

# 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**

Thursday, June 15, 1967

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

Prayer by the Rev. Mr. Roy W. Moody of Gardiner.

The journal of yesterday was read and approved.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Taxation of Television Sets" (H. P. 287) (L. D. 407) reporting that they are unable to agree.

(Signed) HANSON of Gardiner  
ROBINSON of Carmel  
WOOD of Brooks  
—Committee on part of the House  
FERGUSON of Oxford  
WYMAN of Washington  
KATZ of Kennebec  
—Committee on part of the Senate

Report was read and accepted and sent up for concurrence.

**Papers from the Senate.**

From the Senate: The following Communication: (S. P. 685)

STATE OF MAINE  
SENATE CHAMBER  
Augusta

June 13, 1967

To the Honorable Senate and House of Representatives of the One Hundred and Third Legislature

Transmitted herewith is the Report of Preliminary Analysis of the Feasibility of a Probate District Court System for Maine.

This report is being submitted in accordance with the request of Rep. Charlotte White and Senator Jon Lund.

Respectfully,

(Signed) JON A. LUND

Came from the Senate read and with accompanying Report ordered placed on file.

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

**Senate Reports of Committees Leave to Withdraw Covered by Other Legislation**

Report of the Committee on State Government on Bill "An Act relating to the Maine-New Hampshire Compact for Establishing a Bi-State Commission on Oceanography" (S. P. 345) (L. D. 929) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

**Ought to Pass**

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Compensation of Complaint Justices of the District Court" (S. P. 434) (L. D. 1088)

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.

**Divided Report**

Majority Report of the Committee on Natural Resources on Bill "An Act to Create the Wildlands Use Regulation Commission" (S. P. 506) (L. D. 1260) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. FERGUSON of Oxford  
SEWALL of Penobscot  
— of the Senate.

Messrs. PIKE of Lubec  
BROWN of Augusta  
Mrs. FULLER of York  
Messrs. SAHAGIAN of Belgrade  
EUSTIS of Dixfield  
— of the House.

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

Report was signed by the following members:

Mr. VILES of Somerset  
— of the Senate.  
Messrs. DICKINSON of Mars Hill  
CURRAN of Bangor  
— of the House.

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

In the House: Reports were read.

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

Mr. PIKE: Mr. Speaker and Members of the House: This bill is a bill on which reasonable and honest men can disagree and have disagreed. The core of it is about this. The organized municipalities in the State have the power to zone their own territories; some have and some haven't. You may notice this community here, the Capital of the State, hasn't, and you can see some of the decay that has happened in our area, particularly in downtown largely due to the lack of zoning.

Now, whether or not zoning is done is left up to the communities. When you get outside of the organized municipalities there is no power except in the State, and it does seem as though there ought to be some power of zoning or keeping out, say, rural slums or recklessly, inadvisable development or destruction or defacement or defilement, or any of those words that begin with a d e. This bill was drawn up with this in mind and it aroused a great deal of opposition. The large paper and pulp companies, which by and large have got the message the last several years and handle their stuff pretty well on the whole, and they have said that they don't need this sort of a bill. They control roughly about ten million acres in our unorganized territories. During the last month or two, there has been made considerable effort to adjust this bill to their likes. Well, some of their most vigorous objections have been taken out, I've heard, and watered down somewhat, but they still don't like it.

There's about three million more acres in the State that is not owned

by the pulp and paper companies but by and large by some type of very large, and in very large chunks, with people—almost permanent ownership and depending on stumpage. In other words, selling their stuff off to the big companies. There are, of course, others in those three million acres in smaller pieces, sometimes heirship properties, and it is very largely there that the big danger exists it seems to me.

Now we haven't had a great deal of trouble back in the unorganized territories about development or defilement or any of those d's. The signals are pretty clear, however, that in the next several years we will have moving in here development groups, sometimes greedy groups, who will want to take up shorelines and camping places in some cases without the highest motives; and this has happened a little bit. I think we can figure that with this development from what we call megalopolis runs pretty well from Richmond, Virginia pretty close to Portland, that instead of a trickle we'll soon get a stream and then maybe a flood.

Now, what most of us on the Committee seemed to worry about was that, say, in the two years between this session and the next, some of these people may be in here with not the highest motives and to some extent destroy some of our most beautiful scenery or cut some of our best lake shores. Most of us thought that it would be a pretty good idea to get in with some preventive medicine to make sure that this didn't happen.

Most states have taken measures on this item too late, after something awful has happened, as in a few cases along our Maine seashore this has happened. Now, this doesn't touch the Maine seashore, it merely touches the unorganized territory back in the State. I happen to have two of these disorganized, three of these disorganized plantations in my district, and one of them has the most beautiful little rural slum you ever saw, which this bill, incidentally, would not touch because it's largely owned by one family houses and owned by the people who live

there. But, things can happen, things will happen, and so I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Lubec, Mr. Pike, now moves that the House accept the Majority "Ought to pass" Report.

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 to the gentleman from Lubec, Mr. Pike through the Chair. I would like to—as I understand this bill, my property which is along the Mattawamkeag River in Kingman Township, which is an unorganized township, if I wished to build a building on that property under this zoning law, I would have to have permission. Is this true?

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

The Chair recognizes that gentleman.

Mr. PIKE: Mr. Speaker and Members of the House: I think we would have to have a lot more specifications, before one could answer that question. As I remember it, this bill sets aside or rather gives power to the State Zoning Commission 300 feet back from, I believe, this river; it does not extend to streams, it does not extend to areas that are more than a certain distance from the road and I think in each case it's 300 feet. If the road goes right by the river, and I presume it does, I think you probably would have to get permission after the zoning thing had been set up, but this is—now I might explain here that if I am being not too clear, the Natural Resources Commission this year has been engaged very largely in exploratory work, looking at new territory, and this is one of these things that is completely new to us and to quite an extent is new in the country because we don't have any Federal lands here. An attempt had been made in other states to do the right thing, let's

say, "by our Nell." The way the Commission is set up, I would say that the legitimate landowner would have every right in the world to do what he wants to with his property unless it is an obvious defacement or marring of the areas close to the publicly traveled property. I wish I could answer the question better but you would have to tell me what kind of building it's going to be, where it's going to be, how close to a road it is going to be—and then I probably couldn't answer it. This will put in the ability of the State to have some control on defacement of property near publicly traveled roads, but I am sorry I cannot answer this specific question.

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

Mr. CURRAN: Mr. Speaker and Members of the House: I move this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Curran, now moves that both Reports and Bill be indefinitely postponed.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: I respect and admire the opinions of the gentleman from Lubec, Mr. Pike, very much. I understand the reasoning for this bill. I think the logic behind it is good but, representing one of the major paper companies in the State of Maine, I realize it has implications and makes decisions that perhaps we can't thoroughly agree with.

This zoning ordinance is what it is, is a zoning ordinance on wild lands. Now it has been mentioned we don't have any zoning ordinances in the City of Augusta. Now, in effect, I am one hundred percent in favor of zoning ordinances in municipalities. They are absolutely necessary for the progress and proper growth of a community. However, I cannot be in favor of them as far as wildlands is concerned. I think this bill in its effect will be discriminatory as far as the major paper companies and major landowners

in the State of Maine are concerned. I don't think that this board should have the authority to attempt to regulate these wildlands whether or not these companies should use them a portion for logging, a portion for recreation or both.

Now, I think most of the paper companies in the State of Maine do, as Mr. Pike brought out, regulate to a certain extent this sort of thing. I know for instance, Standard Packaging has the certain sections that they allow people to lease land to build camps. They have more or less established a recreational area. Great Northern Paper Company has roads built that people can use at a slight cost, which is for a benefit for the people of the State of Maine and for those outside the State. I think though, that these opinions and decisions of this wildlands should be left to the owners—the major landowners are, of course, the paper mills which are our major industries in the State of Maine.

Furthermore, as far as the Statute is concerned—I am not an attorney, but I think despite the opinion of some of the gentlemen in the Attorney General's office, there is still a question as to whether this Board would have the right to regulate zoning in our wildlands. Of course they have this right in municipalities and organized areas. There may be some question as far as unorganized areas are concerned.

And for this reason I feel that we, despite the fact the intent of this bill is good, I think we should go along with the motion of the gentleman from Bangor, Mr. Curran, and defeat this measure. Thank you.

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

Mr. RICHARDSON. Mr. Speaker and Members of the House: First of all I wish to make it absolutely clear that I am speaking in my individual capacity and not as the Majority Floor Leader, and perhaps if discretion prevailed this morning I wouldn't even speak on this bill because it had an inglorious history in the Senate and

I am pragmatic enough to realize that those who tell me that it will be worse off when it goes back to the Senate are right.

But, like the Prestile Stream in the last session, this bill is one that demands the conscientious attention of every legislator in this House. In excess of ten million acres of this State, a vast chunk of this State, is owned by a tiny handful of people upon whom we rely to see to it that it isn't turned into a wasteland of garbage. Most of the landowners, conscientiously and in an enlightened fashion, plan, control and harvest their timber crops consistent with the interest of all the people of the State of Maine. Another handful of this number, without conscience, without regard for the future, do not abide by any sort of reasonable land usage. It is to this group that this bill is addressed and it is to this problem that we must address ourselves.

The gentleman from Lubec, Mr. Pike, indicates very clearly that we are faced with the time when the population explosion is going to explode north and the question is whether or not we are going to be prepared for it or we're going to let this situation assume crisis proportions before we do something.

This bill protects present land uses. Some of the timber companies are opposed to this bill because they say that it restricts their land cutting practices. This is absolutely not true. This old bugaboo that the bill is unconstitutional was raised at a public hearing. It was at my request that the Attorney General gave this matter careful consideration and reported in clear and unequivocal terms that it is a Constitutional measure. And there is no question about that, so don't let that favorite old red herring of our industrial friends fool you.

Recognizing as I do that many of my good friends in the third house are here, I think it might be appropriate for me to tell you and hopefully to tell them, that the day is coming when delay is going to produce disaster, when we will have wished very strongly that we followed the advice of the gentleman from Lubec, Mr. Pike. When

we will have wished very strongly that we had accepted the Majority Report and had taken the time to support this bill.

Several of the large landowners, ladies and gentlemen, agreed with this bill. I won't name them because I don't want to embarrass those who have not supported it. But I state as a fact, that one of the very largest landowners, the president of that corporation is enthusiastically in support of this and his company is one of those companies that is following wise use practices to preserve this land for the future.

I don't want the large timber owners to get a black eye and they're not going to get one from me. I do want the record to be clear that as an individual I regret very much that apparently the handwriting is on the wall and that we are going to delay a decision I believe we should make now.

Thank you.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: I am opposed to this bill. The Wildlands Use Regulation Commission would have all encompassing authority to regulate not only the use of lands in unorganized territory but also "the type of construction, height, width, minimum floor area and bulk of all buildings in the zoned area" and "lot size and size of open space, unbuilt open areas" etc. The effect of such restrictions may be to place the typical small hunting and fishing camp beyond the economic reach of many citizens who may not be able to purchase a large lot or build a substantial structure thereon.

Many of the specific provisions in this legislation are particularly repulsive since they would permit and allow an invasion of the privacy of each landowner in the unorganized territory. For example, subsection 11 of section 685 provides that every member of the Commission or any member of its staff and all consultant personnel shall have free access to all zoned lands and all buildings on such zoned lands. Is a man's hunting or fishing camp any less his castle than his home?

As long as most of our wildlands are owned by persons in the forest products industries, as long as our timber is needed for lumber, as long as paper is made principally from wood fibers, there is no present or even anticipated need for such legislation. The need for such legislation is even less apparent in light of the multiple use policy followed by all major landowners. This policy has opened millions of acres of privately owned lands to our citizens for recreational purposes. We must not now take steps which would encourage the reversal of this enlightened trend. I am opposed to the enactment of broad general legislation subjecting considerable areas of privately-owned land in unorganized territory to government control where such controls are generally unnecessary, and I certainly hope that you go along to indefinitely postpone this bill.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I rise in support of the motion to indefinitely postpone L. D. 1260 and all its accompanying papers. I am privileged to own a modest hunting and fishing camp in the Moosehead region and I wish I was there now.

My land is located in the midst of a large tract of land owned by a company engaged in the forest products industry. That company maintains the roads which provide me with access to my camp.

I am personally familiar with its operations in the area. I have observed that company's multiple use concept of land management in action and noted the benefits that this policy has produced for myself and the general public of the State of Maine.

This company and virtually all the owners of these large tracts of lands in our wilderness areas, have long ago rejected the single use concepts of land management whereby large tracts of land are held exclusively for the harvest of timber. These lands are now being managed with a view to:

1. Watershed protection
2. Wildlife protection

### 3. Recreational uses.

With respect to recreational uses it is well known to members of this House, that the public has free access to almost all lands of the unorganized territory for hunting, fishing and other recreational purposes.

In view of the policies of land management being followed by the great majority of landowners in the unorganized territory which make available millions of acres of land to our citizens for recreational purposes while preserving their character as a forest reserve of essential raw materials, I do not see any need has been demonstrated for legislation so broad in scope as L. D. 1260.

I would, therefore, ask that you vote with me to indefinitely postpone this bill and all its accompanying papers.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to this bill. I hope you are. I am for the indefinite postponement, of course. I am for less government and this is another one of those places where government infringes on the rights of others. In my opinion, the people that now own the land do a much better job managing it than someone in state government. Now, we don't have to look very far, just look around us how they are managing what they are trying to manage. In my opinion they are doing a pretty poor job in what they're trying to manage now without trying to make more government and more jobs and more czars. The people in most cases know nothing about the particular job they are doing.

Now our paper companies are very familiar and they have talent that's been working for a long time and I think this is one area of the state that is very well managed and if we've got one area that's well managed, let's not disturb it. And I certainly hope that this bill will be indefinitely postponed and I would like to ask that the vote be taken by roll call.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I, too, am opposed to this bill because, after hearing the gentlewoman from Bethel give such a — well, I would say a very good explanation of what this bill could do, I am certainly for postponement of it, and after reading some parts of it I see where there is going to be a seven-man commission that would be applying, I think they would be given more power than any group of men in the State if they could control ten million acres. And they might pass some regulations on that that would be detrimental to the person who would like to establish a camp or like to have some things done up there, and they would have to be contacted and whatever they say would go. So, therefore, I am in support of indefinite postponement.

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

Mrs. FULLER: Mr. Speaker and Members of the House: As a signer of the Majority Report for the Natural Resources Committee, I would like to say that I strongly support this bill. Some of these arguments that I hear here sound as though I am back in my Town at York when we were trying to get zoning through some fifteen years ago. It took four different times and the time had come when people began to regret that they hadn't put this kind of law through fifteen years ago. I feel the same thing will happen at the State level and the selfish interests that now talk and say that they are doing a good job will resent the fact that they haven't come along with this bill. I read to you, Committee Amendment "A" in regard to your woods operators.

A. "In any event, land in the zoned area used or held for forest products industry uses, if so stated by the owner thereof, shall at and during the option of the owner be zoned for such use. Nothing in this chapter or in any ordinance adopted shall in any way limit the right, method or manner of cutting or removing timber, or the erection of buildings or other structures used primarily for forest products



industry purposes in the zoned area.”

I go further to state, if they are so convinced that they are doing a wonderful job, why do they fear letting somebody else have some judgment of this? Nobody is going to throw out their recreational multiple-use program. We're not looking at this, we're looking at the areas that we can't control, where there can't be a good job. I feel they are avoiding a very serious issue. Thank you.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: I'm against this bill, probably for reasons different than have been expressed by other Representatives here this morning. If I interpret 1663 and 1215 right, a lot of the things that they are attempting to do in this act are already taken care of and it may be that I am interpreting both of these L.D.'s wrongly. But in 1663, if I interpret it correctly, it prohibits anything but a system of classification that we have to have on the roadside development and wilderness areas. It provides a minimum size for shore lots and it requires approval of the sewerage. And in 1215, it restricts cutting practices and they are all subject to a regulation under that bill. Also, I understand to zone this would cost, rather than the \$20,000 as was mentioned, it would cost a minimum of \$130,000 and this would have to be subject to renewal because of new roads and so forth at least once every two or three years. For these reasons, I am against this bill.

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

Mr. CROMMETT: Mr. Speaker and Members of the House: I hope you will appreciate the brevity of my remarks, but I endorse the remarks of all the opponents of this bill and support the motion for indefinite postponement.

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

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I rise in support of the motion made by the gentleman from Lubec, Mr. Pike. I think this is a good bill. We have got to start it sometime, somewhere, to protect our land and our scenic views in our State. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Townsend.

Mr. TOWNSEND: Mr. Speaker and Members of the House: I am in favor of indefinitely postponing this bill and all its accompanying papers. Thank you.

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

Mr. DICKINSON: Mr. Speaker and Members of the House: I would compliment one who still remains as one of my legislative idols, the gentleman from Lubec, Mr. Pike, for his usual good presentation. Therefore, there will be no necessity for me to take up the time to repeat what has been better said.

He mentioned difference of opinion and that's evidenced by my signature on the Minority "Ought not to pass" Report. I stand to merely defend my position. I must agree that the theory is good; however, the hearing was attended by representatives of industry who, in my opinion, are now doing a better job than would be required of them under this proposed bill. It seemed to me that they resented the implications contained in the bill.

The woods has been my home. I've had an opportunity to observe these practices being followed by industry, have shared the privileges which they have extended to those of us traveling within the areas which they control, and those are the reasons why I signed the Minority Report. Thank you.

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

Mr. PIKE: Mr. Speaker and Members of the House: I have to agree that—and I made no secret of it, I think the large companies in general are handling their properties and their problems and their

public relations in a good manner. This has changed very radically in the last ten or fifteen years. I do not agree, however, that a problem does not exist. Now, frequently in putting laws regulating behavior, we find and it's perfectly human that most everybody does a pretty decent job of looking after his public image, looking after in the long range of his own property, but, I think we also find that there are exceptions and very flagrant exceptions. Now, this is what this zoning law, in the long run, is trying to get after—the people who do not regard the public interest highly and who think mostly and most clearly and definitely of their own short term financial interest; and as I said before, we haven't had so much of that in the wildlands but I'm just as sure as I can be that in the next several years, and I know of a few of the things already happening, people are going to come in here and say, well, what areas and what shores of what lakes are available for development, and the people behind some of those inquiries are people of whom, frankly, I would be highly suspicious.

I don't think the big companies are going to give in to this sort of blandishment. I've looked over the forms of leases used by the Great Northern, for instance, and I think they go a great deal farther in controlling the handling of shore front cottages than this bill would probably ever go, but there are in the some three million acres not owned by the pulp and paper companies, there are people who are going to give in to the law of quick money and going to end up by defacing and defiling a good deal of our State for which we claim natural beauty and that natural beauty which it has. I do think there ought to be some power in the hands of the State to stop this thing before it gets beyond control or we'll be in the position of I guess it was the Red Duchess in 'Alice in Wonderland' who told Alice "you get on that treadmill and you have to run awful fast to just stay even." Now, we're in that fix on the shore, on the seashore by and large. I do think that we

ought to get something in here to prevent this happening in our wildlands.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: As I read one paragraph of this bill, it doesn't state how much money they're going to request for appropriation. They just simply say they will make a request to the Legislature for appropriation. Can anyone tell me how much this is going to cost the State?

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

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

Mr. HARRIMAN: My figures show that it will cost \$130,000 for this survey.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: As this debate has been going on I have been reading this item over a little more. This particular section 685 where it says zoning, it says: "Zoning ordinance. The commission based on principles of sound and comprehensive planning shall upon a majority vote of its members adopt and from time to time may amend a zoning ordinance\*\*\*" and so forth. Then, "The zoning ordinance may regulate the following within the zoned area: Location and use of real estate for agricultural, industrial, commercial, forestry, recreational, residential and other purposes;" and it would seem as though I couldn't even go out in back of my house and even plow up a piece for a garden. "Type of construction, height, width, minimum floor area and bulk of all structures." I would have to have their approval before I could build a building as to the type of construction. "Lot size and size of open space, unbuilt upon area, to be retained on all real estate parcels; Setback of structures along major roads and along the shores of water bodies."

How much regulation do we need for Heaven sake? I think Kingman Township probably has the largest population of any unorganized township in the State of Maine, we have about 300 people. Do you mean to tell me that in this little small township — you can locate it in northern Penobscot County on these maps that have been given to you this morning, do you think that a little township twenty-three square miles of land with 300 people needs to be regulated to this extent? In a city, yes, I can see it; I can see it where it is clustered, but not among 300 people. The last paragraph is most ridiculous. It says: "Among other things the ordinance shall be designed to encourage the most appropriate use of land; to prevent overcrowding\*\*\*". Can you overcrowd 300 people on twenty-three square miles for Heaven sake, and practically all of these wildlands in some instances they only have a dozen people in the whole township; "or substandard development of real estate;" I'll admit there are some substandard places in Kingman, but in general they are not along the main highways. There are camps of woodsmen in back on woods roads, private roads, temporary structures for the most part. I think this is quite ridiculous at the present time. If Kingman ever got to the size of Augusta, I might agree with it.

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

Mr. PORTER: When this bill first came out, I contacted Standard Packaging Company, because Standard Packaging pays more than fifty percent of our taxes in our town. They were very much opposed to that bill. Later, when the amendment came out, I sent them a copy of the amendment. Their objections evidently disappeared. I am very much convinced that long after I leave this hall some people are going to ask: Why didn't you do something? Today I intend to.

The SPEAKER: Is the House ready for the question? A roll call has been requested. For the Chair to order a roll call it must have

the expressed desire of one fifth of the members present and voting. All those in favor of a roll call will vote yes, those opposed no and the Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Curran, that both reports and Bill "An Act to Create the Wildlands Use Regulation Commission" S. P. 506, L. D. 1260 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes, if you are opposed to indefinite postponement you will vote no and the Chair opens the vote.

#### ROLL CALL

YEA—Baker, R. E.; Bedard, Belanger, Beliveau, Berman, Bernard, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Bunker, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Cote, Cottrell, Crockett, Crommett, Crosby, Curran, Darey, Dickinson, Drigotas, Drummond, Dudley, Dunn, Durgin, Evans, Fecteau, Fraser, Gauthier, Gill, Giroux, Hall, Hanson, P. K.; Harnois, Harriman, Hawes, Henley, Hennessey, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Hunter, Immonen, Jalbert, Jameson, Jannelle, Keyte, Kilroy, Lebel, Levesque, Lewin, Lincoln, Littlefield, Lycette, Maddox, Martin, McNally, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Philbrook, Prince, Rackliff, Richardson, G. A.; Robertson, Robinson, Rocheleau, Sawyer, Scott, G. W.; Scribner, Shaw, Shute, Snowe, P.; Soulas, Starbird, Townsend, Trask, Truman, Wheeler, White, Wight, Williams, Wood.

NAY—Allen, Baker, E. B.; Benson, Brennan, Brown, Buck, Burnham, Cornell, Danton, Dennett, Eustis, Ewer, Fortier, Fuller, Hanson, B. B.; Hanson, H. L.; Haynes, Healy, Hewes, Huber, Lewis, McMann, Meisner, Pendergast, Pike, Porter, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Susi, Thompson, Watts.

**ABSENT** — Bradstreet, Conley, Cookson, Couture, Cushing, D'Alfonso, Edwards, Farrington, Foster, Gaudreau, Harvey, Jewell, Kyes, Miliano, Payson, Quimby, Quinn, Roy, Snow, P. J.; Sullivan, Tanguay, Waltz.

Yes, 93; No, 34; Absent, 22.

The **SPEAKER**: The Chair will announce the vote. Ninety-three having voted in the affirmative and thirty-four having voted in the negative, the motion to indefinitely postpone does prevail in concurrence.

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

Mr. **STARBIRD**: Mr. Speaker, I move we reconsider our action and I hope you vote against me.

The **SPEAKER**: The gentleman from Kingman Township, Mr. Starbird now moves the House reconsider its action whereby this Bill and both Reports were indefinitely postponed. Is this the pleasure of the House?

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

#### **Non-Concurrent Matter**

Report "A" of the Committee on Judiciary on Bill "An Act Providing for Implied Consent Law for Operators of Motor Vehicles" (S. P. 11) (L. D. 17) reporting same in a new draft (S. P. 670) (L. D. 1701) under same title and that it "Ought to pass", and Report "B" reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in non-concurrence in the House on June 13.

Came from the Senate with that body voting to insist on its former action whereby Report "A" was accepted and the Bill passed to be engrossed, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. **LUND** of Kennebec  
**ROSS** of Piscataquis  
**HARDING** of Aroostook

In the House:

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

Mr. **BERMAN**: Mr. Speaker and Members of the House: Implied

consent has had its day in court. I don't believe that any useful purpose could be served by a Committee of Conference as the issues were very very clearly enunciated. I therefore move that the House adhere and when the vote is taken I request a division.

The **SPEAKER**: The Chair recognizes the gentleman from South-west Harbor, Mr. Benson.

Mr. **BENSON**: Mr. Speaker, I move we insist and join in a Committee of Conference.

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

Mr. **BERMAN**: Mr. Speaker, we are now here on the 15th day of June. This bill has been around a long while. If we are going to get involved in Committees of Conferences and having these matters shuttled back and forth and back and forth, I suggest that we're going to be here quite a while longer. I hope that you will vote against the motion to insist and join a Committee of Conference and when the vote is taken I request a division.

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

Mr. **BIRT**: Mr. Speaker and Members of the House: It is very true that this bill has been around a long while. Unfortunately, it's been around a long while in one committee because they refused to release it and we haven't had a chance to work with it on the Floor. This is a good bill. I think it would help the highway safety in the State of Maine and I hope we do have an opportunity for a Committee of Conference.

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

Mr. **JALBERT**: 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. The Chair opens the vote.

A sufficient number voted for the previous question.

The SPEAKER: The question now before the House is, shall the main question be put now, which is debatable for five minutes by any one member. Is it the pleasure of the House now that the main question be put now? All those in favor say yes; those opposed, 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 Southwest Harbor, Mr. Benson, that the House insist and join in a Committee of Conference. All of those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

44 having voted in the affirmative and 71 having voted in the negative, the motion to insist did not prevail.

Thereupon, the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act relating to the Appointment of Clerks of the Judicial Courts" (H. P. 246) (L. D. 354) which was indefinitely postponed in non-concurrence in the House on June 12.

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

In the House:

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

Mr. COTE: Mr. Speaker and Members of the House: The objections that I had against this bill, having been removed, I move that we recede and concur.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, now moves that the House recede and concur. Is this the pleasure of the House?

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

Mr. SHAW: Mr. Speaker and Members of the House: I request a division on this. I would vote against the motion to recede and concur in the hope that I would be able to offer a motion to adhere.

The SPEAKER: The Chair would — your motion would be to adhere.

Mr. SHAW: I would request a division on this one, so if another motion came up it would be to adhere instead of to recede.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that the House recede from its former action and concur with the Senate.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I would be very brief but I would just like to explain the contents of this amendment which I feel quite strongly would overcome most everyone's objections. The bill in its original form perhaps was a little unclear and for that reason I cannot deny that certain members had a right to dispute it. However, the amendment goes on in this manner, "It shall not be a requirement for appointment as a clerk of the judicial courts that the appointee be an attorney at law." This was objection number one. "The clerk shall be a resident of the county served." Many felt that they might possibly appoint a clerk who was not a resident of the County. This clarifies this. "Salaries of the clerk shall be paid by the county served." This was another objection, "in such amount as shall be determined by the Legislature," which is the manner in which they are now paid. And the final objection which I believe is overcome, it's the declaration of intent. "It is the intent of the Legislature that the clerks of the judicial courts shall continue in office until the expiration of the present terms." I certainly would hope that you would go along with the gentleman from Lewiston, Mr. Cote, in his motion to recede and concur.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: In reading this bill I'm a little bit disturbed and it may be because I don't read the bill or the amendments correctly but as "An Act relating to the Appointment of Clerks of the Judicial Courts." This is fine but I don't see any

provision in the bill for anybody to discharge them if they are hired and they prove to be incompetent. Would somebody answer that for me?

The SPEAKER: The gentleman from Hollis, Mr. Harriman, poses a question through the Chair to anyone who may answer it if they desire.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: If I understood the gentleman's question correctly, as to what would happen in the event that the appointee was incompetent or was guilty of malfeasance or misfeasance, what would happen. There are existing statutes which cover officers, both county and elective officials who are guilty or found guilty of negligence, malfeasance or misfeasance to — the provisions for both criminal sanctions and for removal from office, which would cover this situation as well.

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

Mr. HANSON: Mr. Speaker and Members of the House: Previously when we debated this measure I made the comment that I was not in favor of this bill and since that time I have thought quite a great deal about it, I am more firmly convinced that this would not be in the best interests of the people of this State. Many of our elective offices are highly technical and they require a great deal of skill. I would think that this would establish a precedent. If you are going to appoint a person to one office, why not appoint them to all of these offices that require technical skills and a great deal of knowledge?

Further than that, it's never been proven to my satisfaction that an appointive office is any better than an individual performs as an appointee, any better than he does as an elected official. I am sure there are as many appointed officials that aren't fit for their office; many times an appointive official is elected for purely political reasons. I can't see that we

would necessarily gain in this situation.

Another thing that I would take issue with is this new amendment which states that the appointee would not necessarily have to be a lawyer; but again, who makes this appointment? There's nothing that says that it can't be a lawyer and I think it would be largely up to the person who makes the appointment as to who he would appoint. I don't think you could have any guarantee that if this was a problem, I don't think you could have any guarantee that they wouldn't all be lawyers, there's nothing that says that they can't be. I still would feel that this is not in the best interests of our type of government. I would like to see all of the offices remain elective. Thank you.

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

Mr. ROSS: Mr. Speaker and Members of the House: As the gentleman from Kittery, Mr. Dennett, said, this amendment really should have removed all of the objections except the one that was just mentioned by the gentleman from Solon, Mr. Hanson — those persons who don't want to cut down on the number of persons on the county ballot. Now there may be in this State some Clerks who are great political assets to one or the other parties, but I don't believe that the majority certainly are. Now there are also some who say that if we take these out of the ballot, why not take all the others out? In my mind, except for Judges of Probate, the others, although they are very important, do not need the real technical qualifications.

There was a bill in the Legislature to have Judges of Probate appointed by the Governor but this House has already accepted a "Leave to withdraw" report on that, as covered by other legislation, and the other legislation says they will only be considered when and if a probate district court system is adopted. For one, I was very happy to abide by this decision. But I think that if we are truly interested in keeping our

high quality and upgrading our Superior Court System an affirmative vote is warranted on this bill.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to anybody who would answer. How long a term are they appointed for?

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

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

Mr. ROSS: Mr. Speaker and Members of the House: They are appointed for the same term they are now elected for, four years.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I submit that the continuity in office which you would get under the appointment system would tend to create greater efficiency. Also, there would be some supervision and an inefficient person could be removed. Since this is not a policy making office, it doesn't seem to make much sense to me to continue to elect these officials. Actually, it makes about as much sense to continue to elect Clerks of the Superior Court as it would to elect the Superintendent of Maintenance of a county building. I urge you to support the motion to recede and concur.

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

Mr. SHAW: Mr. Speaker and Members of the House: I would like to make it clear that I'm not getting into personalities; it is merely the system that I am talking about. I am firmly convinced that our type of government as we now know it is doomed in the interest of efficiency. They're going to nibble away at county government and eliminate one officer after another. The situation is rapidly approaching where the government will tell the people

what to do and when to do it, instead of the people telling the government. The same people who want centralized government now want to set up a department to protect the people from the results of their work. I still think the best Ombudsman we can have is a vote of the people. If this bill goes through, the Clerk will be appointed by a judge who is in turn appointed by the Governor. In other words, if the people in a county aren't satisfied with their Clerk, they are liable to have to fire the Governor to get rid of the Clerk. That's a long way to go for a simple matter. Thank you.

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

Mr. MARTIN: Mr. Speaker and Members of the House: As a member of the State Government Committee I of course want to go on record in favor of this bill and I would make one comment, in passing, to the remarks made by the gentleman from Chelsea, Mr. Shaw, and it is this. How many people in the counties know who the Clerks at the present time are in the various counties of Maine? Very, very few people do and those that do usually do so because they happen to belong to the political party in which the Clerk happens to be registered. For most cases, the people of the counties do not know who they are and at times could not care less.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to support the motion to recede and concur and I speak for a large number in Cumberland County, particularly in the City of Portland where at this time they are faced with the election of eleven state representatives, which is confusing enough to them as it is because there are no forms in the single representative districts in Portland as yet and I feel that by removing this name from the ballot we would be doing the voters of Portland a considerable lot of good.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that the House recede from its former action and concur with the Senate, and the Chair will order a vote. All those in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

83 having voted in the affirmative and 27 having voted in the negative, the motion to recede and concur did prevail.

The SPEAKER: At this time, the Speaker would like to express his thanks but he does not have the adequate time nor ability to express them to Representative Edward Maddox of Vinalhaven and his cast of last evening for a masterful portrayal of our more active participants in the legislative debates and procedures. However, I am sure that every representative knew just what characters were being portrayed and it was a delightful evening for all of us. And with your approval and applause this will help to express our appreciation to Mr. Maddox. Mr. Maddox, you know, is an old hand because he has been in stock companies and he really knows his business, and this was evidence of it last night. (Applause)

#### Orders

Mr. Shute of Farmington was given unanimous consent to address the House.

Mr. SHUTE: Mr. Speaker and Members of the House: As the gentleman from Houlton, Mr. Berman, has already observed that today is June 15, halfway through the month of June. We are in our 87th legislative day, I believe, but this is also an important occasion for many married couples over the country. June is a popular month for weddings, but it also happens to be the birthday of my seatmate, Mr. Hall, the gentleman from Windham. He claims to be 39 but I know for a fact that he is a month and nine days younger than I am. I wish you would join with me in wishing him a Happy Birthday. (Applause)

ORDERED, the Senate concurring, that Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces" (H. P. 1120) (L. D. 1592) be recalled from the legislative files. (H. P. 1213)

The SPEAKER: Is it the pleasure of the House that this Order receive passage? This requires a two-thirds vote.

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

Mr. RICHARDSON: Mr. Speaker, we support the recall of this legislative document at this time and I would request a division on the motion.

The SPEAKER: This requires a two-thirds vote. All those in favor of this Order receiving passage will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 93 having voted in the affirmative and 4 having voted in the negative, 93 being more than two-thirds, the Order received passage and was sent up for concurrence.

On motion of Mr. Darey of Livermore Falls, it was

ORDERED, that Rev. Ernest C. Flood of Livermore Falls be invited to officiate as Chaplain of the House on Monday, June 19, 1967.

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

Mr. Hanson from the Committee on Taxation on Bill "An Act relating to Municipal Excise Taxes on Boats and Motors" (H. P. 1041) (L. D. 1513) reported same in a new draft (H. P. 1212) (L. D. 1724) under title of "An Act relating to Boat Registration" and that it "Ought to pass"

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

#### Tabled and Assigned

Mr. Susi from same Committee on Bill "An Act Applying Sales Tax to Charges for Fabricating Tangible Personal Property" (H. P. 203) (L. D. 292) reported same in a new draft (H. P. 1207) (L. D.



Mr. Carrier of Westbrook presented the following Order and moved its passage: 1719) under same title and that it "Ought to pass"

Report was read.

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

Mr. BIRT: Mr. Speaker, I would request that this be tabled until Friday, June 16, please.

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

Mr. NADEAU: Mr. Speaker, because it's now June 15 I would like a division on the tabling.

The SPEAKER: The gentleman has requested a vote on the tabling motion. All those in favor of this matter being tabled until tomorrow, June 16, pending the acceptance of the Report will vote yes; those opposed will vote no.

A division of the House was taken.

86 having voted in the affirmative and 6 having voted in the negative, the tabling motion did prevail.

#### Ought to Pass Printed Bill

Mr. Henley from the Committee on Senatorial Reapportionment, acting in accordance with Joint Order (H. P. 1111), reported a Bill (H. P. 1208) (L. D. 1720) under title of "An Act Placing the Indian Voting Districts with Representative Class Districts" and that it "Ought to pass"

Report was read and accepted, the Bill read twice and tomorrow assigned.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Senatorial Reapportionment, acting in accordance with Joint Order (H. P. 955), reporting a Bill (H. P. 1209) (L. D. 1721) under title of "An Act to Establish Single Member Districts for Representatives to the House Based upon the Existing Apportionment of the House Pursuant to the Constitution of Maine" and that it "Ought to pass"

Report was signed by the following members:

Messrs. LUND of Kennebec  
MacLEOD of Penobscot  
ALBAIR of Aroostook  
HILDRETH

of Cumberland  
—of the Senate.

Messrs. RICHARDSON

of Stonington  
HENLEY of Norway  
WOOD of Brooks  
LEWIS of Bristol  
DENNETT of Kittery  
SUSI of Pittsfield  
SCOTT of Wilton

—of the House.

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

Report was signed by the following members:

Mr. DUQUETTE of York  
—of the Senate.

Messrs. STARBIRD

of Kingman Township  
BRENNAN of Portland  
BELIVEAU of Rumford

—of the House.

Reports were read.

On motion of Mr. Richardson of Stonington, tabled pending acceptance of either Report and tomorrow assigned.

#### Divided Report Tabled Until Later in Today's Session

Majority Report of the Committee on State Government on Bill "An Act Creating the Oceanology Act of 1967" (H. P. 948) (L. D. 1379) reporting same in new draft "A" (H. P. 1210) (L. D. 1722) under title of "An Act Creating the Maine Ocean Science Council" and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. DENNETT of Kittery  
WATTS of Machias  
PHILBROOK

of South Portland

RIDEOUT of Manchester

Mrs. CORNELL of Orono  
—of the House.

Minority Report of same Committee on same Bill reporting same in new draft "B" (H. P. 1211) (L.

D. 1723) under title of "An Act Creating the Maine Ocean Science Agency" and that it "Ought to pass"

Report was signed by the following members:

Messrs. STARBIRD

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

Reports were read.

(On motion of Mr. Carey of Waterville, tabled pending acceptance of either Report and assigned for later in today's session.)

#### Passed to Be Engrossed

Bill "An Act to Appropriate Money to Plan and Apply for a Rural Youth Corps for Maine" (S. P. 628) (L. D. 1630)

Bill "An Act Repealing Law Relating to Leases of Right to Take Kelp on Submerged Lands" (S. P. 673) (L. D. 1704)

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

Resolve Proposing Amendments to the Constitution Relating to Bond Issues to be Voted Upon by the People (H. P. 1206) (L. D. 1717)

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

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

#### Amended Bills

##### Third Reader Amended

Bill "An Act Creating The University of the State of Maine" (S. P. 496) (L. D. 1258)

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

Mr. Truman of Biddeford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 496, L. D. 1258, Bill, "An Act Creating the University of the State of Maine."

Amend said Bill in that part designated "Sec. 4-B." of section 2 by striking out all of subsection 12 and by renumbering subsections 13 and 14 to be subsections 12 and 13.

Further amend said Bill in that part designated "Sec. 4-C." of section 2 by striking out in the 11th and 12th lines (10th and 11th lines of L. D. 1258) the underlined punctuation and words "Southern Maine Vocational-Technical Institute and Maine Maritime Academy" and inserting in place thereof the following: "and Southern Maine Vocational-Technical Institute"

House Amendment "A" was adopted.

Mr. Jalbert of Lewiston then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 496, L. D. 1258, Bill, "An Act Creating the University of the State of Maine."

Amend said Bill in section 2 by inserting after "Sec. 4-C." a new section 4-C-1, to read as follows:

'Sec. 4-C-1. Line budget. All institutions comprising The University of the State of Maine, except the University of Maine and the Maine Maritime Academy, shall be subject to any provisions of law requiring line category budget control.'

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

Mrs. BAKER: Mr. Speaker, I would request a division on the adoption of this amendment. I was in favor of the first amendment being adopted but I oppose this amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think I spoke on this subject yesterday in saying that I would go along on the bill; however, present an amendment that would retain the vocational schools and the state teachers colleges under line budgeting. I think the House indicated by an almost three to one margin that they wanted this done, earlier in the session. I see no reason why

we change our minds. I'm against financial chaos. I certainly hope that we will adopt House Amendment "B".

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

Mr. HINDS: Mr. Speaker and Members of the House: I would like to ask a question through the Chair to the gentleman from Lewiston, Mr. Jalbert. I can understand exemption of Maine Maritime Academy because we have just exempted them from this particular board, but why would we have all the institutions under line budgeting except the University of Maine, when they are all going to be under this one board? I would think the University of Maine would not be excepted if this bill is accepted.

The SPEAKER: The gentleman from South Portland, Mr. Hinds, poses a question through the Chair to the gentleman from Lewiston, Mr. Jalbert, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: The amendment is very easy to understand. At present the Maine Maritime Academy is out of the program; the University of Maine is not presently within line budgeting. I want to add the State Teachers Colleges and the Vocational schools are, I want it to remain that way. I want this amendment to pass and if the gentleman from South Portland, Mr. Hinds, puts in an amendment that would put University of Maine under line budgeting, I will be more than happy to support it.

The SPEAKER: Is the House ready for the question? The pending question is on the adoption of House Amendment "B". All those in favor will vote yes; those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

63 having voted in the affirmative and 28 having voted in the negative, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House

Amendments "A" and "B" in non-concurrence and sent up for concurrence.

Bill "An Act Establishing the Maine Planning Commission on Criminal Law Administration" (H. P. 583) (L. D. 815)

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

#### Passed to Be Enacted Emergency Measure

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

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. 104 voted in favor of same and 0 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act relating to Election of School Board of City of Old Town (S. P. 352) (L. D. 936)

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

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I now beg your indulgence. I am awfully sorry that Old Town has caused the Majority Party such irritation and concern. In spite of the fact that the electronic voting machine was jammed by our repeated roll calls and that we had to resort to the old style of voting with monitors and paper sheets, the first time in this session and I hope it's the last one.

I can only say at this time that man cannot live by bread alone but his life has been prolonged with water, I am told. I now find that I have been living on a crow diet for some time and I hope that you kind folks will help to get me off that type of food.

Therefore, in order that we can get Old Town matters out so that we get into some real constructive business, I now move the indefinite postponement of L. D. 936 and all its accompanying papers.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I would remind the gentleman from Old Town that two years ago, when he put in the original bill in regard to the election of the school board of the City of Old Town, it contained no provision for a referendum. The referendum was put on by the Legal Affairs Committee. Had the bill gone through without the referendum, the people of Old Town would have had no choice in the matter, and when the vote is taken on the motion to indefinitely postpone, I move that it be taken by a division.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I find myself this morning in this position. The Legal Affairs Committee two years ago saw fit to add an amendment putting in a referendum. What is so wrong in having an amendment for a referendum at this session of the legislature? Or, have we lost all of our sense of responsibility towards that particular municipality?

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Old Town, Mr. Binnette, that item 2, L. D. 936 be indefinitely postponed. The Chair will open the vote. Those in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

54 voted in the affirmative and 52 in the negative.

Mrs. Baker of Orrington requested a roll call.

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

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

The SPEAKER: The pending question is the motion of Mr. Binnette of Old Town that L. D. 936 be indefinitely postponed.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I only ask that those of you that had the foresight of voting the way you did on a division will also have the foresight to be recorded as such.

The SPEAKER: All of those in favor of indefinite postponement of L. D. 936 will vote yes and those opposed will vote no and the Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Belanger, Beliveau, Berman, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cote, Cottrell, Crockett, Crommett, Curran, D'Alfonso, Danton, Drigotas, Dudley, Fecteau, Fortier, Foster, Fraser, Gaudreau, Gauthier, Gill, Giroux, Harnois, Harvey, Haynes, Hennessey, Hewes, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Martin, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Prince, Rocheleau, Sawyer, Starbird, Townsend, Trumana, Wheeler, Wood.

NAY—Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Buck, Bunker, Crosby, Dickinson, Drummond, Dunn, Durgin, Eustis, Evans, Ewer, Farrington, Fuller, Hall, Hanson, B. B.; Hanson, H. L.; Harriman, Hawes, Henley, Hichens, Hodgkins, Hoover, Humphrey, Immonen, Jannelle, Lewin, Lewis, Lincoln, Littlefield, Maddox, McMann, Miliano, Pendergast, Philbrook, Pike, Porter, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Ross, Sahagian, Scott, C. F.; Shaw, Shute, Snowe, P.; Susi, Thompson, Trask, Watts, White, Wight, Williams.

**ABSENT** — Bradstreet, Brown, Cookson, Cornell, Couture, Cushing, Darey, Dennett, Edwards, Hanson, P. K.; Healy, Hinds, Huber, Jewell, Kyes, Lycette, McNally, Meisner, Minkowsky, Mosher, Payson, Quimby, Quinn, Robertson, Roy, Scott, G. W.; Scribner, Snow, P. J.; Soulas, Sullivan, Tanguay, Waltz.

Yes, 58; No, 59; Absent, 32.

The **SPEAKER**: The Chair will announce the vote. Fifty-eight having voted in the affirmative and fifty-nine having voted in the negative, the motion to indefinitely postpone does not prevail.

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

**Enactor  
Tabled and Assigned**

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

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

(On motion of Mr. Jalbert of Lewiston, tabled pending passage to be enacted and specially assigned for Monday, June 19.)

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

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

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

**Enactor  
Tabled and Assigned**

An Act relating to Municipal Regulation of Community Antennae Television System (H. P. 632) (L. D. 888)

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

(On motion of Mr. Shute of Farmington, tabled pending passage to be enacted and specially assigned for Monday, June 19.)

An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County (H. P. 1197) (L. D. 1700)

An Act relating to a Comprehensive Water Resource and Related Land Use Plan (H. P. 1199) (L. D. 1706)

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 item of Unfinished Business:

Bill "An Act relating to Use of Dealer Registration Plates" (H. P. 124) (L. D. 150) (In House, indefinitely postponed on passage to be enacted)

(In Senate, passed to be engrossed as amended by House Amendment "A" (H-75) and Senate Amendment "A" (S-228) in non-concurrence)

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

Pending—Motion of Mr. Pendergast of Kennebunkport to recede and concur.

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

**Mr. PENDERGAST**: Mr. Speaker and Members of the House: Much has been said about this bill but I still see nothing wrong with permitting the dealers to charge their customer a nominal \$5 a day while his car is being repaired. I do not think this in any way is competition to the car rental corporations and I hope you will support my motion.

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

**Mr. BERMAN**: Mr. Speaker and Members of the House: This is not a matter on which I intended to speak, but my good friend Flave Jewell last week was taken ill, he was in the hospital, as far as I know he is still there this morning. He worked very hard on this matter. In the House it was indefinite-

ly postponed and I hope that the House will go along on its previous action where they upheld Mr. Jewell and they will not recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Members of the House: I would like to ask Mr. Pendergast of Kennebunkport this question, through the Chair. If I was a farmer and all I had was a truck and if I was taking my truck for repair for a couple of days, could they rent me a car?

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, poses a question through the Chair to the gentleman from Kennebunkport, Mr. Pendergast who may answer if he desires.

The Chair recognizes that gentleman.

Mr. PENDERGAST: Mr. Speaker: In answer to the gentleman's question, I believe he has a point there. The law says an automobile. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Members of the House: For that reason, ladies and gentlemen of the House. I would like to see this bill killed. Let's do it today.

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

Mr. JALBERT: 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 a 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.

68 having voted in the affirmative and 14 having voted in the negative, 68 being more than one third, the Chair entertained the motion for the previous question.

The SPEAKER: The question now before the House is shall the main question be put now. This motion is debatable for five

minutes by any one member. All those in favor of the main question being put now will say yes, those opposed will say no.

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

The SPEAKER: The main question is the motion of the gentleman from Kennebunkport, Mr. Pendergast, that the House recede from its former action and concur with the Senate. The Chair will order a vote. All those in favor of receding and concurring will vote yes, those opposed will vote no and the Chair opens the vote.

38 having voted in the affirmative and 79 having voted in the negative, the motion to recede and concur did not prevail.

The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, I move we adhere.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, now moves the House adhere. The Chair will order a vote. All those in favor of the motion to adhere will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

93 having voted in the affirmative and 15 having voted in the negative, the motion to adhere did prevail.

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

HOUSE MAJORITY REPORT (8)—Ought Not to Pass—Committee on State Government on Bill "An Act relating to Increasing Revenue of the Liquor Commission" (H. P. 1031) (L. D. 1497)—MINORITY REPORT (2) — Ought to Pass.

Tabled—June 12, by Mr. Scribner of Portland.

Pending—Motion of Mr. Watts of Machias to accept Majority Report.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: Inasmuch as this was tabled by the gentleman from Portland, Mr. Scribner and he is physically in-

capacitated today, I would hope that someone might table this until Monday the 19th.

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

Mr. HENNESSEY: Mr. Speaker and Members of the House: I wish to table this motion until Monday, June 19th.

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, moves that item 2 be tabled and specially assigned for Monday, June 19.

Mr. Benson of Southwest Harbor requested a division.

The SPEAKER: A vote has been requested. All those in favor of this matter being tabled until June 19 will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken. 47 having voted in the affirmative and 60 in the negative, the tabling motion did not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I move the acceptance of the Minority "Ought to Pass" report and move that motion be tabled.

The SPEAKER: I would advise the gentleman that the pending question is the motion of the gentleman from Machias, Mr. Watts, to accept the Majority Report.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I move this item lie on the table until the next legislative day.

The SPEAKER: The Chair would advise the gentleman that the longer period did not prevail and the Chair cannot entertain the motion for the shorter period.

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

Mr. LEVESQUE: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. LEVESQUE: On the ruling that if a longer time tabling, a

motion to table for a shorter time cannot be entertained.

The SPEAKER: Inasmuch as the longer period did not prevail, being only two days, the Chair cannot entertain a motion for one day.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would state in opposition to the acceptance of the Majority ought not to pass report, based on the fact that there is another report, minority report, that would be accepted if the Majority ought not to pass Report was not accepted, and I think somebody will catch the cue to table until tomorrow now.

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

Mrs. CARSWELL: It has always been a courtesy for many many years since I have been in the House when an individual who has been incapacitated and who has a bill on the table, we have always been very very courteous to at least give this sick individual an opportunity to come back and speak on this matter, and I would hope that somebody for this reason would table this bill.

The SPEAKER: The Chair would advise the gentlewoman and the House now that there has been intervening debate, a tabling motion now is in order.

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

Mr. JALBERT: Mr. Speaker, I now move this matter be tabled until tomorrow.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves this matter be tabled until tomorrow.

Mr. Benson of Southwest Harbor requested a division.

The SPEAKER: A vote has been requested. All those in favor of this matter being tabled and specially assigned for Friday, June 16 will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

56 having voted in the affirmative and 55 in the negative, the tabling motion did prevail.

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

Bill "An Act relating to the Financing of the State Liquor Commission" (H. P. 1147) (L. D. 1638) (In House, passed to be engrossed)

(In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-218) in non-concurrence)

Tabled—June 12, by Mr. Jalbert of Lewiston.

Pending—Further consideration.

On motion of Mr. Sahagian of Belgrade, the House voted to recede and concur with the Senate.

#### Order out of Order

Mr. Hinds of South Portland presented the following Order out of order and moved its passage:

ORDERED, the Senate concurring, that Bill "An Act to Authorize a Bond Issue in Amount of Seven Hundred and Fifty Thousand Dollars for Construction of a Dormitory at Maine Maritime Academy" (H. P. 343) (L. D. 491) be recalled from the Legislative Files to the House. (H. P. 1214)

The SPEAKER: This order requires a two-thirds vote. All those in favor of this order receiving passage will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

108 having voted in the affirmative and 4 having voted in the negative, 108 being more than two thirds, the Order received passage and was sent up for concurrence.

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

HOUSE MAJORITY REPORT (8) — Ought to Pass as amended by Committee Amendment "A" (H-424) — 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) — MINORITY REPORT (2) — Ought Not to Pass.

Tabled — June 13, by Mr. Berman of Houlton.

Pending — Acceptance of either Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I would move the indefinite postponement of this Bill, this Report and all its accompanying papers and would speak to that motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman, now moves the indefinite postponement of both Reports and Bill. The gentleman may proceed.

Mr. BERMAN: Thank you. Mr. Speaker and Members of the House: Like the six months foreclosure bill this is an old chestnut. It came out originally in L. D. 512 and was thoroughly discussed in Committee, then somehow or other the Committee Amendment was tacked on that would restrict this to borrowers who were corporations.

Now this is a matter with far more serious implications to future borrowers in the State of Maine than the six months foreclosure law was. Rather than bore you with all the details of the five-page original document, and going through the more than two-page Committee Amendment, I would suggest to this House that the borrowers and lenders in this state so far as the powers of sale are concerned are unequal, and that the law protects that inequality by not allowing powers of sale at the present time.

I hope that the House will go along this morning in indefinite postponement and protect the borrowers of the state.

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

Mr. FOSTER: Mr. Speaker and Members of the House: In opposition to the motion of my committee member, Mr. Berman, I would like to call to your attention that this is a far cry from this six-month foreclosure period. I represent the banks and have for over a quarter of a century, and individuals normally go into a bank and make their requests — and it's



more or less routine and perfunctory; they sign the bank mortgage and all the fine print and all of that, but anybody that's ever supervised and ever been involved in a corporation, getting a loan at the bank will know — and I have known for years — that it is a very technical thing, the corporation always has at least one lawyer there — sometimes two — they want their experts, they want all the wording sometimes changed in a mortgage or printed form, and they are experts, and then you've got a situation where the Board of Directors — I insist, in representing the bank, I insist the Board of Directors in fact have to have a meeting and authorize someone to make application even for a mortgage, and then after the application is made they have to have a meeting and authorize somebody to sign in behalf of the corporation, and you have so many times the corporations that organize and they're perhaps on a speculative endeavor.

I have once — only once in my lifetime, have I seen a corporation that wasn't careful enough and wasn't prudent enough or didn't have foresight enough to know that they couldn't make a go of their enterprise. But anyway they had sufficient security for a loan, and if a corporation ever goes sour, every director blames the other director and there is no effort made to try to redeem or to salvage anything out of it. The property in question lies dormant — if it's a factory building from out of state corporation, a factory building and the windows are broken out, you have to wait a year. So many times I have thought — only one time have I experienced it — but so many time have I thought how ridiculous can the law be.

Now the corporation always insists on getting their own terms in and we revise a mortgage often times to please a corporation. They want their terms in, they have their lawyers, their specialists, they have a general counsel and a specialist usually on mortgages. They know what they're doing and they make other agreements, they have to live up to other agreements — the bank makes this

agreement and of course live up to their agreements — and why can't they make an agreement whereby if it goes sour or if they default — why can't they make an agreement that is enforceable and something they have to live up to — that a bank can sell before and not have to wait for a year. I think it's ridiculous, it seems a nonsense — I certainly urge you. Now this doesn't involve an individual that signs an agreement with a lot of fine print, it involves specialists, and as I said the corporations are always represented by one or two or three attorneys; they want to make an agreement for their own protection—if they're willing to enter into an agreement with a power of sale, for heavens sake let them do it.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I beg to differ with my good friend and colleague, the gentleman from Mechanic Falls, Mr. Foster, the law is not at all ridiculous. As a matter of fact I have before me some newspaper clippings — one from the Portland Press Herald, Wednesday, February 15, 1967. It contains the account of perhaps one of the largest banks in Maine, under the headline — Augusta. A certain bank here broke the million dollar mark in operating earnings after taxes for 1966, according to the bank's president — and I'm not reading verbatim because I have no wish to put any bank on the spot. He said that the bank's net operating earnings after taxes exceeded — after taxes — exceeded 1.1 million dollars in 1966 up from \$898,000 in 1965 — a high increase over 1964. In the past year, he added, the bank's shares increased in value from \$3.31 to \$4.06.

And I have before me another newspaper article published by the Bangor Daily News, Wednesday, April 12, 1967 — speaking of another trust company. Trust Company reports excellent year. The president reported to the stockholders Tuesday that the Trust Company had an excellent year in 1966 with business volumes and

demand for all types of credit remaining at high levels and new records attained in several departments.

Now rather than bore you further with statistics — I say that these financial institutions are doing right well, and we should leave the situation exactly as it is.

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

Mr. FOSTER: Mr. Speaker, in brief response to the remarks, I wonder what a profit or loss of any corporation or any bank — has to do with their right, their inherent right to make a contract. Suppose the banks are making money — other people are making money, so what has that got to do with their right to make a contract? I can conceive of a corporation being denied a loan if they — if the bank didn't have the right of power of sale. Now that is against — it hurts the corporation, it hurts economy. I don't see — I think it's far afield to try to recite what some institutions are making, or what they're losing. Thank you.

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

Mr. DAREY: Mr. Speaker and Members of the House: It is with some hesitancy that I rise to differ with my able, esteemed and good friend, the gentleman from Houlton, Mr. Berman, but after all, we lawyers do disagree — that's why we have 161 Maine reports and are now in the first volume of the Atlantic Reporter.

I wish only to point out certain matters that come to my attention in this bill, and which I wish to pass along to you. In the first place this applies to corporate mortgages only, it has nothing to do whatsoever with private mortgages and mortgages of individuals. Its purpose is so that the corporate mortgagee can dispose of its mortgages. They have difficulty now because of the foreclosure provisions. There are safeguards built into this bill. It provides for notice by publication; notice to mortgagee — to the mortgagor by registered mail. The bill further

provides that any surplus is to be paid over to the mortgagor together with a waiver of any deficiency by the mortgagee.

The majority of the Committee felt that this was a good bill and I respectfully urge that this House support the Majority of the Committee and vote against indefinite postponement of the bill.

Mr. Berman of Houlton was granted permission to speak a third time.

Mr. BERMAN: Mr. Speaker and Members of the House: In reply to my good friend, Mr. Darey, the real problem of this bill is the dangerous implications involved. The original bill was not restricted to corporations — it was broad enough to include all individuals.

Now, some on the Committee may differ, but the rather astute person can see that in the State of Maine we have very liberal corporation laws. A bank if they have this power of sale — or any financial institution, including the small loan companies could say to the individual — now look, it's only going to cost you a few hundred dollars to incorporate. The loan that you're asking for runs substantially in excess of that — we will give you the loan on the condition that you incorporate.

I suggest to the Ladies and Gentlemen of this House that if this measure passes, it's not going to affect me personally. As a matter of fact, it's going to make more business for me, but this is the type of business that I do not want. I think that the people of the State of Maine that go in to borrow money should be protected, and under our present law which forbids the power of sales they are protected. Now if you want to deny them the protection that they presently have, you go right ahead and vote for this power of sale; I think you'll be making a mistake, and you'll be putting money in pockets where it probably should not go, and when the vote is taken I request a division.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Houlton, Mr. Berman, that both Reports and Bill

be indefinitely postponed. All those in favor will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

48 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

Thereupon the Majority Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 365, L. D. 512, Bill, "An Act Relating to a Power of Sale in a Mortgage and Sale Under a Power in a Mortgage."

Amend said Bill in the title by inserting before the word "Mortgage" in 2 places the word 'Corporate'

Further amend said Bill in section 2 by striking out all of the amending clause and inserting in place thereof the following:

'Sec. 2. R. S., T. 14, §§6203-A - 6203-E, additional. Title 14 of the Revised Statutes is amended by adding 5 new sections, to be numbered 6203-A to 6203-E, to read as follows:'

Further amend said Bill in section 2 by striking out all of the first underlined paragraph of that part designated "§6203-A" and inserting in place thereof the following:

'Any mortgagee of real estate of a corporation having a mortgage containing a power of sale, or his assignee, or a person authorized by the power of sale, or the attorney duly authorized by a writing under seal, or the person acting in the name of such mortgagee or person, may, upon breach of condition and without action, do all the acts authorized or required by the power; but no sale under such power shall be effectual to foreclose a mortgage unless, previous to such sale, notice thereof has been published once in each of 3 successive weeks, the first publication to be not less than 21 days before the day of the sale, in a newspaper, if any, published in the town where the land lies. If no newspaper is published in such town, notice may be pub-

lished in a newspaper published in the county where the land lies, and this provision shall be implied in every power of sale mortgage in which it is not expressly set forth. A newspaper which by its title page purports to be printed or published in such town, city or county, and having circulation therein, shall be sufficient for the purpose. A copy of said notice shall be served on the mortgagor or its representative in interest, or may be sent by registered mail addressed to it or such representative at its last known address, or to such person and to such address as may be agreed upon in said mortgage, at least 21 days before the date of the sale under the power in the mortgage.'

Further amend said Bill in that part of section 2 designated "§6203-B" by striking out in the first and 2nd lines (Same in L. D. 512) the underlined punctuation and words ", or the attorney duly authorized by a writing under seal, or the legal guardian or conservator of such person"

Further amend said Bill by striking out all of that part of section 2 designated "§6203-C"

Further amend said Bill in section 2 by renumbering those parts designated "§6203-D", "§6203-E" and "§6203-F" to be '§6203-C, §6203-D and §6203-E'

Further amend said Bill in section 2 by striking out all of the first underlined sentence in that part designated "§6204-F" and inserting in place thereof the following underlined sentence:

'No action for a deficiency shall be brought by the holder of the mortgage note or other obligation secured by mortgage of real estate after foreclosure by exercise of the power of sale unless a notice in writing of the mortgagee's intention to foreclose the mortgage shall have been served on the mortgagor or its representative in interest or the same has been sent by registered mail with return receipt requested at its last address then known to the mortgagee, to such address as may be agreed upon in said mortgage, together with a naming of liability for the deficiency, in substantially the

form below, at least 21 days before the date of the sale under the power in the mortgage, and an affidavit has been signed and sworn to, within 30 days after the foreclosure sale, of the mailing of such notice.

Further amend said Bill in section 3 by striking out all of the 3rd and 4th lines (Same in L. D. 512) and inserting in place thereof the following: 'Nothing herein shall apply to a sale under the statutory power of sale in a corporate mortgage as provided for in sections 6203-A to 6203-E, to railroad mortgages.'

Further amend said Bill in section 4 by striking out all of the 3rd, 4th and 5th lines (Same in L. D. 512) and inserting in place thereof the following:

'§501-A. "Power of sale" in corporate mortgage

The following "Power" shall be known as "The Statutory Power of Sale" and may be included in any mortgage or incorporated by reference in any mortgage wherein a corporation is the mortgagor.'

Further amend said Bill in the next to last line (Same in L. D. 512) by striking out the underlined word "him" and inserting in place thereof the underlined word "it"

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

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

An Act Clarifying the Offense of Procuring Liquor for Certain Persons (H. P. 1191) (L. D. 1691) (In Senate, passed to be engrossed)

Tabled—June 13, by Mr. Danton of Old Orchard Beach.

Pending — Adoption of House Amendment "A" (H-421)

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

Mr. DANTON: Mr. Speaker and Members of the House: I now move that this matter be indefinitely postponed together with all of its accompanying papers, and I would like to speak to my motion.

The SPEAKER: The Chair would advise the gentleman that House

"A" is the pending question. Is it the pleasure of the House to adopt House Amendment "A"?

The motion prevailed.

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

Mr. DANTON: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Old Orchard Beach now moves that Item 5, L. D. 1691 and its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. DANTON: Mr. Speaker and Members of the House: For some time the hue and cry has been to bring the licensees of the Maine Liquor Commission before the criminal court when they have sold to minors though they may have been deceived in so doing.

This is the bill that will accomplish this and I would say a few words to acquaint this membership with this little gem.

The question before us is this, are licensees of this State to be brought before the criminal courts and then before the Administrative Hearing Commissioner, where they unknowingly violate the liquor laws. Are they to be subjected to a double punishment? Oddly enough, derelicts of our society, rapists, murderers, thieves, are not subjected to two punishments. They go before the court and then they are not required to go before any other body.

Who are the licensees of this State? Are they in fact criminals? I don't think so, though a few people may feel that they are engaged in an unlawful trade, I think that these people are good solid, taxpaying, law-abiding citizens.

I might add that I'm not a licensee nor is any member of my family, directly or indirectly interested in any liquor license. But I know many licensees, and ladies and gentlemen, I know that you do too, and the licensees that I'm acquainted with are good, solid citizens. They are the elderly people that may run a neighborhood store and they may be a substantial investor who operates a

good, high type business establishment.

Have you ever considered that the liquor licensee in this State, before he is entitled to a liquor license, must first appear before the local licensing board and prove that he has the moral character in order for him to obtain a victualer's license, before he can apply for a license and once he passes that little test, he has to appear before the Maine Liquor Commission, or make application to them? And that application is several pages long and there are many questions that he must answer and those questions delve into his criminal record, they delve into his financial record, they delve into more areas than many members of professions have to explain before a license is given to them. I think, ladies and gentlemen, that you will agree that after this screening process, the licensee is a good, solid moral individual before he can get the license.

If there is a violation in accordance with our present law, he goes before the Administrative Hearing Commissioner and more than likely he will receive a suspension or revocation of license and this is a very severe penalty. It may mean that he may lose his license for ten days, thirty days, sixty days or even five years, or forever, but this little group is not satisfied with this. Because of their great determination to impose their will on others, they now want these licensees to be brought into court and though these licensees may very well have been deceived into a violation.

In my mind this is bad enough but it doesn't stop here. If this bill were to pass, it would mean that those licensees who may have violated the liquor laws of this State and who will be compelled to appear before the District Court will engage an attorney, go before the Court, appeal their case and pending appeal, keep their license and then the real licensee violator will be able to conduct his business though he should not be operating as a Maine Liquor Commission licensee. In other words, this bill will hamper the penalty

or the punishment of a wrong doing licensee.

I think that our present law is fair. I think that the surveillance of licensees is adequate. I think that we have no problem. I think that we have no need for this type of legislation and for that reason, Mr. Speaker, I request that when the vote is taken, that it be taken by roll call.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I hesitate this morning to rise in opposition to my good friend, Mr. Danton; however, I will agree with him on one thing I think, possibly the majority, probably a larger majority of our liquor sellers in this State are people who can be trusted to obey the law. It would seem to me from reading this L. D. over that this would benefit the seller. It would seem to me that in the case of a person who was 18 years old or over that very often we would have difficulty in telling whether they were 18, 19, 20, 21, 22, 23 — I know of a lot of people who are in that age group who could easily pass for someone over 21. This bill says "knowingly." Now, where I might take issue with this under some conditions, I would say that this was a fair way of dealing with a person that was selling liquor. Sometimes he might have quite a bit of difficulty, especially if there was a lot of people in the store and someone came into a grocery store we'll say, where a man is selling beer and ale, has a license to sell beer and ale, somebody came in and was of that age group and yet looked older, he might not take time, if he was very busy, to ask him for his identification, he'd look at him, he looked to be over 21. He sells whammo! He's hauled in for selling to a minor.

This would give him at least an excuse and I think it's fair. It would have to be proven that he knowingly sold to the minor. I think that where it says that it's under 18 probably most people up to the age of 18 could be easily, quite easily told as they usually look young. To me, this bill, I would

think would be a great convenience and a great help in enforcing the law, myself. Mr. Danton says that this puts this into the ordinary courts for enforcement. It doesn't look that way to me, but I see no great harm if it is. I think this is quite a valuable piece of legislation to my mind. It's a help in an area where we very often make mistakes and fine people unfairly, I would say. I know of some cases where that has happened. I would urge you to vote against Mr. Danton's motion.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Rather strange coincidence regarding this. I completely concur with my friend, the gentleman from Kingman Township, Mr. Starbird, almost for the identical reasons and previous to this last weekend I haven't had occasion to give too much thought to it. I went into a small store up home which a friend of mine, an acquaintance of mine of a good many years, I knew him to grow up, he's a young man with a family, had recently purchased, this store sells beer and I knew that he had had quite a problem in raising sufficient money to get going in this business, he's been trying to get in the grocery business for quite some time, an ambitious young man, while I was chatting with him a few minutes and I said "Is there anything that you've got to talk to me about regarding the legislature, any complaints or anything?" No, he says, I don't know of any except that there is one thing that frightens me to death, he says, I can't sleep at night when I think of it. He says, I have nearly made a tremendous error a few times selling beer to minors. He says, in this day and age how are you going to tell, he says, I ask for identification and he says in several cases I have found where there has been forged identification and I have been fortunate enough to catch it. But, he says, it seems to me there should be some law to protect us if we happen to sell a couple of bottles of beer to a

person between the ages of 18 and 21 and we do not know, we can't find out for sure and we have no reason to believe that they are a minor.

I says, I have no way of knowing just what law is on the books but I will see if I can find out. He says, this is my bread and butter and if I make that little error, through no fault of mine, and my license is taken away, he says, as you realize this little small store 75% of my business is selling beer and he says, the minute that I lose that license, he says, my investment is gone and I can't even afford to pay a fine. So he wanted me to find out if there was some protection for the seller in case it was very definite that he could not know that the person was a minor.

For that reason, I certainly urge this House to vote against indefinite postponement of this bill. I feel that that would be some protection for the seller.

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

Mr. HINDS: Mr. Speaker and Members of the House: Before I start my little discussion on this matter I might add that the gentleman from Norway has given a very good talk for indefinite postponement of this bill rather than against it.

This bill doesn't cover anybody from 18 to 21, it covers those from 18 and below and would allow the seller to be brought into criminal court rather than just a hearing before the hearing officer. So, I think that he, from what he said today, he sounds to me like he would be more in favor of indefinite postponement of this bill.

I would say first of all, ladies and gentlemen of the House, that a bill has been passed by this Legislature which I sponsored for the Liquor Commission, L. D. 758 and I am going to read this bill to you because this other bill we are discussing today is somewhat in conflict with it. As a matter of fact if you will notice the amendment that was offered, all of our acts become effective ninety days after the Legislature adjourns, but this act becomes effective ninety-one

days after the Legislature adjourns because it is in conflict with an act we have already passed.

The act we passed is L. D. 758 "An Act Clarifying the Law Relating to Serving Liquor to Minors in the Home." It's a very short paragraph and I shall read it to you. "Whoever knowingly procures or in any way aids or assists in procuring liquor or whoever furnishes, gives or delivers liquor to a minor who may not legally purchase liquor for himself or for any intoxicated person, pauper, mentally ill person or person of known intemperate habits, except that this provision shall not apply to liquor served to a minor in his home in the presence of a parent or guardian, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months, or by both."

This has been passed, signed by the Governor on April 24, 1967, and because of these reasons and the reasons stated by the gentleman from Old Orchard Beach, Mr. Danton, I would agree with his motion to indefinitely postpone it. We don't need to clutter up the books with any more of this, we've already got it on the books and it will be effective ninety days after the Legislature adjourns.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to ask, through the Chair, the gentleman Mr. Hinds, from South Portland for clarification of line 4 which states "who had attained his eighteenth birthday", to me that appears to be over the eighteenth birthday. That's the way I interpreted it. If, as the gentleman states, this law would be better killed in the case which I cited, I would agree with him, but it looks to me as though this also includes those people over eighteen because of line 4. Could I have a clarification.

The SPEAKER: The gentleman from Norway, Mr. Henley, poses a question through the Chair to the gentleman from South Portland, Mr. Hinds, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. HINDS: Mr. Speaker and Members of the House: The explanation that I had on this yesterday was that it does not apply to those over eighteen years of age and maybe the gentleman from Chelsea, Mr. Shaw could add to this, but I am sure that's my understanding.

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

Mr. SHAW: Mr. Speaker and Members of the House: The original bill, 1253, was drafted to help stop the sale of beer to high school students. The new draft, 1691, the Committee draft, does the same thing, and adds a religious exemption. Small amounts of wine are presently used in certain ceremonies. Persons conducting these ceremonies are in violation of our present law. Twelve to fourteen years ago in an overhaul of the liquor laws, criminal provision was omitted in the sale to minors. You can be fined and jailed for giving beer to minors, or bootleg selling beer to a minor, but they can still sell across the counter and only be subject to administrative procedures.

I have discussed this bill with both the County Attorney and Assistant County Attorney of Kennebec County and they agree there is a need for the legislation.

We are having more and more trouble with high school students who take on more than they can handle and think they're being grown up. I read in the paper the other day, Kennebec Journal, the 6th of April of a case in New Hampshire. The police testimony in this case was that the police testified they were called to an abandoned barn on the night of April 14 but found nothing there but a number of empty bottles. The day before they had found a 17 year old teen-ager who had got more than he could handle and fallen into a ditch face down and drowned.

Now, if you want to slow up these actions, you can't stop them, you will vote for this bill and against indefinite postponement.

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

Mr. GAUDREAU: Mr. Speaker and Members of the House: I don't now own a liquor license, but I did for some sixteen years. I was never in violation of any of the laws, but I did come very close one time. I would like to relate that incident to you. This incident was when a seventeen year old boy was picked up by the police and he had beer in his possession. He was taken to the police station and the boy stated that he had bought the beer himself at my store. And this, he insisted very much. And the reason he did this was to protect the person who bought it for him. Not until the police called in the parents and told him what would happen to me and my license, if he was telling the truth, and the parents finally talked to the boy long enough the boy admitted that an adult had bought it for him. Now, the adult was arrested and fined. I think this bill is very dangerous to the innocent licensees and I certainly go along with the motion to indefinitely postpone.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the gentleman from Old Orchard, Mr. Danton. Again, I'll be very brief. But I think that this bill in itself would seriously hamper the enforcement of the liquor laws in the State of Maine pertaining to the sale of malt beverages to minors, this would definitely place the licensee in the criminal class. Now, if I did not know that this was differently, I would almost assume that this bill had been concocted for the benefit of the legal profession because once that it comes under the criminal law, it is necessary if an arrest is made for violations of this law, the famous or infamous Miranda warning must be given to the person arrested and this is to the effect that — I am a police officer, I caution you that you have an absolute right to remain silent, that anything you do, say, can be used in a court of law against you;

that you have the right of the advice of a lawyer and the presence of a lawyer here with you during the questioning — that if you cannot afford a lawyer you will be furnished one free before any questioning if you desire. This is the Miranda warning which must be given in the case of a criminal arrest. I contend that this in itself, would very seriously hamper enforcement in the State of Maine.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: Passage of this bill would mean the operator of the corner grocery store would be subject to arrest for mistakenly selling a can of beer to a minor. This would mean, for example, that the person running the small corner store would be taken to jail, fingerprinted, have a number hung around his neck, have his picture taken to be permanently ensconced in a rogues gallery like a common criminal. Do we want to subject the people who run a small Ma and Pa-type grocery store to these indignities? I submit that these people are solid citizens as we think ourselves to be and that they should not be subject to the criminal courts. I contend that the simple remedy of loss of license is more than an adequate deterrent to sale to minors. Furthermore, if you push the violators into the criminal courts, you make it much more difficult to get convictions. The test for a conviction in a criminal court is proof beyond a reasonable doubt. While under the present law, when the violator is brought before the Administrative Hearing Commissioner, the test for finding the licensee liable is merely a preponderance of the evidence. As a result you will get fewer convictions. I submit that the indefinite postponement of this bill is in the best interests of both the wets and the dries.

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

Mr. HICHENS: Mr. Speaker and Members of the House: I realize that I am no match for these legal beagles, but as our auctioneer friend has said, they talk and talk



and talk and sometimes they out-talk themselves. This law says "knowingly" selling between 18 and 21. Now, I believe this protects the man who is trying to do right. I have friends that are in the business, although I do not buy from them or help them in their business. I realize that a great many of these people are honest and we are trying to protect them in this way. Before the Liquor Control Committee, the Hearing Administrator talked to us regarding a bill that I had sponsored giving certain fines to these sellers. He said that wasn't fair because he had to weigh the circumstances, and so many of these people could be fined unjustly. The Liquor Control Committee went along with his recommendations and the bill was withdrawn. In this case, there are several who knowingly sell to minors and this would protect those who unknowingly sell to anyone from 18 to 21. Mr. Hinds has said that this calls a minor at 18. A few weeks ago we voted that anyone under 21 years old was still a minor and so this makes it that anyone under 18 who is sold to, the liquor seller has no rebuttal at all. But if he unwittingly sells to someone between 18 to 21, he is protected.

Now this bill had unanimous consent of the Committee, came along through both houses right up until it was discovered by the Attorney General that both bills, one that has already been passed, as mentioned by Representative Hinds, were listed under the same number. It was corrected and the new bill provides, Representative Hinds bill, it becomes effective one day after his bill would become effective and the last paragraph says "This section" as is in his bill, "shall not apply to liquor served to a minor in the home in the presence of a parent or guardian." In other words, his bill is still in effect and this bill strengthens the whole matter.

I hope that you will vote to go against this motion to indefinitely postpone.

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 do not think it was a unanimous committee report, however, but it was a Majority Report. But, basically it is my belief that many teenagers today are drinking intoxicating beverages in violation of the law and this is, therefore, to limit that, particularly those 17 and under their 18th birthday. The other day only three members of the loyal opposition voted in favor of the implied consent law, but I certainly hope that many more of them will vote in favor of this bill. I think it's a good bill. Thank you.

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

Mr. SHAW: Mr. Speaker and Members of the House: I spent a number of years on the Kennebec County Sheriff's Department and when you're around long enough you get to know pretty well who is selling and who isn't selling and I get sick and tired of these people who want to make a few cents out of the students in this area and I think that this bill will give them something to think about if they continue to do it. Thank you.

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

Mr. DANTON: Mr. Speaker and Members of the House: I would remind the membership of this House that this bill, if enacted, would bring us back to the laws that we had back in 1953. At that time it was the wisdom of the legislature to do away with the criminal aspect because it was hampering the proper administration and regulation of licensees. The wets and the dries got together and got the law to where it presently is. I think that this is a workable law. I would remind the gentleman from Chelsea, Mr. Shaw that if he has knowledge of these licensees who are willing to sell to minors, it is very, very convenient and easy for him to report them. They have no business carrying a license, to report them and have their license taken away.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Old Orchard Beach, Mr. Danton, that House

Paper 1191, L. D. 1691, An Act Clarifying the Offense of Procuring Liquor for Certain Persons be indefinitely postponed.

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

Mr. MEISNER: Mr. Speaker and Members of the House: I just want to go on record as being in favor of this bill and against the motion to indefinitely postpone.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Old Orchard, Mr. Danton, that L. D. 1691 be indefinitely postponed. All those in favor of indefinite postponement will vote yes and those opposed will vote no. The Chair opens the vote.

### ROLL CALL

YEA — Bedard, Belanger, Beliveau, Benson, Berman, Bernard, Boudreau, Bourgoin, Brennan, Brown, Buck, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crosby, Curran, D'Alfonso, Danton, Dennett, Drigotas, Drummond, Dudley, Fecteau, Fortier, Fraser, Fuller, Gaudreau, Gauthier, Gill, Giroux, Harnois, Harvey, Healy, Hennessey, Hinds, Hubert, Humphrey, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Martin, McMann, McNally, Miliano, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Philbrook, Porter, Prince, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Scott, C. F.; Tanguay, Townsend, Truman, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Birt, Bragdon, Bunker, Clark, Cornell, Crockett, Dickinson, Dunn, Durgin, Eustis, Ewer, Farrington, Foster, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P.

K.; Harriman, Hawes, Haynes, Henley, Hewes, Hichens, Hodgkins, Hoover, Immonen, Jannelle, Lewin, Lewis, Lincoln, Littlefield, Lycette, Meisner, Mosher, Noyes, Pendergast, Pike, Rackliff, Robinson, Ross, Sawyer, Scott, G. W.; Shaw, Shute, Snowe, P.; Starbird, Thompson, Trask, Watts, White, Wight, Williams, Wood.

ABSENT — Binnette, Bradstreet, Cookson, Couture, Crommett, Cushing, Darey, Edwards, Evans, Jewell, Kyes, Maddox, Payson, Quimby, Quinn, Robertson, Roy, Sahagian, Scribner, Snow, P. J.; Soulas, Sullivan, Susi, Waltz.

Yes, 69; No, 56; Absent, 24.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-six in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

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

An Act Regulating Snow Traveling Vehicles (S. P. 654) (L. D. 1666)

Tabled — June 14, by Mr. Cookson of Glenburn.

Pending — His motion to indefinitely postpone House Amendment "C" (H-419)

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think it is well known by this House how I feel about this piece of legislation. I have already said the other day that I think it is a poor piece of legislation, but with this amendment I'll go along with it because I feel as though it gives the unfortunate worker the same chance as it does the big landowner; and for that reason I hope the motion to indefinitely postpone the amendment does not prevail because I think we will be putting something on the books we can live with and we'll have something they can add to or take away from if we put something on the books. But I do hope that you go along and do not indefinitely postpone the amendment.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: The proposed amendment would definitely strike out from this document the heart of it because as many violations occur on unplowed private woods roads, rivers, brooks, streams and great ponds. I think if this amendment were to be accepted or adopted, that it would be defeating the purpose of this regulation. We of the Committee considered the arguments presented at the time of the hearing to exempt or exclude the areas outlined in House Amendment "C", but we felt that to do so would be to effectively destroy this document; so, consequently, we of the Committee strongly urge you to support the motion for indefinite postponement.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: Now, I didn't think this was such a terribly bad amendment when I put it in, all I was trying to do was to give the snow sleds some more territory that they could legally travel on. I cannot think of a person getting a snow sled just to run over a certain lake or stream; they would almost certainly have to be registered if they were going to go anywhere, and if they went anywhere else they would have to register. Now, there are probably a few pulp cutters back in the woods. I don't think there is any terrible commotion they cause, because most of the objections I have heard was somebody running over somebody else's raspberry plants or something like that. A few pulp cutters might not register them but then they wouldn't have to register them under the regular bill anyway because they would be exempt that way. So, I would hope that this was not indefinitely postponed.

Mrs. Baker of Orrington requested a division.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Just one brief comment, I noticed that yesterday before the New Hampshire Legislature, a similar bill was very decisively defeated and they decided to register the operators like a driver's license, and each operator would have a driver's license; but a similar bill to this was very decisively defeated in the New Hampshire Legislature only yesterday.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I think the Committee in its wisdom did a great deal of study on this bill. I think we attempted to work out all of the features which were called to our attention during the hearing, which were bad. I would call to your attention that boats on great ponds have to be registered and therefore I can see no reason why snow traveling vehicles shouldn't be also, and I would certainly hope that the motion to indefinitely postpone this amendment would prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Glenburn, Mr. Cookson, to indefinitely postpone House Amendment "C". All of those in favor of indefinite postponement of House Amendment "C" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

58 having voted in the affirmative and 49 having voted in the negative, House Amendment "C" was indefinitely postponed.

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

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

HOUSE AMENDMENT "B" to S. P. 654, L. D. 1666, Bill, "An Act Regulating Snow Traveling Vehicles".

Amend said Bill in section 1 by adding at the end of subsection 2 of that part designated "§2158" the following underlined sentence:

**'The provisions of section 1312 relating to weight of alcohol in the**

defendant's blood and its admission as evidence shall apply to this subsection.'

Further amend said Bill in section 1 by striking out all of that part designated "\$2159"

Further amend said Bill in section 1 by renumbering those parts designated "\$2160, \$2161, \$2162 and \$2163" to be '\$2159, \$2160, \$2161 and \$2162'

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

Mr. BIRT: Mr. Speaker and Members of the House: In attempting to explain this amendment, the paragraph under the "operating under the influence" is to me not clearly defined and I attempted to—this amendment defines it as the same requirements as operating a motor vehicle under the influence and it also takes out a regulatory authority allowing the Secretary of State to amend and adopt rules and regulations. For the present, at least, I would like to see this regulatory authority left in the hands of the Legislature and this amendment takes out that paragraph.

House Amendment "B" was adopted.

Mr. Dickinson of Mars Hill then offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to S. P. 654, L. D. 1666, Bill, "An Act Regulating Snow Traveling Vehicles."

Amend said Bill in section 1 by adding at the end of that part designated "\$2156" the following underlined paragraphs (same in L. D. 1666)

'The Secretary of State may issue temporary numbers and registrations to bonafide dealers who request them under such rules as he may deem necessary and shall receive 50c for each temporary plate.

Upon the sale or exchange by a dealer of any snow traveling vehicle which requires numbering, the new owner may secure from him a temporary number and registration to operate said vehicle for a period of 10 consecutive days

only after the date of sale in lieu of a permanent number as required in section 2153, provided that the owner shall make application on the date of sale for a certificate of number by the Secretary of State. Said application and fee for certificate of number, together with a copy of the temporary registration issued by the dealer, shall be forwarded by said dealer to the Secretary of State within 48 hours after the date of sale of said vehicle. The dealer shall affix the temporary number to the vehicle in a conspicuous place and shall clearly mark thereon the date issued, date of expiration and his Maine dealer's number.

The temporary number is non-transferable and must be conspicuously displayed on the vehicle. The operator of said vehicle must have the temporary registration at all times while the vehicle is in operation. After the expiration of the 10-day period, the owner must remove and discard the temporary number and display the permanent number assigned by the Secretary of State in accordance with section 2153.'

House Amendment "D" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A", House Amendment "A" as amended by House Amendment "A" thereto, and House Amendments "B" and "D" in non-concurrence and sent up for concurrence.

On motion of Mr. Richardson of Cumberland,

Recessed until two o'clock in the afternoon.

#### After Recess

2:00 P. M.

The House was called to order by the Speaker.

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

An Act Creating County Commissioner Districts (H. P. 457) (L. D. 631)

Tabled — June 14, by Mr. Starbird of Kingman Township.

Pending — Passage to be enacted.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: We have gone all over the arguments for and against this bill, and I think it is unnecessary probably to go into detail now. However, I fail to see why when we do not have to, we should change a system that is very workable and I believe is satisfactory to most of the people involved and to the voters of this state. There is no compulsion and has been no compulsion by the Court to divide these County Commissioner Districts — these County Commissioners and put them into single member districts. The argument against the multi-member district does not hold strictly true here since in every case unless we have a vacancy in some other term, there is only one holder of the County Commissioner office up for reelection every two years, so the person — the voter's mind can focus on one person and so the argument that he has to focus his mind or his attentions on the qualifications of many persons does not hold here. In essence, every two years when these people are up for reelection or a new candidate is running for election, you would only have two people to deal with, you have the one from each party, or possibly three if an independent is in the race. It is essentially a one member district, so even those of you who favor one member districts have really no conflict in this bill, so therefore I once again, as I have before, move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, moves that item 7 be indefinitely postponed.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: In support of the pending motion for indefinite postponement I would like to direct the members attention to recent Supreme Court de-

isions on reapportionment. We are all aware that under the prevailing Supreme Court rulings that we are compelled to reapportion our Senate and accordingly there are various plans that have been submitted and bills that have been introduced which we will consider at a later date.

Now the Supreme Court as recent as May 22 of this year has ruled that the Reynold versus Simms case one man, one vote theory does not apply to non-legislative areas, such as County Commissioners. It applies only to the election of legislative bodies which means that we are under no compulsion today to consider this bill or to district the County Commissioners on the basis of one man, one vote. Now the theory behind this is that each County Commissioner represents the complete county, that they do not represent primarily districts. Now we in this House represent first of all the districts from which we are elected, and secondly of course the State at large. So under the two cases that came down on May 22, 1967, one was the Sailors versus the Board of Education of Kent County, and another one entitled Frank A. Dutch versus J. Clayton Davis, the Court reserved the question as to whether or not apportionment of municipal or county bodies must fall under the prevailing one man, one vote, and in so reserving it in effect said that it doesn't apply.

Now I think we all agree that this will be the beginning of a dissection of county government, that if we extend this theory logically from the County Commissioners, I can envision the one man, one vote ruling being extended to the Boards of Education of our cities and towns, that the cities must be divided into districts for the election of the members to the Boards of Education, the Boards of Selectmen of our towns, the Boards of Assessors, the Public Safety Commissioners; and in effect ladies and gentlemen we are under no mandate of the Supreme Court to redistrict our counties on the basis of our Commissioner Districts, so I urge you to go along and support the pending motion for indefinite

postponement, and Mr. Speaker, I request a roll call.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I rise once again to oppose the motion for indefinite postponement on this matter. I don't want to get into the Court rulings, I would rather leave this up to the attorneys; they rather tend to argue on one side at some times and at another on another.

I would like to have you look at this matter from a point of view of good representation for all of the people from your counties. In my particular section from a selfish point of view, I should be opposed to this measure, because greater Portland always is the area that our County Commissioners come from. However, Cumberland County is a large county and I feel that we should elect our County Commissioners by the councillor districts.

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

Mr. BOURGOIN: Mr. Speaker and Ladies and Gentlemen of the House: Of course Aroostook County is over 150 miles long, and our present Board of Commissioners live within fifteen miles of each other, and we have had the service in all corners of the county under the present setup, and until we don't get the right representation for our territory, I believe this bill should be indefinitely postponed.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the remarks made by the gentleman from South Portland, Mr. Gill. I feel very strongly about this bill and I know as many of you know, that the larger communities within the county many times are apt to dominate the entire county, particularly in the thinking of the County Commissioners. The smaller communities, more remote districts, many times have no representation at all.

Now I do not pretend that there is any ruling or any edict of the Courts compelling these counties to divide into districts. That is entirely away from our mind, and I think from the mind of the sponsors of this bill. The only thing that was in the minds is to make this thing just and correct and give an equal spread to the smaller communities as well as the larger communities. I hope any motion to indefinitely postpone might be soundly defeated.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Every once in a while I enjoy the pleasantries of going into a little bit of a debate with my dear friend from Kittery, Mr. Dennett wherein it concerns itself with justice at the polls. I am looking at this gem here, and I am looking at my own district. I'd like to ask the gentleman from Kittery, Mr. Dennett, to unwind this puzzle for me. Thinking of Commissioner District number one consisting of Auburn, Mechanic Falls, Minot and Poland; Commissioner District number two consisting of Lewiston, precincts numbered 1-1, Ward 1, Precinct 1; Ward 1, Precinct 2; Ward 2, Precinct 1; Ward 2, Precinct 2; Ward 3, Precinct 1; Ward 3, Precinct 2; then we get to Ward 4, Precinct 1, and suddenly Ward 4, Precinct 1 winds up in District number 3 with Durham, Greene, Leeds, Lisbon, Livermore, Livermore Falls, Turner, Wales and Webster. Now when we leave Ward 2 being Durham, Greene, Leeds, Lisbon, Livermore, Livermore Falls, Turner and Wales, we go back to Ward 5, and we stay there until Ward 6, Precinct 1, and then we go back into Ward 7, Precinct 1 and Ward 7, Precinct 2, we go back in with Durham, Greene, Leeds, Lisbon and so on.

Now I wouldn't say that the — I wouldn't be so presumptuous as to say that the architect of this gem could have been possibly guilty of some of the comments that I made at the Mock Session last night, but I would make this observation, as I made a few years

ago, wherein we went into redistricting of the First and Second Congressional seat, and I made the observation when we got hooked into this matter that I thought that the friendly opposition possibly were redistricting themselves out of business in at least one Congressional seat. I was wrong, and I would make this observation as far as this bill is concerned here. It would serve some people right if this bill became law finally.

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

Mr. DENNETT: Mr. Speaker, Ladies and Gentlemen: I think to some degree my very, very good friend, the gentleman from Lewiston, Mr. Jalbert, posed a question to me, and I think it was more or less to the effect after he had quoted the various precincts and districts, is just how I would unwind this. Now first, let me state I am not the sponsor of the bill; I did not draw up the bill; this I wouldn't know. But, let me add, I have yet in my many years of experience with the gentleman from Lewiston, Mr. Jalbert, never found a legislative problem that he could not unwind.

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

Mr. DUNN: Mr. Speaker, I would like to call attention to this Report to the 103rd Legislature of the State of Maine, Senatorial Apportionment Commission, and those are the lines that were followed in drawing up this Commissioner District for Androscoggin County right down to the precinct.

Last Friday when this came up for a vote it was supported here in the House almost two to one. I hope you will continue and vote against the indefinite postponement and then finally enact this measure.

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

Mr. JALBERT: Mr. Speaker, number one, I would like to comment that I didn't ask my very dear friend from Kittery, Mr. Den-

nett a question; number two, I guarantee you I'll unwind this one.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It appears to me quite unusual that the Town of Old Town in regards to the question we have had on their problem here as a School Committee running from districts and the Majority Party opposes it, and now when it comes to County Commissioners, they want them to run from districts. I don't quite follow their thinking. One side of the State they want to run one way and the other side of the State they want to run another way. I wish you'd be consistent.

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

Mr. HENLEY: Mr. Speaker, I am going to speak very briefly on this, I will support this bill as I did before. I might state for the benefit of the gentleman from Limerick, Mr. Carroll, that we don't usually go to the doctor until we're ill; sometimes perhaps we should. But I think that probably a good many counties this reapportionment, redistricting of the commission, possibly it is not needed. I fail to see where there are any great dangers or any great problems involved. If it is going to help in a majority of the counties, and inasmuch as it could not be done in a few counties and not in the others, the only way it could be done was the entire state. It was not suggested — it was not done because of mandate or an order, but possibly by the same reasoning as not going to the doctor until we're sick, it might be well sometimes to do things before we are made to do them, so I hope this House will not vote for indefinite postponement.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kingman Township, Mr. Starbird, that this bill be indefinitely postponed. The yeas and nays have been 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 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 Kingman Township, Mr. Starbird, that "An Act Creating County Commissioner Districts," H. P. 457, L. D. 631 be indefinitely postponed. All of those in favor of indefinite postponement will vote yes and those opposed will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Brown, Carey, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crockett, Curran, D'Alfonso, Danton, Darey, Drigotas, Drummond, Eustis, Ewer, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Giroux, Harvey, Haynes, Healy, Hewes, Hichens, Jalbert, Keyte, Kilroy, Lebel, Levesque, Martin, McNally, Miliano, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Quinn, Robertson, Rocheleau, Sawyer, Shute, Starbird, Tanguay, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Belanger, Berman, Birt, Bragdon, Buck, Burnham, Clark, Cornell, Crosby, Dennett, Dickinson, Dudley, Dunn, Durgin, Evans, Farrington, Foster, Fuller, Gill, Hall, Hanson, B. B.; Hanson H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Lewin, Lewis, Lincoln, Littlefield, Lycette, Mosher, Noyes, Pendergast, Philbrook, Pike, Porter, Rackliff, Richardson, G. A.; Rideout, Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Susi, Thompson, Townsend, Trask, Truman, White, Wight, Williams, Wood.

ABSENT — Benson, Bradstreet, Bunker, Carrier, Cookson, Couture, Crommett, Cushing, Edwards, Harnois, Hennessey, Hunter, Jameson, Jannelle, Jewell, Kyes, Maddox, McMan, Meisner, Payson, Quimby, Richardson, H. L.; Roy, Scribner, Snow, P. J.; Snowe, P.; Soulas, Sullivan, Waltz, Watts.

Yes, 55; No, 64; Absent, 30.

The SPEAKER: The Chair will announce the vote. Fifty-five having voted in the affirmative and sixty-four having voted in the negative, the motion to indefinitely postpone does not prevail.

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

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

Mr. HEALY: Mr. Speaker, I have an inquiry, whether it is a parliamentary inquiry or House Rules inquiry, but I direct it to you, Mr. Speaker. Today when we were voting on the enactors, number two was being voted on, I appeared at the wire when the vote was being rolled up. The Sergeant-at-Arms wouldn't let me in. Will you give me a ruling on that and tell me where it is in this book?

The SPEAKER: The Chair would advise the gentleman that every member is entitled to come in, but no member is entitled to leave. Of course after the total has been taken, you can't come in and interrupt except to change your vote after having voted. If you are not here for the second call of absentees, if the vote has been announced then you are not entitled to vote.

The Chair recognizes the same gentleman.

Mr. HEALY: As I recall the vote hadn't been announced.

The SPEAKER: Then the Chair on behalf of the force will apologize to the gentleman.

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

Mr. BINNETTE: This question has been raised to me on several occasions and I would like to have you give us a ruling relative to it. Is there any specified length



of time that you should wait between the call of the first absentee and the second absentee call?

The SPEAKER: This is at the discretion of the presiding officer and always has been. In using the Chair's discretion, he looks down the corridor from the position he is in and after the second call of absentees if he doesn't see members arriving, he closes the vote.

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

Bill "An Act Reducing Maximum Amount and Duration of Small Loans and Establishing Equitable Rates for Small Loan Agencies" (S. P. 373) (L. D. 986)

Tabled — June 14, by Mr. Jalbert of Lewiston.

Pending — Passage to be engrossed.

On motion of Mr. Jalbert of Lewiston, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

SENATE JOINT ORDER re Appropriations Committee Reporting Bill covering Additional Expenditures (S. P. 687)

Tabled — June 14, by Mr. Richardson of Cumberland.

Pending — Passage in concurrence.

The Order was passed in concurrence.

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

Bill "An Act relating to Salaries of Director of Legislative Research and Legislative Finance Officer" (S. P. 509) (L. D. 1223)

Tabled—June 13, by Mr. Henley of Norway.

Pending—Passage to be engrossed.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: First off, I will state that I do

not enjoy presenting this situation. I realize that my inexperience and possible lack of knowledge may place me in a definite disadvantage.

This bill you are all apparently aware of, L. D. 1223, which states R. S., Title 3, paragraph 163, sub-title — Sub-paragraph 7 amended. The last sentence of subsection 7 of section 163 of title 3 of the Revised Statutes as amended by section 4 of chapter 412 of the public laws of 1965 is repealed and the following enacted in place thereof: The Legislative Research Committee shall fix his salary and he shall receive any necessary traveling expense, this is referring of course to the Director of Research, Legislative Research. Then the second paragraph is practically the same to fix the salary of the Finance Officer. I call your attention earlier to two L. D.'s which appeared earlier on the docket, L. D. 932 and 1324. 932 in effect an act to increase the Salary of the Legislative Finance Officer, he shall receive a salary of \$15,000 per year and any necessary traveling expenses, that is in short, I am just partially quoting. 1324 is to increase the salary of the Director of Legislative Research, and in essence the extract states that he shall receive a salary of \$16,000 a year and any necessary traveling expense.

Now ladies and gentlemen of the House, I am not standing up here to debate whether these very important jobs should receive this amount of money or more or less. I am merely here to ask this assemblage in all due honesty if it feels that the Legislative Research group, which is a very hard working group and I have no quarrel with them, I think they have turned out monumental works, it's a group of fifteen people appointed each biennium to work in the interim and they have made some wonderful progress and I have no quarrel whatsoever with the Director of Research or the Finance Officer. I feel I have read the statutes, I know that the qualifications are high, and I know that you cannot get qualifications for peanuts. Again I say I have no quarrel with the pay that these

gentlemen are receiving. I have no quarrel with any specific amount which this body might decide to establish as their pay.

My contention is this, ladies and gentlemen, that those jobs are so important and the people who hold them are so important to this body, the Research group is a child of this legislative body. Consequently, the chief offices controlling the full time part of this department is also a child of this body. I contend and submit that their salaries should be set by this body and not by a junior body. That is my only contention. I feel that inasmuch as these other two bills which came out in the open and set salaries were apparently withdrawn from Committee. Possibly the Committee will state why, and I know the Committee has got a very legitimate reason for their action in submitting this new revised bill. I am not saying that their reason is wrong. I would just like to be shown why the amount set for these very important department heads should not be set by this body rather than a junior group, and I can do nothing else than to recommend the indefinite postponement of L. D. 1223.

The SPEAKER: Does the gentleman so move?

Mr. HENLEY: Yes.

The SPEAKER: The gentleman from Norway, Mr. Henley, now moves that L. D. 1223, An Act relating to Salaries of Director of Legislative Research and Legislative Finance Officer be indefinitely postponed.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I am speaking now as Chairman of the House Committee on State Government, from this Committee.

This bill came out with a majority, I believe, "ought to pass" Report. Now I have no quarrel either with the gentleman from Norway, Mr. Henley, and I think no doubt he has raised a point which is very logical, and his main point seems to be — is why was this presented in the manner in which you have it before you today, and the two L. D.'s withdrawn.

Now this was discussed to quite some extent in Committee and the majority of the Committee went along with the idea that this might be an excellent way — excellent manner in which to handle these salaries. All during two-year period these legislative officers are in the employ of the Legislature, but they have the Legislature for six months and for all purposes they have the Legislative Research Committee for 18 months, and the Legislative Research Committee, of which incidentally I am not a member, usually has far more experience in the labors, in the work which they do, and we felt that they perhaps were the more qualified body to set the salaries of these two legislative officers.

Now, another question which might be raised. Where it seems as though the Legislature might be relinquishing control, this I do not feel — and this is a personal feeling — is the case. I feel — in fact I know — that the Legislative Research is an arm of the Legislature, it is not the child of the Legislature, it is an arm of the Legislature, and in general represents the thinking of the Legislature as a whole. I do not believe for one moment that this Legislative Research Committee would do anything that is contrary to the will and wishes of the Legislature as a whole. I for one, though as I have stated, I have never been a member of this body—I have always had every feeling that they were duly qualified, that they were outstanding men within the Legislature, and perfectly capable of handling this job in a just and correct manner. That is all I will have to say on the matter except when the vote is taken I hope that it might be taken by division. I ask that it be taken by division.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I want to thank Mr. Dennett for this explanation, and you noticed that he talked about the capabilities of these two people, and Mr. Dennett and the members of the Committee very well know that these were the two that I did not oppose.

They're well aware that I opposed every other one. However, I detest and deplore any person who shall come around a side door and say — let us fix our own pay raises. This could be just the start of many. Can you imagine now if every department head chooses to come around and do it this way? What are we here for? This is — it's the thing behind it. I'm not saying they're not doing their job — in fact I've been here and I know they stay here late, but they should be decided by each and every one of us.

Now today they said, we've heard speeches throughout these short six or seven months, that it is the duty of this Legislature to decide — and what are we doing today, shirking our duties? I think this is just a start and if we don't stop it some place, it's going to keep on and on.

Now let me tell you what happened at some of these hearings. You know what these department heads would say if some of these others coming up for a raise? They'd say — all I want — they didn't say — look, I'm good, I do a good job, recompense me because of what I do; they said — I just want to keep mine in line with the other department. And so if you let someone set up his own pay, you can imagine they will be back next year for another increase — not these two but the other department heads. They didn't come there on their own merits — they did it because the other department gets this, I should get this, and so if you allow these two to set their own pay and you do not indefinitely postpone this I can assure you that in a special session or even before it comes up for final enactment there will be enough amendments on this to allow every department head to do that, and I think ladies and gentlemen, that if we vote this "ought to pass" and do not indefinitely postpone it you are shirking your duty.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I rise to support the gentleman from Kit-

tery, Mr. Dennett. I would remind the gentleman from Sanford, Mr. Nadeau, that neither department head, as he calls them, appeared in their own behalf. I had the same misgivings when we first heard this bill as did the gentleman from Norway, Mr. Henley. I am fully satisfied now that the Legislature is not giving up its prerogative but acting through a very trustworthy arm of the Legislature, the Legislative Research Committee, and I think that you would be doing an injustice to the gentlemen in question if you indefinitely postpone this measure.

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

Mr. HANSON: Mr. Speaker and Members of the House: I wish to concur with the remarks of the gentleman from Kittery, Mr. Dennett; also the gentleman from Manchester, Mr. Rideout, in particular. I think possibly there may be the least bit of a misunderstanding about this. I believe that the Director of Legislative Research is appointed or hired by the Legislative Research Committee. Now I would appreciate it, if I am wrong if somebody would correct me but I believe that I am right, and therefore, I believe that is why that this bill is in as it is written. As it happens why I believe these are the only two that I know of in our State Legislative setup which are hired in this manner. They did not approach me in any way as to why they felt that they should have a raise and so on and so forth so as to be in line with somebody else. I believe that every person here knows the service that is rendered by these two officers and I certainly hope that the motion to indefinitely postpone does not prevail.

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

Mr. MARTIN: Mr. Speaker and Members of the House: As you may know, I signed the Minority "Ought not to pass" Report on this bill. I would like to state my position and my reason for it. I was not opposed to either the Legislative Research Director or the Legislative Finance Officer in

receiving a raise. My only objection to L. D. 1223 is that we were taking or removing from the power of the Legislature the right of the entire body to choose what the salaries would be. What we are doing if we pass 1223 is to give the power of setting the salary for these two individuals to the Legislative Research Committee, and this is the only objection I have to either one receiving a raise.

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

Mr. NADEAU: Mr. Speaker and Members of the House: In a way maybe if we don't defeat this, and I know you people agree with me, I shall put in an amendment and have all the legislators fix their own salary — maybe you'll go along with that!

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: I don't know much about this bill, I've simply looked at it here in the last two or three minutes. It's a bill that I have to vote upon as a legislator.

The last paragraph in the bill says that "The Legislative Research Committee shall fix his salary, and he shall receive any necessary traveling expenses, which salary and expenses shall be paid from the legislative appropriation." That may be all right, but I don't believe any business institution would possibly do their business in this way, and I shall vote for the indefinite postponement of this bill.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I support the motion of my good friend from Norway, Mr. Henley, and I thoroughly endorse the views expressed by my good friend from Hampden, Mr. Littlefield.

It is very seldom that I differ with my distinguished friend from Kittery, Mr. Dennett, and I am sorry that I did not have an opportunity to discuss L. D. 1223 before

this matter came up for debate, and for that I duly apologize.

I frankly think that it would be setting a very bad precedent to allow any committee of the Legislature to fix these salaries. I think it should be done by the Legislature as a whole.

The salary schedule for many of these offices are already fragmented. Some are set by us; some are set by the Governor and Council; some as I recall are set by the Governor. I say that we should not further fragment this salary situation, and I say this not facetiously; that some day some of the real brains in this country are going to arrive at a computer and we're going to put the facts and the figures into this computer and we're going to take a motion out of these salary situations and we're going to depend upon the answer of this computer as to whether a certain officer should receive raises depending upon the scale of living, the amount of work that they do, and we will—in fact if such is the case we will have done away with a great many of these problems. Until that day comes though I think that the Legislature should keep this power and not fragment it, and therefore I hope the House this afternoon will support the motion for indefinite postponement.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I speak as a member of the Legislative Research Committee of the last session and I do feel that it's better for the House of Representatives and the other body to set the salary of these people that we're talking about now. I don't think a small group like ours should decide on this, and I don't think we are all so learned that we know more than all the members of the Legislature, because if that were the case all the bills we put out would have gotten passed, including the milk bill.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: I'm

not against these two individuals getting salary increases, but I am a little afraid of the fact that if the Legislative Research Committee sets their salary, and the Governor sets other salaries, the House of Representatives, of which we are members, sets other salaries, and I think the whole salary plan — because, after all, there's jealousy amongst human beings and there's a natural inclination to get more money if John gets it — I think the salaries should be set by the House of Representatives for all the state employees, and for that reason I'm against this bill.

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

Mr. HEALY: Mr. Speaker, through the Chair I'd like to put a question to the gentleman from Manchester, Mr. Rideout. Could any other departments by amendment ask for an increase in pay without it being heard before the State Government Committee?

The SPEAKER: The gentleman from Portland, Mr. Healy, poses a question through the Chair to any member of the State Government Committee.

The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House: In my opinion this could be done without hearing before the State Government Committee.

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

Mr. HANSON: Mr. Speaker and Members of the House: One comment — I would concede that the Legislative Research Committee undoubtedly would have a better awareness of the needs and the salary necessary for these positions. However, I can't help but feel that this Legislative body would certainly listen to their recommendations in any salary increase. I can't see any reason why we wouldn't consider their suggestions and use their knowledge in determining their pay scales. Thank you.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I think this afternoon that we're putting the cart before the horse. I think that the Legislature should continue to retain their rights of setting the salary and not pass it over to a small group of people.

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

Mr. PIKE: Mr. Speaker and Members of the House: The thought occurs to me — I don't know the rights or wrong of this. I don't think it would do any tremendous harm or any tremendous good if it's done either way, but if we send this bill down the drain, don't these two poor boys get any raises at all? I don't know the answer to it.

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

Mr. BERMAN: Mr. Speaker and Members of the House: It would be my understanding that there are some very very capable members in the other branch. There are several vehicles, to my understanding, to which salary raises if they are in order — and I believe that they may be in order — if the salaries of these gentlemen could be attached to those bills, then it wouldn't be any problem.

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

Mr. HEALY: Mr. Speaker and Members of the House: Since Mr. Berman has answered the question as he has, I would remind this House to be alert to amendments. There are some very fast moves that go on here during the end of the session.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I recognize the ability of our Finance Officer and insofar as the Director of the Legislative Research Committee is concerned, I not only recognize his ability but have been closely associated with his as a friend for many many years, and I know

that the Research Committee sets some of the salaries of the underlings in that department which is a good thing. However, in this instance here I think these should remain exactly as they are and I move the indefinite postponement of this bill and its accompanying papers. If this has not been done, I do so.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Norway, Mr. Henley, that L. D. 1223, Bill "An Act relating to Salaries of Director of Legislative Research and Legislative Finance Officer be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

89 having voted in the affirmative and 29 having voted in the negative, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

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

Tabled—June 13, by Mrs. Fuller of York.

Pending — Passage to be engrossed.

On motion of Mrs. Fuller of York, the Bill was passed to be engrossed and sent to the Senate.

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

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

Tabled — June 13, by Mr. Richardson of Stonington.

Pending — Passage to be enacted.

On motion of Mr. Richardson of Stonington, passed to be enacted, signed by the Speaker and sent to the Senate.

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

SENATE MAJORITY REPORT (6) — Ought Not to Pass — Committee on Legal Affairs on Bill "An Act Providing for the Registration of Land Surveyors" (S. P. 550) (L. D. 1447) — MINORITY REPORT (4) — Ought to Pass as amended by Committee Amendment "A" (S-205) (In Senate, Minority Report accepted and passed to be engrossed as amended by Committee Amendment "A")

Tabled — June 14, by Mr. Richardson of Stonington.

Pending — Acceptance of either Report.

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

Mr. RICHARDSON: Mr. Speaker, I now move that we accept the Minority "Ought to pass" Report.

The SPEAKER: The pending question now is the motion of the gentleman from Stonington, Mr. Richardson, that the House accept the Minority "Ought to pass" Report.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I wish to speak briefly in regard to this bill providing for the registration of land surveyors.

In 32 states registration of surveyors is required. At the present time anyone can survey land for pay in Maine, sometimes with very poor results. This bill would give the competent surveyors the status which they deserve.

The public needs protection from poor surveying. The civil engineers as reported by Walter Verrill, President of the Maine Branch of American Society of Civil Engineers, voted 41-0 in January in favor of L. D. 1447. Professor Weston Evans, former Dean of the College of Engineering of the University of Maine appeared before the Legal Affairs hearing. He stated that Maine desperately needs control over the surveying of property and it is in the best interests of the state to pass L. D. 1447. Such a law would provide official land surveyors. The Board of Registration should provide proper background

for curricular requirements. There are sufficient grandfather provisions in this bill as amended, and I support the adoption of the Minority "Ought to pass" Report.

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

Mr. SHAW: Mr. Speaker and Members of the House: As a member of the Legal Affairs Committee I signed the "Ought not to pass" Report, because mainly I didn't like the bill.

I've done a considerable lot of work on lines and with surveyors. You have a great many reasons for surveying lines — you don't always need the best surveyor in the world. This bill will set the price for all surveyors.

I've had a great many communications from architects who didn't like this bill — surveyors, engineers. In my own experience, I don't think it's a good bill, so I move the indefinite postponement of the bill and all its papers.

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

Mr. PRINCE: Mr. Speaker and Members of the House: Constituents of mine are in favor of the passage of this bill. These constituents of mine are professional land surveyors and meet the requirements necessary to render accurate and authentic calculations.

Any law of registration that has a tendency to protect a property owner by requiring certain standards before a surveyor can make a survey by land or by air, is protection for the people concerned. This would have a tendency to protect any property owner or any municipality for the present and the future in our registries and in our courts. Comparing maps with accurate records and descriptions is most important, and should be necessary ingredients for a surveyor to produce. I feel that this bill would have a tendency to bring this result and I also feel that any surveyor today under this amendment from the other body is ample protection, if he has had any experience at all he may register and continue

to do his work. I move that we will concur with the other body.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: This document L. D. 1447 is a perennial document. As I understand it, it is now making its fourth appearance before this body. Needless to say as with other bills this has also received a very extensive and lengthy hearing.

Now during the course of the hearing the questions were asked to many of the witnesses as to whether or not in their experience there was a very real need for this, or whether or not where plans or lines or boundaries had been drawn up — that this had been abused. I asked one man in particular who was very active in this field and who had been operating in this manner for some thirty-odd years — he knows of one instance where a plan or something of that nature was drawn up improperly and that possibly it could have been done differently and he agreed with me that passage of this document would not assure competency or efficiency.

Now it was quite apparent after listening to the proponents of this bill that there was no real need for the creation of this additional bureaucracy—this to be known as a State Board of Registration of Land Surveyors. It was our opinion—the opinion of the majority of the members of the Committee that if this bill were passed that it would in effect limit the number of land surveyors, increase the demand for land surveyors, create some type of job security for those who are doing this on a large scale, and it wouldn't guarantee—there's no guarantee here that if a person is registered that they're going to be doing a competent job.

Now in reviewing the bill itself, particularly the standards that are outlined in it, you'll notice that they're somewhat flexible and in many instances are non-existent. I direct your attention to page 6 under Registration, sub-section regarding education, experience and

examination. It states that a person who has completed a surveying curriculum approved by the board, and so forth—and we asked those who testified for this bill as to how many colleges and universities offered curriculum and courses dealing with land surveying, and I think that the answer was that there was a course at the University of Texas; there were allied courses at the University of Maine, but generally there are no curriculums or courses or colleges that offer a speciality in land surveying, so it's difficult to include specific standards in a bill of this nature. So when you consider the rather flexible and broad standards here I think that what we have in effect here is ten pages of a lot of verbiage that doesn't seem to assure us of anything.

Now it was suggested that the public needs protection, and certainly we would have no quarrel with bills that would accomplish this end. Now I don't believe that this bill would protect the public; I am firmly convinced that this bill would protect a certain group that wants to make certain that they receive a monopoly on this business and particularly it's designed to prevent the small surveyor — the individual who does a lot of surveying of woodlots in our rural areas from doing this properly because — this is just the beginning as you know the creation of a commission or bureaucracy of this nature will only lead to additional expansion at a later date. This bill has been rejected on three prior occasions here, and I think that in order for us to be consistent; because it's quite apparent that the evidence or the testimony before the Committee this time, this year, was similar to that which was presented on earlier occasions so I strongly urge you to support the Majority Report "Ought not to pass" and the pending motion for indefinite postponement.

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

Mr. CAREY: Mr. Speaker and Members of the House: This bill sets up a governing board and this

Board will be the controlling authority over the surveyor. Over the years I have supported similar legislation. The past session, that of the 102nd, had a bill which was generally opposed by the surveyor mainly on the grounds that the Board of Registration was the same board for Professional Engineers. This bill proposes a board of our own.

I am one of the small surveyors Mr. Beliveau from Rumford speaks of and which he addressed some questions to members at the Committee hearing, but unfortunately he was out of the room when I testified so he was in no position to ask me any questions when it came to abuses.

Let me point out to you that land surveying is not engineering and engineering is not surveying. New Hampshire, Massachusetts and Connecticut, as do twenty-nine other states, require that engineers qualify for a certificate in land surveying. In the present bill, L. D. 1447 is by amendment more liberal and has a two-year grandfather clause for engineers.

Now this bill has been lobbied heavily both ways. Some of the boys in the Highway Commission object to passage of this bill and well they should. While at home on weekends they use state equipment to conduct property surveys. I don't object to the use of this state equipment, I think this is a problem that the State Highway Commission has, but my biggest bone of contention is that these people run into deeds, upon occasion, that are not clearly written or clearly definite in boundary line location. Now the surveyor who devotes full time to land surveying also runs into these problems.

But the key to the matter is that this full time surveyor has access to the Registry of Deeds which is at the county seat and it's open during the week for research both on old plans and earlier deed descriptions. The weekend surveyor, unable to avail himself of this information, has to rely solely on his ability to judge from information on the site. Certainly an attorney relies on his library, an insurance man on his rate book.



The Registry, ladies and gentlemen, is the surveyors library.

The intent of this bill is not to protect the surveyor, but to protect the public. Nothing today prevents my fourteen year old son from taking my transit and going out and doing survey work. Certainly the demand for surveyors is such that there is more than enough work to go around.

A few weeks ago I had a chemical engineer in one of the mills in Waterville call me in support of this Bill. He knows he doesn't qualify, he's not interested in doing land survey work but is currently very upset. He hired a surveyor last fall to run his lines as we say, and on the basis of the surveyor's measurements, he built his house. Now, only one line was in error, but this error placed his foundation over the line. To date he has suffered out of pocket expenses of over \$3,000 in legal fees, court costs and judgments against him. Insurance for surveyors is very high as some in this House will tell you, so we do not have it. But for this man to regain some, if not all of his loss, he must again go to the courts, suffering more legal costs. Regardless of the outcome, the surveyor in question is still in business.

Let me make a very important point clear here. If the error was of a nature which is other than gross negligence, the surveyor would still be in business, but proper information relayed to the governing body, which this bill proposes, would have that body made up of men skilled and familiar with the trade and decide if proper care and effort had been exerted. This is the apple in the barrel that the State Highway people fear. The notion that surveyors want to keep others out is unfounded. Anyone in the business will tell you that there is too much work being put off now because of the load.

And the notion that a bad surveyor will soon go out of business is also unfounded. Because of the work load a surveyor currently has, a client, rather than waiting a couple of weeks for his survey will snap at the availability of a surveyor, hopeful that he will get a good job.

Now the claim is made that this bill will put the little fellow out of business in favor of the large engineering or consulting companies. Ladies and gentlemen of this House, I certainly would not support a bill which would take away the livelihood which supports my family. Consultants are intensely interested in this legislation because they see every day results of poor, careless and inexperienced work. I feel that they back this measure because of its need, not for what they might gain by it.

There is a need for registration. There is also room for more surveyors. Giving the surveyor professional status will enhance the profession and attract more people to it. This subject of surveying could ideally be a course of instruction in our Vocational schools.

**THE SPEAKER:** The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

**MR. CROMMETT:** Mr. Speaker and Members of the House: I oppose this bill. I do not think it is necessary. I am fully aware that you're not interested in what I might say to you, but I would like to tell you an actual experience that I have had. I have done some surveying, not from technical instruction, but from practical experience. The company for which I work, I was instructed to survey a house site in the Town of Medway using 100 foot tape and a hand compass, with two parallel lines and one line forming two right angles and the other — one line longer than the other and, of course in that case, you run into a problem of square root which I had taken up years ago, longer than I care to remember. But, actual experience and actual measurement on the ground might be more accurate than the mathematical figures pertaining to square root and so I was four feet out of the way. Later, I was instructed to accompany a Civil Engineer, a graduate from the University of Maine to resurvey this lot and I was the helper and I made the field notes, and I wrote up the lease. And doing some figuring, the Civil Engineer from the University of Maine was seven

feet out of the way and it is on record in the Registry of Deeds in Penobscot County.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am one of the Professional Engineers that backed into being a Professional Engineer, like the druggists did being druggists years ago and when this bill first came out, I've got to confess that what the gentleman from Rumford said was very nearly my thoughts. But, having pros and cons from my constituents, some who were Professional Engineers and had not taken the Mechanical or Chemical Engineering course and was alarmed for fear that they wouldn't be included in being able to survey more in the future, and also the other constituents who are making their living surveying, I had to weigh all the different things that were said and I must admit I was even approached by people I knew in the Highway Department to try to prevent the bill from coming forth, but I learned something that amazed me. Early back in 1923 I had the good fortune as far as my business is concerned to teach surveying to the foresters for the magnificent sum of 35 cents an hour and I am amazed now that the University of Maine gives no surveying course. And I am wondering what is going to happen, who is going to teach the surveyors in the future. I am wondering what school is giving any surveying courses. So, thinking that over, perhaps it will be a good thing to register the surveyors. Perhaps it would be nice that when the people from out of state call my office, and ask if I'm a registered surveyor, I could say, yes I am, because I have an opportunity now with the different amendments on this bill that I can back into this one the same way I did in professional engineering and so I think with the good and the bad, and remembering that if it's good for people that are doing one class of professional work should appoint their people that's under them, probably it would be a good thing

if we licensed the surveyors, went along those lines.

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

Mr. HARVEY: Mr. Speaker and Members of the House: After perusing through this lengthy little gem here, I was under the impression it was for the protection of the public; however, I see under exemptions "The following persons shall be exempt under this chapter:" "Certain employees. Any employee or subordinate of a person holding a certificate of registration under this chapter, or an employee of a person exempted from registration by this subsection and subsection I," This, in just a few words, means that if you are an engineer, you can sit in your air cooled office, you can hire anyone that you wish to make this survey and you know that the engineer in charge is not going to put on his rubber boots, take his little compass and his chain and check on his subordinate's work, so where is the protection to the public? I think this document with these exceptions, is worthless.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I'll try to be very brief. We've seen this before the Legislature on many occasions before because I remember at least twice hearing it debated before this honorable body. I have one objection. I had it then, two years ago, four years ago, six years ago and I have the same objection today, and that is that in the eight small towns that I represent do not have any one of these men that would be in this field that I know of. If there is one there, I don't know of him, he may have moved in last night, and for this reason, we would have to send to Bangor or Fort Kent or Portland or somewhere to get one and this in itself would be expensive, and this is my reason that I hope that this bill be indefinitely postponed.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: I bring your attention to the fact that out of the 1,700 registered professional engineers registered in the State of Maine, that 300 of those signed a petition against this bill, and 800 of these registered engineers live here in the State of Maine. I am sure that you are aware of the fact that all engineers are very well versed in the area of surveying.

Being from Kennebec County here of course, we are confronted with many of those who do work for the Highway Department in the engineering field. I see nothing at all wrong with so-called moonlighting. I think they are very competent people, capable of doing surveying work. I am opposed to this measure as I was two years ago on the basis that I think that it is setting up an unnecessary agency with regulations that might possibly drive someone out of the field who is perfectly capable and well qualified in the field of engineering and surveying. Thank you.

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

Mr. McNALLY: Mr. Speaker; I would like to pose a question through the Chair to Mr. Farrington, or anybody else that would care to answer it. How many of these 300 that signed that petition are Civil Engineers?

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

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: In answer to the question of Representative McNally, I am given to understand that they are all registered professional engineers and it is my opinion that they do have, in order to get their degrees, a sufficient amount of training in surveying.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would

remind the gentleman from China, Mr. Farrington, that a Chemical Engineer takes no surveying courses, an Aeronautical Engineer takes no surveying courses, a Heating and Ventilating Engineer takes no surveying courses. As for Mr. Harvey from Woolwich, I would say to him on his question that no matter how many subordinates you have working on any particular job, one person, through his seal and his stamp has to assume responsibility for that job.

I would like to ask any member of the House who might have contacted their local surveyors, has their surveyor expressed an opinion in one way or another on this matter?

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

Mr. HANSON: Mr. Speaker and Members of the House: I would like to go on record as supporting the motion to indefinitely postpone. Many of my constituents have called me and therefore I shall vote according to their wishes.

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

Mr. BENSON: Mr. Speaker and Members of the House: In answer to the question posed by the gentleman from Waterville, Mr. Carey, yes, I have been contacted by a surveyor who has done work for me, four years ago he was opposed to this bill, he worked for the State Highway Department. Today he is on his own, he has contacted me and he is now for the bill. I would like to read a few of the occupations in the State of Maine who are required to register. The Board of Medicine, Physical Therapy, Psychologists, Nurses, Bar Examination and by the way, I would make a comment here in answer to a point that was made by the gentleman from Rumford, Mr. Beliveau, when you become an attorney, I don't think that there is any particular statement that you have to sign about competency. He mentioned the fact that this — the passage of this bill would not guarantee that a person would be a competent surveyor. I

don't think the passing of the Bar Exam would necessarily mean that you would be a competent attorney. Competency is measured in many ways. Another Board is that of Accounting, Veterinaries, Osteopathic Examination, the Funeral Directors and Embalmers, Examination on Optometry, Dental Examination, State Board of Professional Engineers and the Architects, the Electrical Engineering, Oil Burner Men's License Board and the Hairdressers and so forth and so on. I won't bother to read them all. But if the gentlemen who are competent enough to act in this field of surveying, if they feel that they are competent enough to act in this field, it would seem to me that they would be competent enough to be registered. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Chelsea, Mr. Shaw, that L. D. 1447, "An Act providing for the Registration of Land Surveyors" be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

49 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Baker of Orrington, the Minority Report was accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

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

Bill "An Act relating to Publication of Legal Notices" (H. P. 1182) (L. D. 1684) (In House, passed to be engrossed) (In Senate, passed to be engrossed as amended by Senate Amendment "C" (S-249) in non-concurrence)

Tabled — June 14, by Mr. Richardson of Cumberland.

Pending—Further consideration.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, since the gentleman from Bath, Mr. McMann is absent this afternoon and he has already presented an amendment which we have in our possession he has asked me if I would table this for him and I so move that it be tabled until tomorrow June 16.

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending further consideration and tomorrow assigned.

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

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 358) (L. D. 966) (Passed to be engrossed as amended by Committee Amendment "A" (S-176) in both branches)

Tabled — June 14, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Richardson of Cumberland to reconsider passage to be engrossed.

On motion of Mr. Richardson of Cumberland, tabled pending his motion to reconsider passage to be engrossed and later today assigned.

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

HOUSE MAJORITY REPORT (8) — Ought to Pass — Committee on State Government on Bill "An Act to Establish the Division of Municipal Affairs in the Executive Department" (H. P. 1184) (L. D. 1686) — MINORITY REPORT (2) — Ought Not to Pass.

Tabled — June 14, by Mr. Brennan of Portland.

Pending — Acceptance of either Report.

On motion of the same gentleman, the Majority Report was accepted, the Bill read twice and tomorrow assigned.

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

An Act relating to Qualification of Witnesses (H. P. 510) (L. D. 723)

Tabled — June 14, by Mr. Gill of South Portland.

Pending — Passage to be enacted.

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

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

An Act relating to Hours of County Offices of Androscoggin County (H. P. 1045) (L. D. 1517)

Tabled — June 14, by Mr. Darey of Livermore Falls.

Pending — Passage to be enacted.

On motion of Mr. Jalbert of Lewiston, the House voted to suspend the rules and to reconsider its action of June 8 whereby the Bill was passed to be engrossed.

Thereupon, the same gentleman offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1045, L. D. 1517, Bill "An Act Relating to Hours of County Offices of Androscoggin County."

Amend said Bill by striking out all of that part designated "§58 and inserting in place thereof the following: '§58. County offices of Androscoggin County

All county offices of Androscoggin County shall remain open, except on any holiday enumerated in Title 4, section 1051, from 9 a.m. to 5 p.m. during each working day.'

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

The Chair laid before the House a matter tabled earlier for later in today's session:

Majority and Minority Reports on Bill "An Act Creating the Oceanology Act of 1967" H. P. 1210, L. D. 1722, and "An Act

Creating the Maine Ocean Science Agency", H. P. 1211, L. D. 1723.

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

Mr. BERNARD: Due to the lateness of the hour, I wish someone would table this until tomorrow.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending acceptance of either report and tomorrow assigned.

The Chair laid before the House a matter tabled earlier for later in today's session:

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" S. P. 358, L. D. 966 tabled by Mr. Richardson of Cumberland pending his motion to reconsider passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker, I move the pending question.

The SPEAKER: The pending question is reconsideration of our action whereby this bill was passed to be engrossed on June 13.

Is it the pleasure of the House that we reconsider our action?

The motion prevailed.

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

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

HOUSE AMENDMENT "A" to S. P. 358, L. D. 966, Bill "An Act to Correct Errors and Inconsistencies in the Education Laws."

Amend said Bill by adding at the end, the following:

'Sec. 18. R. S., T. 30, §5104, sub-§1, amended. Subsection 1 of section 5104 of Title 30 of the Revised Statutes is amended to read as follows:

1. Public schools. Providing for public schools and libraries, including construction, extensions, enlargements, repairs, improvements or maintenance to buildings for which a municipality has a contract, lease or agreement with the Maine School Building Authority pursuant to Title 20, sections 3501 to 3517.

Sec. 19. Proceedings validated. All proceedings taken by the voters

or municipal officers of any municipality in connection with the authorization, issuance, sale, execution and delivery of bonds or notes for the purpose of constructing an addition to an existing school which the municipality originally constructed under a contract, lease or agreement with the Maine School Building Authority, and all such bonds or notes heretofore issued therefor, are validated, confirmed, approved and declared legal in all respects notwithstanding any defect or irregularity therein.'

The SPEAKER: The Chair recognizes the same gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The basic L. D. to correct errors and inconsistencies in the education law had two defects. It did not have an emergency preamble on it and it contained some what we thought

was ambiguous language with respect to public schools. We have proposed now to change only that provision dealing with public schools. If you will look at the amendment you will see that we included specifically construction, extensions, enlargements et cetera under the various titles involved. I would therefore ask you to vote in favor of the adoption of this amendment.

Thereupon, House Amendment "A" was adopted in non-concurrence.

On motion of Mr. Dudley of Enfield, tabled pending passage to be engrossed and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.