. I'm inconvenienced every time I get a license which is every year, or every two years, going to have my eyes tested and so forth, and for years there has been nothing the matter with my eyes, it's been the same thing over and over again, but I have to do that before I can get my license. And we have a law on our books for thieving, and if a man comes and steals something from me that he has to carry away and the officer gets him surely the evidence is there to incriminate him.

I'm not going to argue with these very brilliant lawyers, because they have me somewhat mixed up — lawyers always do get me that way, but I do want to stand up, and when I read of all the lawyers and the legal associations that have gone on record as favoring a bill like this, I feel that it cannot be all wrong, there must be something right with it, and I certainly am going on record as being opposed to the motion to indefinitely postpone. Thank you.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: Two years ago I opposed this very same bill, and it is my contention that the machine is only as good as the person who operates it. I think certainly if one has been involved or witnessed any testimony to do

with one of these machines — and I certainly inform you that I have right here in Kennebec County Court, it was admissible evidence, the operator of the machine had been trained for only two weeks — there was a great deal of testimony on this. In listening to this case I was convinced that the machine should not be matched against man as far as his individual rights go. I don't think I can further add anything more than has already been said. I hope certainly that you don't vote for this bill. Thank you.

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

Mr. TRUMAN: Mr. Speaker and Members of the House: I am not a lawyer — don't pretend to be one, but I am against anything that is not constitutional or even comes close to it. I think the big problem that we're all concerned about is saving lives. The best thing to do is teach people how to drive! I'm not a betting man — never have been, but I'll bet you a thousand dollars right now that if we took a test that over fifty per cent of us here would fail. Because we go from one spot to another in our automobiles and vehicles doesn't mean that we're good drivers — we're just lucky. I know that I've been saying this for years, and I'm going out and take an examination and learn how to drive all over again. I think I'm a pretty good driver. So I hope you go along with this indefinite postponement. Thank you.

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

Mr. HANSON: Mr. Speaker and Members of the House: I consulted my glossary here and I find there is one that I had no intention of speaking on this measure. I won't read the quotation under it.

I actually haven't — in fact the Honorable gentleman from Bangor, Judge Quinn, had discussed this with me prior to the debate and asked that I listen to the arguments against this bill. I have done this.

I would like to make a comment though that many of these arguments have been very very emo-

tional, particularly in reference to the gentleman from Ellsworth, Mr. McNally. I think it might be well to recognize that in his story the very test that the gentleman from Rumford, Mr. Beliveau, mentioned it would not be needed if a breath test were available. The test made at the scene for drunkenness, picking up the coins and hopping on his legs and all, these were made. The breath test itself had no bearing on the handling or the abuse of that individual. In fact, Mr. McNally himself indicated that when they went to seek the release of that individual the arresting officer had changed his mind by virtue of the breath test — that he felt that possibly he wasn't drunk.

Another comment that I feel called upon to make is in reference to the gentleman from Bangor, Mr. Quinn's remarks in reference to an editorial or an article in the paper which he read citing the abuses of law enforcement officers — I would have to note that these abuses have taken place when we do not have the law regarding breath tests. These abuses take place anyway, not because of the breath test. Possibly the — legalization of the breath test might eliminate some of these. Again, I think the comment that was made here before that there are good and bad apples in any barrel is apropos. Thank you.

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

Mr. SOULAS: Mr. Speaker and Members of the House: No one in Maine is more appalled at the sickening rise in a u t o m o t i v e - caused deaths than I, having had a nephew killed in a car accident a short time ago and knowing of a dear friend, Representative's nephew killed also, but to attempt to alleviate the situation by the usurping of the constitutional rights of the individual to legislate against a person's right not to testify against himself is absolutely contrary to the protection written into the fifth article of the Bill of Rights.

The implied consent law being discussed is so p a t e n t l y in contradiction to the Constitution that reversal of this proposed law

in the courts is a foregone conclusion.

By all means let us move ahead constructively to rid our highways of drunken killers; perhaps the stringent laws of the Scandinavian countries would permit close scrutiny for application here. Perhaps making drunken driving a felony would deter those who seek to make mockery of the rules of propriety that should govern in a well regulated society, but in our common quest for a solution let us not lose sight of the dangerous precedent that would be set by adoption of these illegal proposals. A police state never settles any problem effectively.

I know that it is much easier to sit on the outside and criticize than it is to legislate constructive statutes to protect the rights of law abiding citizens, but in the face of mounting frustrations I implore you to curb the natural impulse to strike out with any available weapon. As in any logical situation, the end does not justify the means.

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

Mr. JALBERT: Mr. Speaker, with the hope that two hours debate is long enough, and everything has been said, I move the previous question.

The SPEAKER: The Chair would advise the gentleman that he is debating the motion for the previous question and it is not in order.

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

Mr. HEALY: Mr. Speaker, I 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 previous question, 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 third of the members present having voted for the previous question, the motion for the previous question was entertained.

The SPEAKER: 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. Is it the pleasure of the House the main question be put now? All those in favor will say yes, those opposed, no.

Thereupon, the main question was ordered on a viva voce vote.

The SPEAKER: The main question is the motion of the gentleman from Bangor, Mr. Jameson, that Bill "An Act Providing for Implied Consent Law for Operators of Motor Vehicles" S. P. 11, L. D. 17 and both reports be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes, those opposed will vote no and the Chair opens the vote.

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

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

### Roll Call

YEA — Bedard, Belanger, Bervilleau, Berman, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Brown, Buck, Bunker, Burnham, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cornell, Cote, Cottrell, Crockett, Crommett, Crosby, Curran, Cushing, Danton, Dennett, Dickinson, Drigotas, Drummond, Dudley, Edwards, Evans, Farrington, Fecteau, Foster, Fraser, Fuller, Gaudreau, Gauthier, Gill, Giroux, Hall, Harnois, Harvey, Hawes, Healy, Henley, Hennessey, Hinds, Hodgkins, Hunter, Immonen, Jalbert, Jameson, Keyte, Kilroy, Kyes, Lebel, Levesque, Martin, McMann, McNally, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Philbrook, Prince, Quimby, Quinn, Rideout, Robertson, Ross, Scott, C.F.; Scott, G.W.; Scribner, Shute, Snow, P.J.; Snowe, P.; Soulas, Starbird, Sulli-

van, Thompson, Townsend, Truman, Wheeler, Wood.

NAY — Allen, Baker, E. B.; Baker, R.E.; Benson, Birt, Bragdon, Carey, Cookson, Darey, ham, Carey, Cookson, Darey, Dunn, Durgin, Eustis, Ewer, Fortier, Hanson, B.B.; Hanson, H. L.; Hanson, P. K.; Haynes, Hewes, Hichens, Huber, Humphrey, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, Meisner, Miliano, Mosher, Pendergast, Pike, Porter, Rackliff, Richardson, G.A.; Robinson, Sawyer, Shaw, Susi, Trask, Waltz, Watts, White, Wight, Williams.

ABSENT — Bradstreet, Couture, D'Alfonso, Harriman, Hoover, Jannelle, Jewell, Noyes, Payson, Richardson, H. L.; Rocheleau, Roy, Sahagian, Tanguay.

Yes, 89; No, 46; Absent, 14.

The SPEAKER: The Chair will announce the vote. Eighty-nine having voted in the affirmative and forty-six having voted in the negative, the motion to indefinitely postpone does prevail in non-concurrence.

Sent up for concurrence.

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

Mr. BRENNAN: Mr. Speaker, I move we reconsider our action whereby the reports and bill were indefinitely postponed and I hope you will vote against the motion.

The SPEAKER: The gentleman from Portland, Mr. Brennan, now moves that the House reconsider its action whereby this bill and the reports were indefinitely postponed. All those in favor say yes, those opposed no.

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

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

Bill "An Act relating to Highway Commission Land Taking" (H. P. 1196) (L. D. 1699)

Tabled — June 9, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

On motion of Mrs. Fuller of York, retabled pending passage to be engrossed and specially assigned for Thursday, June 15.

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

Resolve Proposing an Amendment to the Constitution Insuring Payment of Industrial Loans to Fisheries and Agriculture (H. P. 1035) (L. D. 1501)

Tabled — June 8, by Mr. Littlefield of Hampden.

Pending — Passage to be engrossed.

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

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

An Act Creating the Maine Higher Education Development Authority (S. P. 495) (L. D. 1257)

Tabled — June, 9, by Mr. Richardson of Stonington.

Pending — Passage to be enacted.

On motion of the same gentleman, retabled pending passage to be enacted and specially assigned for Thursday, June 15.

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

An Act to Relieve Elderly Persons from Increases in the Property Tax (H. P. 953) (L. D. 1384)

Tabled — June 9, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of the same gentleman, passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act Clarifying the Offense of Procuring Liquor for Certain Persons (H. P. 1191) (L. D. 1691)

Tabled — June 9, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mr. Shaw of Chelsea, the House voted to suspend the rules and to reconsider its action whereby the bill was passed to be engrossed on June 5.

The same gentleman offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1191, L. D. 1691, Bill "An Act Clarifying the Offense of Procuring Liquor for Certain Persons."

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

Further amend said Bill by striking out all of the last underlined paragraph and inserting in place thereof the following:

**'This section shall not apply to liquor served to a minor in a home in the presence of his parent or guardian.'**

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

**'Sec. 2. Effective date. This Act shall become effective 91 days after adjournment of the Legislature.'**

On motion of Mr. Danton of Old Orchard Beach, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

Bill "An Act relating to Assistant County Attorneys" (H. P. 33) (L. D. 53) (In House enacted; engrossed as amended by Committee Amendment "A" (H-64) and Senate Amendments "A" (S-76) and "B" (S-182) (In Senate, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendments "A", "B", "C" (S-252) and "D" (S-254) in non-concurrence)

Tabled — June 12, by Mr. Benson of Southwest Harbor.

Pending — Further consideration.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This bill is a legislative document that came before the Judiciary Committee. It

has also been before the House with several amendments. Now some of these amendments create new positions without the benefit of public hearing and I am really astonished that this bill has come back to us from the other body in the form which it has, so in order to work out this problem I would hope that the House would not recede, so that I would be able to put the motion that we insist and ask for a Committee of Conference to see if these matters can be straightened out without subverting our hearing process, and I so move.

The SPEAKER: The gentleman from Houlton, Mr. Berman, now moves the House insist on its former action and asks for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

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

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1968 and June 30, 1969" (H. P. 1173) (L. D. 1672) (In House, passed to be engrossed as amended by House Amendment "A" (H-350) (In Senate, passed to be engrossed without amendment in non-concurrence)

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

Pending — Further consideration.

On motion of Mr. Ross of Bath, the House voted to recede from engrossment.

Mr. Ross of Bath then offered House Amendment "B" and moved its adoption.

House Amendment "B" being L. D. 1714 was read by the Clerk.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This legislative document, as it has been printed, is the gas tax increase to the General Highway Fund. Now nobody in this House or in the other branch wants to espouse any increased tax. However, we do have certain responsibilities. Now, the gas tax increase was a bill heard by the Taxation Committee. It came out of the Committee with a divided

report. I was one of the signers "ought to pass." This was not because I wanted a gas tax increase, I only wish that we could cut all of our taxes by cutting certain services. But this is not feasible in most instances. Now, although we have some very excellent roads in the State of Maine the great majority of our roads are secondary roads and they are wearing out faster than we are rebuilding them now. Now the opponents to the gas tax increase, when we debated it on the floor of the House, stated that they favored bonding this because they favored letting the future generations, who are going to be using the roads, pay for them at that time. Now, I agree with this in principle, but we can go just so far. Already, as far as our highway program is concerned, we have sold \$29 million worth of bonds, we have another 30 million authorized. Today, we talked about another 16.8 million, some while ago we authorized 4 million for a bridge between Lewiston and Auburn, the other day we authorized another 3 million on Route 6.

Now, bonding is fine. But, like our personal lives or like our business lives, we can just go so far. Now, this morning one gentleman on the floor of this House said that probably a gas tax increase would be the best thing to do but he didn't feel that we could pass it, and so we shouldn't vote for it. Now, I don't quite follow that trend of thought. Our last gas tax increase was in 1955. I don't know what this House and the other body is going to adopt for taxes as far as our general revenue funds go but of course we are going to need some sort of a tax. However, please don't co-mingle these issues. Highway Funds are separate. They are dedicated revenues. We must keep up our roads and the only way that we can raise this money to do this is by taxes or by bonding. We are now using both of these forms and I for one think that our bonding is about up to the limit, and since we have had no increase in the gas tax for twelve years I feel that serious consideration should be given this afternoon to making this adjustment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I made reference this morning that I didn't think we could pass a gas tax in this House and I made this without any reservations because we had already had it before us and it was very decisively defeated and I don't think that many of us have changed our minds. Now, it is true that we haven't had a gas tax in some time increase, but the increase in consumption has gone up every year to a very large extent and it's way up this year. Now increase in the gas tax one cent doesn't meet the needs either and we felt as though that if the Federal Government is going to increase this tax, this would be a double tax, and when you get the tax too high in this State, you defeat its purpose because a lot of these trucks that I deal with and other people deal with here are capable of gassing up and going the length of this State and back to where they can buy gas cheaper. I don't think you get the full benefit from the cent either, and this is where we have already discussed this, already voted on it and it was very decisively defeated, very decisively in this House, I would say it was very similar to an old saying I have heard "chewing your cabbage twice."

We've been over this once and now by this amendment, we're going over it again. I move to indefinitely postpone this measure and get on with other business. Thank you.

The SPEAKER: The pending question now is on the motion of the gentleman from Enfield, Mr. Dudley, that House Amendment "B" be indefinitely postponed.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to pose a question to someone who can answer it. 1672 as it now appears before us with the amendment, that's a two-pronged question. How much money or revenue will the one cent bring across to us? Secondly is the new highway

building still in this bill? I believe we amended it to take it out. Is it still in it now or is it in it again? Thank you.

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

Mr. ROSS: Mr. Speaker and Members of the House: I would endeavor to answer both of those questions. The one cent increase would bring in \$4 million a year. Since we are on a four-year program that would be \$16 million for the four years. That is the amount that we were talking about in bonding. The other question on the highway office building, the highway office building has been amended out by this House. It is still out by this House. If the House should decide to adopt House Amendment "B", it would still be out by this House.

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

Mr. SUSI: Mr. Speaker and Members of the House: I personally feel by bonding what are basically current costs in our highway program. This idea that we are building highways for the future I think this is misleading. This is mainly to replace highways that are wearing out. This is a cost that is going to be with us year after year. To pursue the policy of bonding for these costs is strictly taking a trip down the primrose path. I won't take much of your time but I would like to bring to your attention something I think rather graphically demonstrates what our problem is. In 1672, on page 2 in the breakdown of expenditures, there is an item "interest on bond debt" for the year 1967-68, the appropriation for this purpose is \$1,218,000, for 1968-69 it's \$1,428,000, a total for this biennium of two million six odd.

Well, right now we're concerned too with a Highway office building. We recognize a need in this direction, certainly. It represents a lot of money. It just so happens that the cost of this Highway building is approximately what we will be paying in interest on existing bonds, Highway bonds, for this next biennium. Now, this problem is just beginning. If we continue

to bond — deficit finance, that's what it is, soon we will be expending for bond interest what amounts to a major building or some other useful purpose for this money each year or each biennium. This money that we put out in interest on bonds solves none of our problems, just creates new problems. I hope that you can give favorable consideration to the amendment and vote against the indefinite postponement. Thank you.

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

Mr. HANSON: Mr. Speaker and Members of the House: I am definitely opposed to this amendment and I think that I would be opposed to any increase in the gas tax as long as we are placing about \$11 million a year in the general fund to be used in whatever way that they see fit. I believe it has been suggested by some in the past that a part of this fund be used for education, or possibly for some other services of the State. I think that, you mentioned dedicated funds, that if we could have the funds of which the motorist is paying and which is going into the General Fund, added to this amount that is going to the Highway Fund you would find that the Highway Department would be able to run without any increase in the gas tax or any bonding issues. As to how the money might be replaced in the General Fund is a question which I think many of us have not the answer for at the present time. But there are ways of digging up money or monies for the General Fund to help replace this.

I stated sometime past, I would like very much to see the legislatures of the future start with using three different sessions and taking one-third of these monies from the General Fund and returning them to the Highway dedicated fund. I definitely support the motion for indefinite postponement of this measure.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: First, I take issue with the estimates from

the gentleman from Bath of \$4 million a year on the increase in the gas tax. First, let me say that we are now getting 7 cents a gallon. If we drive a lot of this to other states, or our neighbor state in Massachusetts, the 7 cents we are now getting by increasing it, we are losing seven to collect one. I am sure that the proponents of this are out of line in their \$4 million estimate. Let me tell you that I don't see the need for it because we have now over \$1 million in surplus in the Highway account which some of us thought might be good to put in the building, others of you feel it shouldn't be. So, if you don't build the building, there is over a million dollars in surplus now. Now, as for the bond issue, we're not talking about a bond issue now, this bond issue is not going to be voted on, mind you, until the next general election. Then, it will be sometime after that, a year or two, before the bonds are sold. So, the Highway Commission is not hard pressed for money, not hard enough pressed that we need to increase the gas tax. We have a surplus now, the bond issue we are talking about isn't for the year somewhere about 1970, so far the present time we are in pretty good shape and I am not agreeing with the estimates of 4 million per cent on the gas tax because it's a case of diminishing return. If you lose the seven you are now getting you're not ending up with 4 million.

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

A vote of the House was taken.

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

Mr. BINNETTE: Mr. Speaker, I request a yeas and nays vote.

The SPEAKER: The yeas and nays are requested. For the Chair to order the yeas and nays it must have the expressed desire of one



fifth of the members present and voting. All of those desiring the yeas and nays will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that House Amendment "B" be indefinitely postponed. All of those in favor of indefinite postponement of House Amendment "B" will vote yes; those opposed will vote no, and the Chair opens the vote.

#### Roll Call

YEA—Allen, Baker, E.B.; Baker, R.E.; Bedard, Belanger, Beliveau, Benson, Berman, Bernard, Binnette, Birt, Boudreau, Brennan, Brown, Buck, Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cookson, Cornell, Cote, Cottrell, Crommett, Crosby, Curran, Cushing, Danton, Darey, Dickenson, Drigotas, Drummond, Dudley, Durgin, Eustis, Ewer, Farrington, Fecteau, Foster, Fraser, Gaudreau, Gauthier, Giroux, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harnois, Harvey, Healy, Henley, Hodgkins, Humphrey, Jameson, Keyte, Kilroy, Kyes, Lebel, Levesque, Lewin, Lewis, Littlefield, Lyette, Martin, McMann, McNally, Miliano, Minkowsky, Nadeau, J. F. R.; Pike, Quinn, Richardson, G. A.; Rideout, Robertson, Sawyer, Scribner, Shaw, Shute, Snowe, P.; Starbird, Sullivan, Townsend, Truman, Watts, Wheeler, Wight.

NAY—Bourgoin, Bragdon, Crockett, Dunn, Edwards, Evans, Fortier, Fuller, Gill, Hawes, Haynes, Hewes, Hinds, Huber, Lincoln, Maddox, Meisner, Mosher, Philbrook, Porter, Prince, Quimby, Rackliff, Ross, Scott, C. F.; Snow, P. J.; Soulas, Susi, Thompson, Trask, Waltz, White, Wood.

ABSENT—Bradstreet, Couture, D'Alfonso, Dennett, Harriman, Hennessey, Hichens, Hoover, Hunter, Immonen, Jalbert, Jannelle, Jewell, Nadeau, N. L.; Noyes, Pay-

son, Pendergast, Richardson, H.L.; Robinson, Rocheleau, Roy, Sahagian, Scott, G. W.; Tanguay, Williams.

Yes, 91; No, 33; Absent, 25.

The SPEAKER: The Chair will announce the vote. Ninety-one having voted in the affirmative and thirty-three in the negative, the motion to indefinitely postpone House Amendment "B" does prevail.

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

Mr. WALTZ: Mr. Speaker, I move we insist and request a Committee of Conference.

The SPEAKER: Is it now the pleasure of the House that this bill be passed to be engrossed as amended by House Amendment "A"?

The motion prevailed.

The SPEAKER: The gentleman from Waldoboro, Mr. Waltz, now moves that the House insist on its former action and request a Committee of Conference.

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

Mr. DUDLEY: I move we recede and concur.

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

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

Mr. GILL: Mr. Speaker, I rise to oppose the motion to recede and concur in hopes that we would have an opportunity to vote to insist and ask for a Committee of Conference.

This is that highway building again. It is with us, this is the one that the people turned down in a referendum and I just feel that this would be a further abuse to the taxpayers and the voters of the State of Maine if we allow them to put this building back in.

The SPEAKER: The pending question is the motion of Mr. Dudley of Enfield that the House recede and concur with the Senate.

Mr. Waltz of Waldoboro requested a division.

The SPEAKER: A vote has been requested. All those in favor of receding from our former action

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

A vote of the House was taken.

28 having voted in the affirmative and 91 having voted in the negative, the motion to recede and concur did not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

The Chair appointed the following Conferees on the disagreeing action of the two branches on H. P. 33, L. D. 53, Bill "An Act relating to Assistant County Attorneys":

Messrs. BERMAN of Houlton  
DENNETT of Kittery  
NADEAU of Sanford

The Chair appointed the following Conferees on the disagreeing action of the two branches of H. P. 1173, L. D. 1672, Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1968 and June 30, 1969":

Messrs. WALTZ of Waldoboro  
GILL of South Portland  
TRUMAN of Biddeford

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

HOUSE MAJORITY REPORT (6) — Ought Not to Pass — Committee on Judiciary on Bill "An Act relating to Period of Real Estate Mortgage Foreclosure" (H. P. 512) (L. D. 725) — MINORITY REPORT (4) — Ought to Pass.

Tabled — June 12, by Mr. Snowe of Auburn.

Pending — Motion of Mr. Hewes of Cape Elizabeth to accept Minority Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This L. D. as I read it is an old chestnut that's been around as long as I have, perhaps longer. It was here in the 100th Legislature; it was defeated; went through a long drawn out process in the 101st Legislature and came back in special session and what was done

in the regular session was repealed. We had a respite in the 102nd Legislature. Now it's back again. This is the act which would shorten the period of real estate mortgage foreclosures from twelve months to six months.

In my area it certainly would work a hardship on the agricultural people. In other areas I am sure it would work a hardship on those people who live by the sea. I hope the House will not accept the Minority ought to pass report and I move when the vote is taken it be taken by division.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as you can see, shortens the period of mortgage foreclosure from one year to six months, it is a simple piece of legislation, yet it is of tremendous importance to the State of Maine. Alan Pease, top Administrative Assistant to Governor Curtis, spoke March 16 to the Maine Bankers and urged them to start thinking positively about the State's future. I assume Mr. Pease was thinking of industrial and recreational development.

By enacting this six months mortgage bill we will be giving the Maine banking industry a law that will place them in a position to compete equally with the other states in the money market for the most favorable rate of interest. Presently Maine bankers are at a disadvantage because of the one year foreclosure. They either pay higher interest rates to secure the out of state money or the lenders will place their money where there is no foreclosure law. Vermont is the only other state in New England that has a similar law to ours. Maine banks would be in a better position to sell mortgages to out of state institutions when they find themselves in the position of meeting the requirements of the banking laws as to percentage of investments to mortgages. These out of state lending institutions are extremely reluctant to purchase Maine mortgages with the one year redemption period. This bill sets a floor on the foreclosure period

of six months. It does not set a maximum. The period of foreclosure can be negotiated at the time of the loan to take care of the unusual situation.

Some of you may argue that the banks will take advantage of the people when they are in financial distress with the six months law. This is not the case. Experience has proved that banks and savings and loan institutions are most helpful to people in this predicament. They are in the business of lending money and do not want the property on their hands. Ladies and Gentlemen, this is good legislation; it will be most helpful in attracting outside money into our State thereby stimulating our economic growth and I would hope you would support the Minority Report. Thank you.

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

Mr. HEWES: Mr. Speaker and Members of the House: In support of the comments of the good gentleman from Wilton, Mr. Scott, to cite an example, if the Raytheon Plant in Lewiston, if the operators of that plant, X corporation, were to have financial reverses and not be able to operate, under the existing law today the owner could not lease to some other tenant to use those premises until the lessee occupant left the premises, and if the lessee refused to go willingly there would have to be a year's delay under the existing law, whereas under this bill there would have to be only a six months wait until the existing occupant could be foreclosed out of the property, and apparently when business establishments such as down on Wall Street and New York City are looking for places to loan money, this is a factor which they consider, and it is for that reason, if only for that reason that we feel this legislation would help industrial growth and financial investments here in Maine. I thank you.

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

Mr. DAREY: Mr. Speaker, as a member of the Majority Committee I will be very brief in support

of the gentleman from Houlton, Mr. Berman in his contentions. The one year period of redemption on mortgages is short enough. It has been tried before and passed as he has pointed out in the 100th Legislature and subsequently repealed.

Now I can't conceive, if this period was shortened to six months how it could be abused. I can recall the days when these mortgage foreclosure notices would be published in an obscure newspaper, yes, in one instance in language other than the English language, in order to defeat the period of redemption, and we don't want any practices like that, or encourage anything which would shorten this period of redemption. To be sure, I have no quarrel with the banks, they have been very honorable about this and I am sure that they would not abuse the privilege, but it is others, private individuals who might be holding these mortgages that could take advantage of it. Therefore, I urge you to support the report of the majority of the committee.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I spent the best part of forty years in the banking business and I have made literally hundreds of real estate mortgage loans, and I can see nothing wrong with this bill. A legitimate lender of mortgage money is not one who lends the money with the anticipation of immediately grabbing the property of the mortgagor the minute default occurs, or the minute six months occurs if foreclosure is started. A legitimate lending institution is anxious and tries hard to work out a deal or some program with the borrower so that he won't lose his property.

Now I know there are some sharp lenders who mortgage money who don't take that attitude toward their loans, but I maintain that people should keep away from those lenders and borrow their money from legitimate banks, people who are legitimately in the mortgage lending business, and I am convinced that such lenders

would not take advantage of the shortened period and I think it would be of an advantage to both the borrower and the lender.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I signed the Majority ought not to pass report and the reason why I joined with the Majority of the Committee is precisely what the gentleman from Belfast, Mr. Thompson has said. We are not fearful of the banks or the financial institutions — we are fearful of these sharp money lenders, and that is the reason why we have signed this "ought not to pass" report, and the thinking is not any different today than it was last session. We would like to do something for the banks and as I understand there is other legislation which makes it possible for the banks to better loan money and make it a sounder investment.

For that reason I urge that you people will go along with the majority report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: L.D. 725 proposes a change in the redemption period of a mortgage from one year to six months. I am against this proposal and it is not in the best interest of protection of the mortgagors or in other words those paying the mortgage.

I wish to use an example to point out the pitfalls of this bill if we pass it, and the example is thus: To my understanding if a man is out with sickness let's say for a period of five months he might, it's very possible that he might get in arrears on his mortgage payments for five months. In the meantime the bank according to this bill would have foreclosed or would have the privilege to foreclose, and he could under this bill, a six month period having expired he could lose his house and he could also lose his equity. Whereas, if the redemption period is one year as under the present law, he could have an additional six months to pay his mortgage or to

sell his house and retain his equity also his credit rating and his self-dignity. The six month period is too short a redemption period taking into consideration that one can have an extended period of sickness or other hardships and thereby losing his life savings and a home for his family. The one year period is a fair, reasonable time for redemption and it definitely is in the best interests of the citizens of this State. Therefore, I am in favor of the majority report.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I would like to pose a question to Mr. Scott, my good friend from Wilton. If this is such a good bill, why has it been back here three sessions?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, poses a question through the Chair to the gentleman from Wilton, Mr. Scott, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. SCOTT: Mr. Speaker: I think the gentleman from Limerick, Mr. Carroll, fully realizes why this bill doesn't stand a chance. It is just the type of sob stories we've just heard, and if you want to continue to hamstring the State of Maine, keep them in the backwoods, why, vote against the measure.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen: I am a little mite concerned relative to this act, having been here for the past three sessions. This same bill has been before us. I am very much disturbed relative to these outside of Maine concerns who come from other States and they build up a mortgage on some poor individual and that only gives them six months and I'm afraid it's going to be detrimental to the general public.

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

Mr. FORTIER: Mr. Speaker and Members of the House: As many

other people have said, I hesitate to rise in opposition to my good friends in the banking fraternity. I feel compelled, however, to bring to you a condition that does exist in the lending field; and that is a condition that all bankers recognize and until they take some action as a result of recognizing this condition, to correct the situation, I feel that I must oppose this six months foreclosure law.

I think most of you are aware of this condition although it hasn't been brought out here on the floor of the House, and that is the position of the young couple who are hardly in financial circumstances that would allow them to purchase a home. However, because of sometimes unscrupulous real estate agents, unscrupulous lenders of money on a second mortgage, these people are placed in a home. They are not required to put up a great deal of money, there is always somebody around to help them to get into this home; and this is not actually help, it actually hurts these young people.

They hardly have furniture to put in a house, yet somebody will come along from some place, whether it's the real estate dealer or whether it's an unscrupulous second mortgage lender, loaning them enough money to make a down payment, pay closing costs, insurance, appraisals, et cetera, et cetera, and extract from them what small savings they have — which they can't afford to put into this deal, incidentally, forcing them not only to make payments to the lending institutions that had the first mortgage, but also forcing them on a shorter basis to make payments on a second mortgage basis and even sometimes to make payments on personal loans that they have acquired from individuals or relatives or have borrowed from their bank accounts.

Now, it is easy to see that this person, this well meaning person and his wife, and probably a couple of youngsters, it is easy to see that he was never in a condition to purchase a home. He works on the home, he works, he spends all of his available time, he probably was sold a home without the land-

scaping and said, well if you will do the landscaping, we'll reappraise this thing so that you can get advantage of the landscaping completed. He spends two or three years on this house making whatever little improvements he can and he comes to the point of no return where, as the banker knew to begin with, and as the real estate man knew to begin with, he couldn't complete this unless he had some unusual stroke of luck. He is just an ordinary person and he hasn't had an unusual stroke of luck. He has an ordinary job, an ordinary family, he is placed in a position where he can't make the payments. Six months goes by and the banker is in a position where he can foreclose.

Now, I am not against a six months foreclosure law per se if the conditions that exist in the lending field, not specifically in the lending field, I am thinking more in the real estate field now. If the conditions that exist here and the bankers are fully cognizant of, are eradicated, then I would say that there was nothing wrong with the six months foreclosure law. But as long as these conditions exist where these young people can be put in this embarrassing predicament, then I will have to oppose this six months foreclosure law if it comes back here this time or any other time that I happen to be here. Thank you.

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

Mr. BOURGOÏN: Mr. Speaker and Members of the House: I would like to explain to you why I will vote against the minority report, "ought to pass". In the 101st we passed that law, later we were called to special session and my seatmate, a very respected man of the Republican Party, Edwin Smith, District Judge in Bar Harbor, said that the law was not workable. So, therefore, I will vote against the minority report.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House accept the Minority "Ought to

pass" Report on House Paper 512, L. D. 725, Bill "An Act relating to period of Real Estate Mortgage Foreclosure." The Chair will order a vote. All those in favor of accepting the Minority "Ought to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

22 having voted in the affirmative and 87 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.

On motion of Mrs. White of Guilford,

Adjourned until nine thirty o'clock tomorrow morning.