

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Wednesday, January 24, 1968

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

Prayer by the Rev. Mr. John W. Meisner of Dover-Foxcroft.

The journal of yesterday was read and approved.

The Speaker appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act relating to Referendum under Maine Housing Authorities Act" (H. P. 1332) (L. D. 1877), being new draft "A" of H. P. 1308, L. D. 1837:

Mr. MORRELL of Brunswick
Mrs. CARSWELL of Portland
Mr. CONLEY of Portland

Messages and Documents

The following Communication:
STATE OF MAINE
Office of the Governor
Augusta, Maine
04330

January 23, 1968

The Honorable David J. Kennedy
Speaker of the
House of Representatives
103rd Maine State Legislature
Augusta, Maine

Dear Speaker Kennedy:

I have the honor of presenting to you for transmittal to the members of the House of Representatives the following communication in the hope that the suggested legislation will be enacted:

During the November election the voters of the State of Maine approved a Constitutional amendment proposed by this Legislature in the regular session to permit temporary loans which would be repaid by monies raised by taxation during that fiscal year.

In the view of the Attorney General, we cannot utilize the authority granted in this Constitutional amendment without implementation by statute.

A current study by the Department of Finance and Administration of cash-flow in the State treasury indicates that this

Legislature will need to act at this session to implement this Constitutional amendment approved by Maine voters last fall.

The State of Maine, under current law, pays to the cities and towns the State's share of local education costs in two lump sum payments, two-thirds of which is due in August and one-third in December. We do not, however, collect our tax revenues on the same timetable. Revenues come into the treasury over all twelve months of the year.

This Legislature, with my agreement, has acted to further increase the State's participation in local education costs for the next fiscal year over payments for fiscal year 1968. Because the State anticipated some difficulty in meeting the required lump sum payments, a Constitutional amendment was proposed by this Legislature in regular session and approved by the people to authorize temporary loans necessary to meet these unusual state obligations. The loans would be repaid with revenues that would be received during the remainder of that fiscal year. The Constitutional amendment carefully limited this short-term, temporary borrowing authority to an amount not to exceed ten per cent of the general fund and highway fund or one per cent of the State valuation, whichever is less.

The only legislative change that will be necessary to implement this amendment is to establish a procedure authorizing the Treasurer to borrow under the approved Constitutional amendment.

The State will owe the towns next August \$24,702,000 when we are obligated to pay two-thirds of the year's payments for school subsidies after only one month of receiving revenues in the fiscal year. An additional payment of \$11,916,789 is due in December of 1968.

It should be pointed out that this situation is not the fault of either the Executive branch of government or the Legislative branch. We have all endorsed the forty-two per cent increase in the level of subsidies. But, in so doing, we have authorized expenses that cannot be

met in a lump sum without taking advantage of the Constitutional authority to borrow against anticipated tax revenues.

If we take this step, our cities and towns will be assured of receiving all the money that has been authorized by the Legislature in the months of August and December, 1968.

I urge your earnest consideration of this request.

Respectfully,

(Signed)

KENNETH M. CURTIS
Governor

The Communication was read and ordered placed on file.

Third Reader

Tabled Until Later in Today's Session

Bill "An Act relating to Spread of Motor Vehicles Measured Electronically." (H. P. 1330) (L. D. 1875).

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and assigned for later in today's session.)

Passed to Be Enacted Bond Issue

An Act to Authorize Bond Issue in the Amount of \$384,000 for Development of Education, Sewage and Water Facilities at Indian Reservations (H. P. 1315) (L. D. 1858)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 116 voted in favor of same and 15 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 Loans on Fishing and Agricultural Projects Under the Maine Industrial Building Act (S. P. 811) (L. D. 1882)

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

The SPEAKER: The Chair will now call your attention to Supplement No. 1, bills on their passage to be enacted.

Emergency Measure Tabled Until Later in Today's Session

An Act relating to Tax on Real Estate Transfers (H. P. 1335) (L. D. 1879)

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

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I do not question the honorable intent of the proponents of this bill, L. D. 1879, but I do question the merits of the bill. This L. D. except for a few changes is similar to the one now in effect regarding the stamps to be affixed to a deed for the transfer of real estate.

For the first time in a long time, the taxpayers of this State were given a break when the Federal Law or tax was ended as of January 1. I dislike to see the taxpayers and citizens of this state being forced into paying this tax after it expired but we enacted a law in the last session which does compel the taxpayer, grantee or grantor, to pay this tax.

I do not question the fact that the state needs additional revenues to meet its obligations; however, the state has survived for years without this revenue and I cannot see why this step is necessary at this time.

The bill itself, and specifically section 4653, is unfair to the grantor or grantee. It subjects the grantor or grantee to a civil action for not attaching stamps when a transaction occurs. It puts the parties subject to heavy penalties which to my knowledge and from what I was told are excessive and unfair.

For an example the penalty as you will notice is \$25 or five times the amount of stamps required. In other words, a person buying a house for \$5,000, who does not affix the stamps, could be charged five times the amount of \$5.50 or \$27.50 for not paying \$5.50 at the start.

Another example: If a person sells a \$24,000 house and does not attach the stamps he can be charged or penalized five times the amount owed \$26.40, or \$132.00 in penalty. I feel this is very unfair to the taxpayer, grantee or grantor, \$132 plus attorneys fees for appearing in court.

In some cases conveyance of property is done through the mail, the attorney handling the transaction. If by error, and it is possible the attorney would forget to attach the stamps, and the grantor would assume that everything is in order, the grantor or grantee under this bill would be subject to the penalty on a \$24,000 house of about \$150. What can he do about it? First, he has to pay; second, he has a cause of action against the attorney he hired to do this. Let him try and collect. Who will take the case?

My point is that many grantors but especially grantees have never bought a house before, they don't know any of the procedures, and eventually can find themselves having to pay a high penalty which they cannot afford and which they shouldn't have to pay in the first place.

Again for the interest of the citizens of this state to know, there is no law that makes it mandatory for any one to record a deed, although this is highly advisable. If conveyances are to help the State Assessors in determining any tax due, I suggest that by typing the sales prices in the deed would accomplish what they want, that is for them to know the amount of the transaction, for tax purposes.

This new bill is before us for a few reasons which I wish to quote. First is the revenue aspects, this part I can accept. Secondly, changes in this bill were brought about for several reasons, namely first, the register of deeds did not want to be subject to penalties for

failure to affix the stamps. However, there is no worry about making the poor individual, grantor or grantee, liable. A shift of responsibility, that's what this bill would do. Whoever is to receive the revenue I feel should be liable for the collection of the stamps.

Secondly, this bill was brought about because of liens on the property for not attaching the stamps. This is a good part which should be taken off and this bill takes it out of the original bill.

A few final points. A deed is valid without stamps affixed to it, valid without stamps if it was valid in the first place.

Under federal law there was no specific provision as to who shall be responsible for payment. This was agreed by the parties. It's not so in this bill.

They make the grantor or grantee both subject to civil action for the amount due. Under federal law the grantor by custom, and I repeat, by custom, usually would pay the stamps.

A sore point of this bill is that even if the deed is never recorded, and it does not have to be, the grantor or grantee is still subject to a fine or penalty. In other words, he can be fined for something which he does not have to do in the first place.

My feelings and concern is that some great hardship can be caused by the penalty clause in section 4653 of this bill.

I highly suggest that all of us give the people of this state a fair deal by eliminating, by amendment or other procedure, the penalty clause of this bill. If the bill must survive, let's prove worthy of the trust the people have entrusted us with, by protecting their interest. I stand to learn by any correction of the statements that I have made. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I know it's an old saw, but I really had not intended to get into this. The real estate transfer tax problem has been something that this Legislature has been wrestling with

ever since it convened. This is an attempt to reenact substantially the federal legislation. If my memory serves me correctly the report out of Judiciary was unanimous. The bill that we enacted during the general session was not what it was supposed to be. In order to provide some indicia of actual value after recording, and in order to provide the revenue which these stamps will produce, this bill enacts substantially the federal Real Estate Transfer Tax as it was and it in my judgement does not have opposition from the members of the Bar who considered the first one that we enacted during the general session impossible to work with.

This is a good, sound, graphical answer to the problem and I would remind you that it involves \$200,000 revenue and if you don't pass this, to coin a local phrase the whole thing is up for grabs again and I mean our appropriations bill. I think that this is a workable solution to the problem, it does not have any opposition that I am aware of on the Judiciary Committee, it was the product of a bipartisan approach to the problem I might add, and I hope that you will not defeat this.

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

Mr. HANSON: Mr. Speaker and Members of the House: For the edification of the House and for the gentleman from Westbrook, Mr. Carrier, I would like to indicate that primarily the basic need for this legislation is not financial or for income to the state. The State Tax Office and the various assessing officers throughout the state do need some means of determining readily the market value of properties. Properties are assessed by three different methods — the capitalization approach, the market value approach, and the actual cost of replacement less depreciation. In the final analysis the only good measure of checking on the two methods, capitalization or cost less depreciation, is the market value of properties which have been exchanged. These tax stamps do

give to the various assessing officers the ability to find quickly and readily the actual market value of properties, and I am very sure that the State Tax Office — I have talked to Mr. Johnson and the various assessing officers throughout the state feel very very strongly the need for this legislation. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This was a matter which came before our Committee on Judiciary and it was a matter which gave us a considerable amount of difficulty. Some of us on the Committee felt that since the Federal Government believed that the federal stamp tax was unworkable from their point of view that we should go along and repeal the Maine stamp tax which was also unworkable. However, those of us who thought that there should be no stamp tax in a situation of this nature where the Federal Government had already abrogated the field were persuaded by two arguments, both of which I believe have been advanced and which I would just like to reiterate for the sake of the record.

One, that this could bring in some revenue and therefore we should go along. It was estimated that perhaps \$200,000 would be realized by the State of Maine. Now the Judiciary Committee and those of us on that Committee who were for the repeal of the act felt that we could not stand in the way of people who believe that \$200,000 more or less might accrue to the State of Maine.

Then we were further persuaded by the argument advanced by the gentleman from Solon, my good friend Mr. Hanson, and the gentleman from the State Tax Assessors Office who told us that these stamps would provide a tool for them. Now there are some of us who believe that the various assessors should do their job without reference to whether stamps are affixed or not, that their job is to assess property and not to look over a deed and see whether

it contained these s t a m p s . However, for the sake of harmony we did go along.

Now we do hope that this new real estate transfer tax will be workable. I don't say to the House that it is a perfect document, but I do say along with my good friend from Cumberland, Mr. Richardson that at this stage of the game it's a little late to go back and try to do anything about it; it might be just as well to pass this out, to see if there are any bugs in it, the 104th Legislature will be coming back in less than a year, and I do think that this is the sort of thing in behalf of the people who are interested in revenue and in behalf of the people who want to use this as an assessing tool that we should go along today, and I hope that you will enact this legislation.

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

Mr. HANSON: Mr. Speaker and Members of the House: Another point that the gentleman from Westbrook raised, Mr. Carrier, I think I would like to comment on it; it actually isn't too pertinent to this debate, but he did indicate that it's entirely possible for a person to purchase a piece of real estate and not to record the deed. I don't know how many of you are aware but if this is done, if you do purchase a piece of property and don't record the deed, if the former owner of that property should choose to sell that same property again to someone who takes the trouble to record the deed, you would find that you didn't own a piece of property.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wish to make it clear there is some indication here that I am against the bill; I thought I made it clear at the beginning that I was not against the bill in entirety but with some of its sections. Definitely I am against the penalty clause of the bill. The penalty clause is extravagant, through nonfeasance or through just negligence some-

body can really get hurt on this, and the fellow that buys an \$8,000 house and he has to pay \$50 might get hurt more by paying 50 than the one that sells at \$30,000 house and has to pay 300. And the purpose of this bill which I recognize according to, as was said before and also this morning, that this is to give the State Assessors some indication that they can go down to the Register of Deeds and copy the market value of a place.

Well this is very unrealistic because I wish to give you just a fact which is done every day. If I own a piece of property worth \$20,000 and if I was to sell it on the market today and get \$20,000 and I chose to deed it over to one of my boys for \$5,000, the stamps will show \$5,000 and the State Assessor, is he going to use the \$5,000 value or is he going to use the 20,000 as before? On the other hand, as far as recording the deed I wasn't going into details on that, but it is very possible and it is done every day that somebody buys houses and they don't record their deed. That's their choice, the chances they take on it, that's up to them. I'm not against the bill itself; I am against the high penalty clause of five times the amount of the stamps, and I as a matter of courtesy I did not make any motion to eliminate that part of the penalty clause because I wanted to give the sponsor or any others the courtesy of doing so in order to accept this. I don't mind the straight penalty, but this five times the affair I think is very unfair to the people of Maine who can innocently be subject to such a penalty. Thank you.

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

Mr. FOSTER: Mr. Speaker, there are only a few items that I'd like to add to what has already been said. Number one, if this bill should be killed along its way, we would be expected or required to live under the law as it now stands, and one which I guess nearly all members of the Bar regard as unworkable, and a bad law, so we've got to do something, we've got to repeal that. In our Committee the first thing that crossed our

minds I think, a great majority of us would have been willing, I know I would have and I can think of five or six others, to have repealed this law, except that if we had put in an appeal I think that would have died on the Appropriations table and I think we would have then been stuck with a law that we can't live with. So that dissuaded us in that respect inasmuch as to surrender or give up some \$200,000 odd that has been figured in computing the budget and so forth just wasn't — it was unthinkable. So as an alternative there seemed to be — well it was unanimous in fact, after many hours.

This bill has been rewritten on more than one occasion, and after many hours, we unanimously agreed that if we adopted the Federal law and put an added tooth in it in the enforcement of the—or compelling people to affix the stamps. It was formerly the seller was to provide the stamps for the consideration, over 5,000 it was 55 cents for every 500 or any fractional part thereof or \$1.10 a thousand. In addition to that, we have made both the seller and the purchaser, the seller is responsible to buy the tax and the buyer is responsible for affixing them, so I can't conceive of a buyer not insisting that the seller provides him with the stamps due at the time of transfer. Now as far as recording is concerned, the tax itself is not predicated upon actual recording. As many of you know a deed signed, sealed and delivered is when the title passes, and when the property is sold title passes on the delivery of the deed and the law provides in this case that it shall be before or after the recording, but you understand that the tax liability arises when the deed is passed, when the title passes, the same as on personal property as far as that's concerned.

Now as to it being a tool for the State Tax Assessors and the local tax assessors, the importance of that has waned considerably in recent days. I think perhaps when it was brought to light many towns and cities have paid good money to have a professional revaluation

made. I know in my three little towns, two of us have, two towns have done that, and they certainly don't want an isolated or individual transfer disrupt their tax program and evaluation that they have hired an expert or specialist to do. In my same County, the City of Auburn has done likewise, and I am sure they have spent many many thousands of dollars, and I am sure they don't want any individual transfer disrupt and upset their program and so forth, so that has lost its impetus here. We don't care about that; I don't believe the assessors do when they realize what has taken place. And the fact that the stamps don't have to be recorded until after — don't have to be affixed until after recording removes that anyway, so it isn't a foolproof thing as far as the assessors are concerned even though they want to go on with it.

I might say, I mentioned to one of the leaders of the House about the absence of our higher education having on their curricular some course providing instructions for people for valuation of real estate. We don't have any. As you will remember in the regular session we tried to import one from Canada, and could not do it, for one of our cities that needed and were in dire need of an expert for valuation purposes. Education is the thing; if we can get that, if we had that training, bankers and insurance people and certainly assessors, town officials and town managers, all would subscribe to that and I'm just throwing that in for a way to cure a problem we have, but for the time being and for this moment where we have set aside or are expecting or relying upon this resource of \$200,000 odd, it seemed that we would have to go along with it. I think perhaps if this had been a regular session whereby funds were to be raised and so forth that this would have come out of committee killing the former bill and making no provision for a state tax stamp. I think that I have covered some of the high spots and highlights of the subject matter as it was presented to us and as we discussed it as I said, this was in redraft on more than one occasion,

I don't dare to say how many, but more than one, and we are unanimous, it was quite an unusual thing as you all know for the Judiciary to come out with a unanimous report, so we are kind of excited and proud with this report. I hope it is accepted and goes through. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: As I now understand it, the basic objection posed by the good gentleman from Westbrook, Mr. Carrier, is the number 5 multiple, he does not object to the penalty of \$25.00. Now it would appear that we're going to be in session today and very likely tomorrow if not longer, and I certainly would like to be reasonable. If he feels that this multiple of 5 is too strict and too stringent, I would be willing to sit down and try to work this out if someone would care to table the bill.

Thereupon, on motion of Mr. Gauthier of Sanford, the Bill was tabled pending passage to be enacted and assigned for later in today's session.

Passed to Be Enacted

An Act Establishing a State Planning Office. (S. P. 772) (L. D. 1844).

An Act Creating the State Witness Immunity Act. (H. P. 1269) (L. D. 1775).

An Act Increasing Hunting and Fishing Licenses. (H. P. 1327) (L. D. 1872).

An Act to Allow Research in Irish Moss. (H. P. 1329) (L. D. 1874).

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

Orders of the Day

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

An Act relating to Appeals on Questions of Law in Criminal Cases. (H. P. 1331) (L. D. 1876).

Tabled — January 23, by Mr. Richardson of Cumberland.

Pending — Passage to be enacted.

On motion of Mr. Richardson of Cumberland, under suspension of the rules, the House reconsidered its action of January 19 whereby the bill was passed to be engrossed.

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

House Amendment "A" (H-533) was read by the Clerk.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: As you know, occasionally your friendly Floor Leader ends up with egg on his face and it's not that rare an occasion, and this particular instance as the sponsor of this legislation, I sought the preparation of an amendment to the bill. This amendment was arrived at after several discussions with Professor Harry Glassman of the University of Maine in Portland who is the advisor to our Judicial Council on the Rules of Criminal Procedure. He is an expert in this field. And after discussing the bill which I introduced with Professor Glassman and with members of the Attorney General's staff and other persons, I might say from both parties, I took some amendments down to the Judiciary Committee. Now I then promptly got involved in other things and we passed this bill to be engrossed on January 19, and I had been assured that the bill met, with the amendment that the Judiciary Committee had put on it, met the requirements that Professor Glassman and myself and various members of the Attorney General's staff had thought were all right.

We now find, and I believe this matter was called to our attention by Professor Glassman and certainly the Governor's office is aware of this situation, that the bill which is now before you is not workable. And the reason it is not workable is this. A defendant on trial in our courts has an absolutely, except for procedural limitations, an absolutely unqualified right to review of the entire procedure by which he was

brought to trial, tried, and convicted. In the trial in the District Court he can appeal de novo and that means have a whole new deal in the Superior Court, a complete new trial. He has full rights to appeal covering everything that happened to him from the time he was arrested until the time that the Foreman says: we the jury find the defendant guilty.

Now this amendment would take out of the Judiciary Committee's bill a provision which would allow the defendant to appeal from the denial of a motion to dismiss the complaint or would allow a defendant to appeal from the granting of — of the denial of a motion to suppress a confession; it would have a built-in delay, and there's an old saying in the law, that if you can get a case continued, you are half of the way home toward winning it. The bill as it is now before you is completely unacceptable; if it cannot be amended, there is really no point in having it. It would set back the cause of law enforcement in my judgment and I would rather not have you do anything. My amendment seeks to preserve the defendant's right to review the entire procedure by which he was brought to the court and convicted. It only allows the State to appeal in cases where prior to the time that trial began, the court said that the complaint was insufficient for some legal technicality or where the court rules that a confession is to be suppressed or evidence that has been secured has been illegally secured. It will promote uniformity and consistency in the administration of our criminal law. The amendment is a significant reduction from the request that the Attorney General made of me at the time we started into this.

Whether there is or is not a Mafia I don't think is the relevant consideration. The consideration here is shall we have uniform and consistent administration of the criminal law that every one of us must face up to? I say this is good criminal law. It has the support of the people who want to try to bring some uniformity in this day and age when, with the Supreme Court decisions, nobody

knows what the law is. It will make our Judges in the lower Courts follow the law and abide by it, and it will ensure a better brand of justice for Maine people. I ask that you accept the amendment.

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

Mr. BERMAN: Mr. Speaker and Members of the House: As House Chairman of the Committee of Judiciary, I am perfectly willing to help our friendly Floor Leader remove some of the egg of which he speaks. However, I would like to call to the attention of the House that when the Judiciary Committee met for its hearings, seventeen bills, very complicated bills, of which this was one, were presented to us for hearing all in one day. Several of those bills, of which this was one, had already been heard during the regular session, and the Judiciary Committee, and I speak of others than myself, labored very, very hard over this large assignment, and to my way of thinking, it's remarkable that there isn't a bit more egg laying around.

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

Mr. RICHARDSON: Mr. Speaker, I want the record to be absolutely clear that I do not suggest that the Judiciary Committee is in any way responsible for this occurrence. It is my responsibility as the sponsor of the legislation, I should have been more careful about presenting materials that I thought were necessary, so I don't suggest that there is any egg on anybody's face except mine, and I hope that we won't defeat legislation simply because I dropped the ball three or four days ago.

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

Mr. HEWES: Mr. Speaker and Members of the House: One of the changes that the Judiciary Committee made, which is now L. D. 1876, relates to paragraph 1 of the amendment which is H-533 and as I read the first paragraph of H-533, it reads exactly as did the original bill which is L. D. 1774. We were particularly concerned with the last sentence of that

paragraph 1 which stated that an appeal shall be diligently prosecuted, and the word 'shall' is a mandatory word and if in the course of the appeal the County Attorney or the Attorney General and the respondent's attorney agreed that the appeal could be dismissed, it seems to us on the Judiciary Committee that the word shall made it mandatory that they have to proceed with the appeal, or at least I think the Supreme Judicial Court of Maine would so hold. That sentence was unacceptable to the Judiciary Committee.

It was felt — the reason we changed the first paragraph of the original bill to the way it reads in the L. D. 1876, was we felt the respondent should have the same advantage of an appeal that the State should: what was sauce for the Goose should be sauce for the Gander, and for that reason we made some changes.

And then I have one question I would like to address to the gentleman from Cumberland, Mr. Richardson. Why do you allow an appeal from the Superior Court only and not also from the District Court? Wouldn't it seem that there should be in the second paragraph of your amendment which is H-533 an appeal from the District Court as well as from the Superior Court? That was another thing we included in the bill which came out as L. D. 1876.

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

Mr. RICHARDSON: Mr. Speaker, everyone has I think a bill that they have a mental block toward and maybe I have a mental block toward this one, but the amendment says that an appeal may be taken by the State in criminal cases on questions of law with the written approval of the Attorney General from the District Court and from the Superior Court. The second thing is that the language in this amendment says that any appeal which may be taken under this section shall be diligently prosecuted. Now the Constitution of the United States and of the State of Maine require

a speedy trial, which is a right which every defendant has, and the addition of this language into the amendment, it couldn't take it away and it doesn't add any more to it, because it's there, the Constitution says the right to a speedy trial is there, but the amendment does, in order to make it absolutely clear, say that any appeal which may be taken, shall be diligently prosecuted. In other words, if the State elects to take an appeal, it must either prosecute the appeal or drop it, it's got to get off the ground. There can be no delay, and if there were a delay, our Law Court would not permit it.

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

The motion prevailed, the Bill passed to be engrossed as amended in non-concurrence and sent forthwith to the Senate for concurrence.

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

JOINT ORDER re Appropriation for attendance, mileage and expenses of Indian Representatives. (H. P. 1344)

Tabled — January 23, by Mr. Richardson of Cumberland.

Pending — Passage.

The Order received passage. Sent up for concurrence forthwith.

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

SENATE REPORT "A" (4) — Ought to pass in New Draft — Committee on Judiciary on Bill "An Act relating to Percentage by Weight of Alcohol in Blood of Operators of Motor Vehicles." (S. P. 766) (L. D. 1823) — New Draft (S. P. 813) (L. D. 1883) under title of "An Act relating to Driving a Motor Vehicle While Impaired by Consumption of Intoxicating Liquor." REPORT "B" (5) — Ought not to pass.

(In Senate, Report "A" accepted and passed to be engrossed.)

Tabled — January 23, 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 we accept Report "B" ought not to pass and I would speak briefly to my motion.

Members of the House, if we look closely at the present law which is very strict and very stringent, Title 29, Section 1312 of the Revised Statutes Annotated, it says in effect: whoever shall operate or attempt to operate a motor vehicle upon any way or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$1,000 or by imprisonment for not less than ten days nor more than eleven months or by both. Any person convicted of a second or subsequent offense shall be punished by imprisonment for not less than ten days nor more than eleven months, which jail sentence shall not be suspended and in addition thereto the court may impose a fine as provided. The court may admit evidence of the percentage by weight of alcohol in the defendant's blood at the time alleged, as shown by a chemical analysis of his breath, blood or urine. Evidence that there was at that time 7-100 or less by weight of alcohol in his blood is prima facie evidence that the defendant was not under the influence of intoxicating liquor within the meaning of this section. Evidence that there was at that time from 7-100 to 15-100 by weight of alcohol in his blood is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of this section. Evidence that there was at the time 15-100 or more by weight of alcohol in his blood is prima facie evidence that the defendant was under the influence of intoxicating liquor within the meaning of this section. The section goes on at some length

which I will not read to you at this time.

What the bill as proposed would do, if accepted, and I hope you will not accept the proposal, is to inaugurate, as I see it, a new offense which would be known as 1312A, operating while impaired, which states or would state it is unlawful for any person to drive any motor vehicle within this state while his mental or physical faculties are impaired, however slightly, by the use of intoxicating liquor or drugs or both. Evidence that there was at the time alleged 10-100 or more by weight of alcohol in the defendant's blood, is prima facie evidence of driving a motor vehicle while in violation of the section, and so on.

Now ladies and gentlemen of the House, this is one of the seventeen matters that was presented at this second special session before the Committee on Judiciary. As I recall, there was no evidence presented at the hearing other than statements by the sponsor. Now the point of the matter is, or the heart of the matter is, that at the present time we have a workable strict and stringent operating under the influence law, which states as I have mentioned, that anyone who operates or attempts to operate while at all under the influence shall be punished, et cetera. This law, or this proposal, would have it unlawful for any person to drive any motor vehicle within this state while his mental or physical faculties are impaired, however slightly. Now it seems to me to defy practical application to determine the difference between at all under the influence or impaired however slightly. Now I suggest to those who may be better scholars of the English language than myself that this would create problems which at the present time do not exist.

Now the Committee was faced at this session with trying to work over the stamp tax bill, because the stamp tax bill which was passed out by the regular session frankly was unworkable. Now, just previously this morning we have attempted to pass out a workable

stamp tax bill. Now I think that at this special session we should not be tinkering around with a situation of trying to create an offense operating while impaired, which very assuredly is going to complicate the present application of our strict driving while at all under the influence law, and for those reasons, ladies and gentlemen of the House, I hope you will go along and accept Report "B" and when the vote is taken I would respectfully request a division.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Not only did I not have anything to do with assigning seventeen bills to Judiciary in one day, but I also didn't have anything to do with all these lawyers bills appearing on the same day here in the House.

As our present law exists, the gentleman from Houlton, Mr. Berman, is absolutely right, we have a very strict, stringent law; in fact, I think it's a form of Russian roulette, because if you are at all impaired under our present law, you face the stiffest possible penalties, as a result of which we try a lot of drunken driving cases that shouldn't be tried because there just isn't any reasonable alternative for the man to take, he has got to try to win it.

Now what this bill proposes to do is to create a lesser offense, it proposes to give some flexibility to our drunk driving law, and I say that this is a necessary incident to—if you're going to pass implied consent, and I don't know whether you are or not, but if you do, you certainly don't want to leave our present law with any influence at all resulting in a most stringent possible penalty. I think this gives our law some flexibility; it will prevent trial of a lot of these cases that really shouldn't be tried, and all the adverse publicity that comes with it, a person who is probably guilty under our present law cannot agree to plead guilty to a lesser offense and take a lesser fine because there isn't anything lesser he can plead to, and the idea of this is to give some flexibility so that we don't

have this I say, artificially stringent drunk driving law which I think is an impediment to solving the problem that we are all conscientiously trying to solve. I would hope that you do not accept the ought not to pass and that you go along with the — I believe four members of the Judiciary Committee and allow the bill at least at this point to stay alive, because I, for one, am not going to vote for implied consent unless you put in something lesser than our present stringent law that I think is perhaps one of the strictest in the country.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: There were no proponents of this bill at the hearing; there were no opponents to this bill at the hearing; there was no testimony whatsoever before the Committee; therefore there apparently is no great public demand for this bill at this time. I support the motion of the gentleman from Houlton, Mr. Berman, to accept Report "B" ought not to pass.

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

Mr. DAREY: Mr. Speaker, as a member of the Judiciary who signed the ought not to pass report, I wish to give my reasons therefor. First of all, if I felt that this would in any way help to curb the drunken driver, I certainly would be for it. However, there are two reasons why I feel I cannot go along with the bill.

In the first place, as has been pointed out, there was no medical testimony in the Judiciary, and no supporting evidence other than the sponsor of the bill. Now as has been very ably pointed out by the gentleman from Houlton, Mr. Berman, he explained to you the present drunk driving statute, or to be more dignified, operating under the influence of intoxicating liquor. That statute provides for a penalty of \$100 to \$1,000, and imprisonment for not less than ten days — or imprisonment rather, for not less than ten days or more than eleven months or both. That

gives a great deal of latitude to the courts.

Again, I wish to stress the statute that was read, the present operating under the influence, which reads 'at all,' at all, and when a jury is being charged, the presiding judge emphasizes that feature, at all. In the present bill this is altered to 'however slightly.' These words are almost synonymous as far as I am concerned. Then your penalty in the present bill, by a fine of not more than \$300 or imprisonment for not more than ninety days, or both. Now I see in this bill in its practical working a compromise, a compromise in favor of the drunk driver. There is nothing wrong in compromising, the district attorney or the county attorney will compromise for a lesser offense, this is an easy way out, this is an easy way out for the drunk driver. You have this choice, this is the way it will work out, of paying a \$300 fine, the maximum under this statute, and a ninety day suspension of his license; in ninety days he would be back on the road. The application of this would be in my judgment similar to the operating of a motor vehicle causing negligent homicide. We had examples of that yesterday in the discussions of how that has worked out and the penalty imposed thereafter. Therefore, that's the reason that I voted the way I did in this bill.

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

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of the House: I am not of the legal profession, but I, as well as the rest of you here listened at great length, over an hour and a half yesterday, to the debate on the implied consent law. Mr. Brennan has just stated in his remarks that no proponents of this current measure before us appeared at the hearing. I would suggest that in reading the remarks of the gentleman from Portland, Mr. Brennan of yesterday in debating the implied consent law, that he himself was a very, very fervent proponent of this measure. He, as well as many others of the opponents to the implied consent law indicated

that the current law was sufficient and good, but that it wasn't used properly, it wasn't enforced. I got the very real impression that the reason in many cases that it was not enforced was that the severity of the penalty was so great that juries and judges were loath to invoke the consequences. This, coupled with the fact that the penalty was so great that the plaintiff or rather the defendant would go to extreme means to avoid conviction. It has often been stated that politics is the art of compromise, and I would suggest that in law also this is apropos. Many times in reading of court cases, I read where both the defendant and the plaintiff and the court have agreed to a lesser plea; it saves the court, the state and the various communities additional expense, and justice of a sort is achieved.

I can't help but feel that this is a very, very desirable compromise. It would probably in actual practice allow for the conviction possibly to a lesser degree, but it would allow for the conviction of people who drive under the influence, whereas currently under the very severe limitations and restrictions of our law we don't achieve these convictions. I can't help but feel, not as a lawyer, but just as a citizen, that this is good common sense legislation, and we should seriously consider it. Thank you.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I submit that there was no medical testimony as to what weight of alcohol is dangerous, no medical testimony whatsoever. I would like to have some expert testimony as to whether or not .10 is dangerous before I go voting for a bill of this nature. I still reiterate that we would get more convictions for driving under the influence if the penalty was reduced.

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

Mr. FOSTER: Mr. Speaker, I assure you I will be very brief on

this. I think as a signer of the report ought not to pass that we felt that it was giving a new name and a new penalty to the same offense. It is inconceivable to me and I am sure it was to the other members that were on the ought not to pass report, that a man could be impaired, his ability to drive, driving while he was impaired by the consumption of alcohol, how could he be impaired unless he is to some degree, it matters not how little a degree, to some degree under the influence of intoxicating liquor. It just can't — it doesn't add up. If he is impaired, he certainly is to some degree under the influence, and if he is some degree under the influence, he is guilty of the law as it now stands in our books, and if the people feel that the law is too firm and too punitive to get convictions, why you can accomplish that purpose by reducing the penalties and leaving it more to the discretion of the Presiding Justice.

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

Mr. ROSS: Mr. Speaker, may I request that the Clerk read the Committee Report?

The SPEAKER: The gentleman from Bath, Mr. Ross, requests that the Clerk read the Committee Report and the Clerk will read the Report.

Thereupon, the Clerk read the Divided Report.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Houlton, Mr. Berman, that the House accept Report "B" ought not to pass. Is this the pleasure of the House? The Chair will order a vote. All of those in favor of accepting the ought not to pass report will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

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

Mr. JALBERT: Mr. Speaker, yesterday I asked a question concerning Report "B".

The SPEAKER: The Chair would advise the gentleman that the only motion in order now is for the yeas

and nays. We have proceeded to vote.

Mr. JALBERT: I would like to make a parliamentary inquiry if I may.

The SPEAKER: The gentleman may state his inquiry.

Mr. JALBERT: Would this preclude any thought of amending Report "B" as had been agreed upon — as was stated would be done yesterday?

The SPEAKER: If Report "B", the motion to accept Report "B" is defeated, an amendment can be introduced if Report "A" is accepted. We are voting on the acceptance of Report "B" ought not to pass. All those in favor will vote yes and those opposed will vote no. The Chair has opened the vote. The Chair will now close the vote.

70 having voted in the affirmative and 53 having voted in the negative, Report "B" was accepted in non-concurrence and sent up for concurrence.

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

Mr. BERMAN: Mr. Speaker, if a motion is in order, and I am not quite sure whether it is at this time, I would like to move that we reconsider our action and hope that you will vote against me so that we will have done with this particular bill.

The SPEAKER: The Chair understands the gentleman from Houlton, Mr. Berman, now moves that the House reconsider its action whereby it accepted Report "B."

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

Mr. HANSON: Mr. Speaker, I believe the motion to reconsider would be debatable?

The SPEAKER: It is, the gentleman may proceed.

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of the House: I would feel that this is an issue which is of very, very serious consequence to the state. The Governor in his call has indicated this. The newspapers editorially have indicated this. The statistics from the Highway have indicated this. If there is any possibility at all of arriving at a compromise which will improve the

safety of our highways, I think we should exhaust every avenue, and to completely kill this bill at this time is not in the best interest of the state. You may kill it eventually, but I would urge you to vote for the motion for reconsideration. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: If I am correct, this is not the bill about which Mr. Hanson seems to be concerned; that was another bill, and I hope that you will go along with this matter and not reconsider it, and we can get on with the business of this second special session.

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

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to correct the gentleman from Houlton, Mr. Berman. I am very much concerned with any bill which might improve the safety and cut down on the carnage on our highways, and this bill has that opportunity. If we cannot pass an implied consent law, we may be able to work something out with this measure, so that I would reiterate, I am very much concerned with this bill. Thank you.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: We are winding up the second special session; the highway accidents are increasing, we had nearly thirty more deaths last year than the previous year; what are we doing about it? I think here is a chance to try to do something. Let's vote to reconsider this bill.

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

Mrs. CARSWELL: Mr. Speaker, I voted against the bill, but I sure would like to see what the amendment would be, so I certainly would go along with reconsideration.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that the House reconsider its action whereby it accepted Report "B" ought not to pass on Bill "An Act relating to Percentage by Weight of Alcohol in Blood of Operators of Motor Vehicles," Senate Paper 766, L. D. 1823. The Chair will order a vote. All those in favor of reconsideration will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

62 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

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

Bill "An Act Proposing a Salary Plan for Certain Unclassified State Officials." (H. P. 1336) (L. D. 1880)

(In House, passed to be engrossed)

(In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-356) in non-concurrence.)

Tabled — January 23, by Mr. Richardson of Cumberland.

Pending — Further consideration.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I regret somewhat that this bill comes at this time, when I know that the members of the House are looking forward to recessing; but I believe it is quite an important bill and deserves a serious explanation to the members of this House.

The State of Maine is actually a gigantic corporation. It is perhaps the largest single employer in the State of Maine. This morning I would like everyone to rather forget their role as a member of a legislative body, forget that we are members of different political parties, but rather to consider ourselves members of a great board of directors — directors of a gigantic corporation. We have a head

to this corporation, the Chief Executive, known as the Governor. He has a board of advisors. We are the board of directors. He has in the person of the many department heads a board of management.

This morning we are concerned with a management problem. As most of you know and many of you remember, we have been through the years confronted with this managerial problem. The department heads, their pay scale, the manner in which they were paid, the manner in which their salaries were set, was under divided control. The Legislature set the salaries of some; the Governor and Council set the salary of others. Generally speaking, when the Legislature had adjourned the Governor and Council went to work and upped the salaries of those under their control, and when the Legislature came next into session it hastened again to bring it up to the level; and this seemed to continue on and on in a vicious circle.

In the last session we placed everything under the Legislature. Now in so doing we were quite confident that we had made the right move, but I believe again we faced ourselves with a problem, a problem which I am confident that this bill will correct. In placing the salaries under the direct control of the Legislature we set fixed salaries. We offered no leeway whatsoever, either up or down.

After the untimely passing of the Bank Commissioner, the Governor found himself confronted with a rather unusual problem. He needed a Bank Commissioner, the State of Maine needed a Bank Commissioner; but apparently no man could be found who was fully qualified, who was willing to serve at the pay that the State remunerated the man who held this office. So consequently this position has been vacant. This is one of the problems.

Other problems could be with this set and fixed salary — if a department head passed on, if he resigned, he after having many years of service would have probably reached into somewhat of a top bracket. In many instances he

could be replaced by a man for a lesser salary, but again no leeway has been offered, the law is specific. It's as inflexible as the law of the meeds and the Persians, he must pay a certain stipulated salary.

Now what would this bill do? This bill is not essentially a pay raise bill and should not be interpreted as such. This bill follows along the lines of the Cresap, McCormick and Paget report where it seeks to set ceilings and give flexibility to the Governor and Council in the hiring and the payment of department heads. The fact that the ceiling is set at a certain sum does not mean that this department head would receive automatically this salary; this is far from the case.

Now we will go on a little further. We can only rely on the integrity of the Governor and Council. I have discussed this problem at length with the Chief Executive of this state and also with the members of the Council. I am convinced, utterly convinced, there will be no abuse whatsoever of authority. Yet I believe that the Governor and the Council should be at least allowed a range in which to hire and which to pay department heads.

Now we find in this bill there are eight categories and this follows to quite some degree the Cresap, McCormick and Paget report, although when it came before the Committee on State Government it had been changed considerably, particularly in ceilings. In most cases the ceilings were lowered from those that were suggested in the report and in some cases we found that those suggested in the report were lower than those that these officials were presently receiving, and to adopt it in its original form would have meant that some department heads would have received cuts.

So therefore we adjusted them to levels which we thought were realistic, and in most cases they are very little above what these department heads and what these various officials are presently receiving. We did in some instances, and I speak of the action of the Committee when I say we did, we

struck from this bill several that were in the original bill. For instance, we struck from the bill the executive secretary of the sardine industry, because he is neither appointed by the Governor or the Legislature and neither does the Governor and Council and Legislature set his salary. His salary is paid entirely by the sardine packers.

We struck from the bill in its categorical form the constitutional officers — the Attorney General, the State Auditor, the State Treasurer, and the Secretary of State.

Now again I would be the first to admit that this bill is not perfection, but it is a step which I think is in certainly an old cliché, the right direction. We find here eight categories, as I stated before, and I will again tell you and I think many of you know it, that we have made very very few people happy; that is, when I say very few people I speak of the heads of departments. As near as I can ascertain, most of them believe that they belong in Section 1 and to be placed in any section that is lower than that is an affront to their knowledge and intelligence.

But again, I still believe that we have a workable bill and we do allow the Governor and his Council to take steps to remedy emergencies and situations when they arise.

Now I will turn again to the amendment to the bill. We found, even originally when the bill was first submitted, that we had left out certain department heads and certain officials which we again replaced in the bill. After the final draft again we found we had left out the State Tax Assessor, one of the most important officers and important departments in the State of Maine. This amendment would put him back in. We would strike out from it the deputy purchasing agency, and when the bill was redrafted apparently, despite the fact that the Committee had it in the bill, in the redrafting was left out the members of the Public Utilities Commission other than the chairman. The Director of Civil Defense was moved from Section 7 to Section 6. These are the only changes in the bill.

I hope that I have been able in my humble manner to give you some picture of what this bill is all about. Again I say this bill does not set the salaries but it gives the Governor of the State of Maine and his Council a latitude, something within to work to take care in the hiring and the payment of this managerial force that comprises the State of Maine. I believe that this is an excellent bill, I believe it fills a long needed proposition that we could well consider in the State of Maine, and I now move, Mr. Speaker, that we recede and concur with the Senate.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would commend the gentleman from Kittery, Mr. Dennett and his Committee for the fine work they have done, working from the C.M.P. report that was ordered made by the 102nd Legislature. I think that it is a very fine vehicle to work from. If later on there should be needed upgrading or downgrading to it, within a few months we will be in regular session. I think the gentleman from Kittery, Mr. Dennett has explained the thing admirably, I commend him for it and I hope we go along with his motion.

Thereupon, the House voted to recede and concur with the Senate. By unanimous consent, ordered sent forthwith.

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

Mr. BIRT: Mr. Speaker, I would ask if the House is in possession of L. D. 1816, Senate Paper 759, Bill "An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine.

The SPEAKER: The answer is in the affirmative.

Thereupon, on motion of the same gentleman, the House reconsidered its action of yesterday whereby it voted to recede and

concur. And, on further motion of the same gentleman, the House voted to recede.

Senate Amendment "B" (S-354) was read by the Clerk and adopted in concurrence.

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

House Amendment "A" (H-536) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A", Senate Amendment "B" and House Amendment "A" in non-concurrence and sent up for concurrence. By unanimous consent was ordered sent forthwith to the Senate.

On motion of Mr. Benson of Southwest Harbor,

Recessed until two o'clock in the afternoon.

**After Recess
2:00 p. m.**

The House was called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 2, non-concurrent matters.

Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (H. P. 1259) (L. D. 1765) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendments "B" and "D" in the House on January 18.

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

In the House:

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I note that there is an amendment on this bill that is quite important to the education areas of Maine. I am somewhat baffled at the motion of the gentleman from Stonington, Mr. Richardson, and I would move that we recede and concur.

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

Mrs. Hanson of Lebanon then requested a division.

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

A vote of the House was taken. 37 voted in the affirmative and 70 in the negative.

Whereupon, Mr. Jalbert of Lewiston requested a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert requests a roll call. 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 will vote yes; those opposed will vote no.

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

Mr. DUNN: Mr. Speaker, there seems to be a lot of amendments here and I think possibly the one that Mr. Jalbert, the gentleman from Lewiston, is interested in may not be the one in question. I am wondering if we know just which — if we are sure of the amendments that we are not in favor of here.

The SPEAKER: If the House will defer until we decide whether we have a roll call or not, the motion is debatable. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

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

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

Mr. HICHENS: Mr. Speaker and Members of the House: I feel that I can wholeheartedly assure Mr. Jalbert that this amendment that he's interested in is not in jeopardy whatsoever, it is the fact that the other body indefinitely postponed amendment "B" and put in House Amendment "D" in its place. The amendment which he is concerned with, House Amendment "C", is not in jeopardy whatsoever.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I thank the gentleman from Eliot, Mr. Hichens. I just wasn't aware of what the amendment was and that's the only reason I asked for a roll call vote. If I can withdraw my motion I will, Mr. Speaker — I know I can't.

The SPEAKER: The Chair will advise the gentleman that the motion has gone to the extent of action having been taken up on it because of a roll call being ordered, and the pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House recede from its former action and concur with the Senate.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to speak in favor of the motion to recede and concur, and I don't want to stand before you and reiterate what has been said here at least on two occasions before this House. But one of these amendments, the one that seems to be in question, in my opinion deals with a very serious matter. It is so serious that it's like an unfair court. A lot of you in this House have served on the jury or been involved in court to the extent that you know that if a man is serving on the jury knows the party being tried they are disqualified.

Now let me tell you that the people that have children in the State of Maine that have a problem in the schools, their only court mind you is the school board; and when you go to this school board with the teacher's husband, the one

you meet, this is a very unfair court of the State of Maine and if you don't uphold this Senate amendment you're in a sense upholding a very unfair court of the State of Maine. There is no other recourse for a poor person when he has a problem with his child or a problem about curriculum or anything relating to schools, his only recourse is to take it up with the school board. Thereupon he meets the very teacher's spouse. Now if this amendment is not accepted, and I just hope you know the seriousness and know what you are voting, I wholeheartedly support and hope you do the motion to recede and concur with the Senate, which in my opinion has shown good judgment by a very substantial vote this morning.

The SPEAKER: The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: I would hope that the House would ask for the Committee of Conference as Representative Gordon Richardson has asked. I think this is a local thing that can be taken locally and I don't believe the Legislature should intervene.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House recede and concur. A roll call has been ordered. All those in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Beliveau, Binnette, Bradstreet, Brennan, Carey, Carroll, Carswell, Champagne, Crommett, Curran, Danton, Darey, Dudley, Eustis, Fecteau, Fortier, Fraser, Gauthier, Giroux, Harvey, Hennessey, Keyte, Kilroy, Lebel, Levesque, McNally, Nadeau, N. L.; Rocheleau, Truman.

NAY — Allen, Baker, E. B.; Baker, R. E.; Belanger, Benson, Bernard, Birt, Boudreau, Bragdon, Brown, M. F.; Bunker, Burnham, Carrier, Clark, Conley, Cornell, Cote, Couture, Crockett, Crosby, Dennett, Dickinson, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Foster, Gaudreau, Gill, Hall,

Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harnois, Harriman, Hawes, Haynes, Healy, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jalbert, Jameson, Jannelle, Jewell, Kyes, Lewin, Lewis, Lincoln, Lycette, Maddox, Martin, McMann, Meisner, Miliano, Minkowsky, Morrell, Mosher, Payson, Pendergast, Philbrook, Pike, Prince, Quimby, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Sahagian, Sawyer, Shaw, Snow, P. J.; Snowe, P.; Starbird Susi, Tanguay, Thompson, Townsend, Trask, Waltz, Watts, Wheeler, White, Wight, Williams, Wood.

ABSENT — Berman, Bourgoin, Brown, R.; Buck, Cookson, Cottrell, Cushing, D'Alfonso, Drigotas, Drummond, Hunter, Littlefield, Nadeau, J. F. R.; Noyes, Porter, Quinn, Roy, Scott, C. F.; Scott, G. W.; Scribner, Shute, Soulas, Sullivan.

Yes, 30; No, 97; Absent, 23.

The SPEAKER: Thirty having voted in the affirmative and ninety-seven having voted in the negative, the motion to recede and concur does not prevail.

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

The Speaker appointed the following Conferees on the part of the House:

Mrs. Baker of Orrington
Messrs. Richardson
of Stonington.
HICHENS of Eliot

Non-Concurrent Matter

Bill, "An Act Providing Accident and Health Insurance Program for State Employees." (H. P. 1342) (L. D. 1884) which was passed to be engrossed in the House on January 23.

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

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

Passed to Be Enacted

An Act relating to Hearings Before Water and Air Environmental Improvement Commission. (H. P. 1322) (L. D. 1868)

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

The SPEAKER: Enactor appearing on Supplement No. 3.

**Passed to Be Enacted
Bond Issue**

An Act to Authorize Bond Issue in the Amount of \$850,000 for Dormitory Facilities at Maine Maritime Academy and Bond Issue in the Amount of \$955,000 for Self-liquidating Dormitory Facilities at Farmington State College. (H. P. 1314) (L. D. 1857)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 119 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair will now lay before the House matters tabled and later today assigned, appearing on Supplement No. 2. Item one:

Bill "An Act relating to speed of Motor Vehicles Measured Electronically" (H. P. 1330) L. D. 1875).

Tabled — Earlier in the day, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

Mr. LEVESQUE: Mr. Speaker, I want to offer House Amendment "A", filing number H-535, and would like to speak on the amendment.

Thereupon, House Amendment "A" (H-536) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. LEVESQUE: Mr. Speaker and Members of the House: In view of the action and the debate taken on a similar bill yesterday, or on Report "A" of the committee, this report having been defeated in the House substantially, it is my concensus that somehow or other something has got to be done and it's got to be done now. Now it may not be the perfect answer and it may not be the answer at all, but rather than to sacrifice entirely the document I thought that I would offer this amendment which would somewhat in some municipalities, as was indicated yesterday in the debate offer some relief for some of the objections that were presented yesterday.

I grant you this is not a perfect amendment, but by the same token yesterday's was not a perfect bill. So as I pointed out to you yesterday, we have recognized that there is a problem, we have recognized that something must be done, although we don't have the perfect answer nor the solution. So therefore I offer this amendment which will in effect place the enforcement of the law into the uniformed state police officers only, which has been indicated yesterday that in some municipalities or in some areas some of the police officers would not be qualified to administer the breath test or other associated elements.

So certainly a part of this amendment has been taken out of 1835, in the bill that was before us yesterday, and incorporated in this amendment. And in another section it reduces the penalty not to exceed 60 days, which was in the other bill, and would put it now to not to exceed 30 days, and that is on the second page of the amendment. The addition that was made that we think might solve the problem then again nobody knows what the answer is or what the entire problem is, so therefore we can't offer a complete solution. But we think that on the third page, — "Limitation. Consent shall be deemed to have been given under this section, only in those cases where the arrest is made by a uniformed member of the State Police."

Most of you have recognized the fact that probably some of the municipalities will resent this, and including probably the state police will resent this. But like all other documents when you recognize the fact that you can't solve the entire problem at least we offer some solution that maybe after it's been in effect for ten months or nine months, that some of the issues will come out and a better answer to the problem can be resolved.

So I sincerely hope that the members of this House, as I stated yesterday, will do in their individual conscience, recognize the fact that we have a problem, this is not the entire answer, but you will see fit in your conscience to be able to support this amendment.

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

Mr. BIRT: Mr. Speaker and Members of the House: This is one of the times when I really take a good deal of enjoyment in concurring with the good gentleman from Madawaska, Mr. Levesque. I sincerely believe that some attempt should be made by this Legislature to improve highway safety or at least indicate an interest in this direction, particularly when the death rate on the highways is mounting at the rate of about ten percent per year, and I certainly concur with him in the hope that the House will adopt this amendment.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: It is certainly with great reluctance that I oppose the amendment offered by my good friend Mr. Levesque of Madawaska. However, under the proposed amendment limiting the use of the implied consent law to the state police, you do not remove the objectional part of requiring a person to prove his innocence. I contend that this is inconsistent with a traditional principle of criminal law in this country, that it is incumbent upon the State to prove the guilt of an individual.

I will not reiterate my constitutional objections to this proposal as obviously this a m e n d m e n t

doesn't solve them. The passage of this bill under the proposed amendment would make every policeman who is not a state trooper a second class policeman.

It would be detrimental to the morale of all town, city and county policemen. It would tend to promote friction among the departments rather than encourage their cooperation. I submit the answer is to set minimal standards of certification of police officers, predicated on a certain amount of basic police academy training.

I recommend that if the proposed planning committee on criminal law bill is enacted that that committee study the problem of police training and make recommendations to the next session, which is only eleven months away. I think that this is a far more prudent course than to adopt this hastily considered amendment. Furthermore, at the hearing last January I asked the Chief of the state police, Parker Hennessey, whether he felt that the implied consent bill should be limited in its operation to the state police in view of the fact that other police departments obviously don't have the training that the state police officers do. His answer was emphatically, no. I urge this House to vote no as the adoption of this amendment.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: Yesterday we debated at great length the merits of this bill; I don't intend to extend the session this afternoon by repeating my comments. But I would like to comment further on the amendment presented that is pending before us this afternoon, and particularly on paragraph six entitled Limitation.

We all know that the essence of law enforcement, whether it be in the State of Maine or any other state or nationally, is cooperation between police departments. The state police is a force of some 290 men, of which 240 approximately are troopers assigned to highway patrol. In addition to the 240 troopers there are approximately a

thousand municipal police officers and additional sheriffs and deputy sheriffs throughout the State of Maine. Most of your police departments have a training program for their police officers. Many of the great majority of your municipal police officers, particularly from the larger departments, are trained and do a commendable job in enforcing a motor vehicle code which includes operating under the influence of intoxicating liquor.

This morning when I learned of this pending motion I conferred with the state police authorities, I called the Chief of the state police to confer with him; he was ill and I talked with Major Staples and he told me that they do not want this bill, that to do this would be undermining the morale of the police officers in every department, because today the state police necessarily depend on the municipal police officers for the use of their facilities, their equipment and their men. If we are to tell our municipal police officers that you people are not qualified to enforce this particular law, why don't we extend it to other areas of our criminal code and motor vehicle code and say — you people aren't qualified to enforce any of our felonies, that you can't arrest under wreckless driving, reckless homicide; and why don't we limit them to traffic directors and property protectors? Certainly we do not want this.

The Maine Municipal Association does not support this bill; as a matter of fact it's violently opposed to this bill. And finally, ladies and gentlemen, in discussing this with members of the House and other people interested in this particular aspect of the bill, this could and would result in lessening enforcement and prosecution of our drunken drivers.

It says,—“where the arrest is made by a uniformed member of the State Police.” Now I can envision many situations where this law can be abused and will be abused. First of all, consider the plight of a municipal police officer, consider for instance when this bill goes into law and he reads that only the state police have authority to make this arrest. So he's

going to say, fine, if they want to arrest under the implied consent law let them arrest on the drunken driving law. Let them take over this whole area. And that's exactly what's going to happen.

And secondly, I can envision another situation where a police officer, whether it be from Augusta, Portland, Bangor, or any municipal police officer who stops a person who he suspects is operating under the influence and would like to avail himself of this implied consent test, notifies a state trooper who arrives on the scene and if that state trooper makes the arrest at that time it is an absolutely illegal arrest and the case will be dismissed and thrown out of court, resulting of course in a potential drunken driver being acquitted.

Earlier during the special session we had an opportunity to do something for our municipal police officer, we had an opportunity to do something for highway safety and for the morale of the police officers of this state, and that is to enact the bill to establish a Maine law enforcement training council. The objection and argument in support of this amendment seems to be centered around the necessity of having trained police officers. We had an opportunity to act on this but we rejected it, it came out of committee unanimous ought not to pass.

I submit to you people that restricting this to the state police will accomplish absolutely nothing; it will have a detrimental effect on the morale of all our police officers including the state police, and I would assume that when the authorities or those who are charged with the enforcement of this law realize that it is a bad law, that the potential is very bad, and particularly the other police officers in this state are violently in opposition to this and it's up to them to enforce it—it's not up to us. We can pass law after law after law and Title 17 of the Revised Statutes, which is the Criminal Code, spells the laws which are unenforced every day.

I submit to you people today that this amendment accomplishes absolutely nothing and without

debating the merits of the bill this does not change in any way the arguments presented by us yesterday. It doesn't change the substance of the bill whatsoever, but it does create a very very bad precedent and I suspect that if we do pass this bill that the results will be so detrimental you will find that we will be back here in the regular session trying to rectify the problems we have created here today. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen: Yesterday the police were not competent or were going to engage in vendettas, against individual citizens of the community; today in an effort to meet that objection the proponents of this legislation have put an amendment on it, and now that isn't any good. We're told that the state police who have principal authority for the enforcement of our speed laws or high speed highways in the state where the really serious problems exist, that this isn't the rational way to attempt to meet this problem.

Now you know and I know that there isn't any kind of an amendment, there isn't any kind of limitation or restriction that could be placed on this legislation that would receive the approval of the gentleman from Portland Mr. Brennan or the gentleman from Rumford Mr. Beliveau, and that is the fact. So let's debate the merits of the amendment and not attempt to be dragged down into this morass of constitutional quagmire that they are raising.

This is still a good bill; it was a good bill yesterday. It's still a good bill to get the drunk drivers off the road and this amendment, in an effort to meet what I thought were some validly held concerns about this legislation, I think makes it even a better bill. I urge you to reject the arguments that have been presented on our position to this bill which I think, with all respect to my good friend from Rumford, are not well held; and I would ask you to vote today for an end to the problem that we have with the drinking driver and

all of the horrible consequences that it causes. Now if this is such a horrible thing, so be it.

The Maine Municipal Association does not have the responsibility for protecting the people of this state, nor do the Maine state police; and I have talked to several members of the Maine state police and their only concern as far as I know is that some municipal police officers might feel offended. Well well they might! That's not the point. The point is, are we going to get the drunk driver off the highway? That's what you're talking about.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: This measure now before you reads as an amendment. I submit to you it is merely another version of implied consent. No matter how you read it, no matter how you interpret it, it's the bill before us again just in different words. Now this amendment which we are studying does not erase the fact that this machine is not accurate a hundred percent. In fact, if the gentleman Mr. Danton yesterday had gone further in his explanation he would have shown how much further off than he did it in his discussion, how much further off it is as far as interpretation of whether or not an individual is truly intoxicated, because he was tested one-half hour after taking this one mild drink and he still showed up as just plain drunk. He didn't appear to be, but he was according to the machine.

Secondly, the fact has not been erased that you or anyone else, regardless of the fact whether they are intoxicated or not, is going to be brought into court, they are going to be fingerprinted — first don't forget they are going to be arrested. They are going to be brought into jail or they're going to be taken into the headquarters, they're going to be fingerprinted, they are going to have a record. Maybe some of you folks want a record on the books; I don't think I do and I don't think some of the people I represent want that record either.

Third, we've had stated here this afternoon the state police are not in favor of this measure. The local police certainly and the chiefs are not going to be in favor of it, because do they want to be placed in a second rate position as far as the state police are concerned? What's going to happen? Some of them are going to say, all right, let the state boys handle it; so they're going to call the state police and ask them to take over where they should be making the arrest. It's making them a second rate department. And I think that's one of the major reasons that the Municipal Association—and I've been mixed up in the Municipal Association for some twenty years, feels that this particular measure does not have merit, it feels that it is going to run into opposition to the various police chiefs in the State of Maine.

And certainly it is not going to stop drinking. I reiterate a statement of yesterday, that ninety-five percent of the cases that are arrested when the individual is brought in there's absolutely no question he's drunk. He can't stand up, he can't talk coherently; of course he's drunk, you haven't got to give him a test to determine that.

I'm not going to talk longer on this measure; I think it's the same question that we had yesterday. Who are we trying to make happy? Nobody seems to be happy with this amendment any more than they were with the bill. And I would say, I listened this morning to our floor leader as he said—if I heard correctly out of both ears, he said that if we did not pass the measure we're discussing this morning that he was not in favor of the implied consent; and yet this afternoon he seems to have reversed that stand. Now I say this House is constantly reversing its stand. For once in our history in this emergency session, let's be consistent. Let's go along with the way we voted yesterday. Thank you.

The SPEAKER: The Chair will interrupt debate just a moment to pose a question to the House. Is there objection to sending the

several matters that we have acted upon forthwith to the Senate?

The Chair hears none; it is so ordered.

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

Mr. HEWES: Mr. Speaker and Members of the House: As was stated yesterday, last year 1967, it says all time high record with 261 killed, over 10,000 injured and over 22,000 accidents, an increase of about ten percent. During the course of the argument yesterday comments were made that this bill was unconstitutional. I submit that if it is the Supreme Judicial Court of Maine will so rule. It is up to us to pass a law which we think is constitutional, I think this one is, and let it be passed and let the courts rule on it.

The gentleman from Portland, Mr. Brennan stated that the Legislature meets again in about a year and I submit to you, true they do and if this is a bad bill then this bill can be changed when we meet again in about a year. Also, the gentleman from Portland, Mr. Brennan made several constructive suggestions today as to ways in which to improve highway safety; I submit that he has been in this House three years, and have we accomplished any highway safety bills in that time?

In response to the gentleman from Rumford comments, Mr. Beliveau, yesterday his complaint was that certain municipal officers don't have the judgment or are not qualified to arrest citizens in this situation; today he says friction will result. I think he is completely inconsistent there. I submit to you, we are probably going to adjourn tomorrow, this will be the last meeting of the 103rd Legislature. Let's do something for highway safety.

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

Mr. DAREY: Mr. Speaker and Members of the House: First of all I would like to correct the gentleman from Rumford, Mr. Beliveau. As I understood he said the committee was unanimous in this report. The committee was

divided five and five this last time at the special session, and five and five at the regular session.

Now as I explained to you yesterday this question of implied consent, and after all when it comes right down to implied consent, it is not a stranger in our law. It's been with us, it was with us under Title 1911 of the Revised Statutes, it was with us in 1954, it was with us in 1944 under Section 19, and a number of years before that. It has been held constitutional by our Supreme Court, the implied consent feature in the case of White vs. March which I cited yesterday.

Now with reference to the machine as it has been referred to here, or the breath analyzer, five people of that committee felt that the machine was all right. Many of the states have adopted such a test; many of the leading states have made considerable progress in this field, such as Connecticut, New York State. They used the old system before of blowing in the balloon which was nothing more than another version of the breath analyzer test.

Now with this problem now presented, limited to the state police and it causing friction with that and the municipal officers, I will say that it will work just the opposite — it will work for the cooperation. We all know that the state police make their headquarters in the local police headquarters when they go there, they use the local headquarters as their station. And I say that it will result in the working of these officers together rather than cause friction. The same would be true in the small municipalities, in the cities, and with the sheriff's department.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: Very very briefly, I just want to correct the record, a few issues here. Yesterday I presented eight arguments to this body, one of which was the potential abuse by police officers. And secondly, as I mentioned yesterday at no time have any of the proponents of this bill outlined to us in detail the effect

that this particular law will have. We have not received an adequate or any explanation as to the mechanics involved in this breathometer test.

Last week I conferred with a member of the Royal College of Surgeons concerning this. I am going to limit my arguments at this time solely to this particular machine. In England where the results have been very very encouraging, the breathometer test is inadmissible in a court of law because of the highly erratic results. The English courts will not permit the breathometer test standing by itself to be introduced into court. It must be supported by a blood or urine test. And secondly, the breathometer test, the breathometer machine which is being used in England is a portable machine which the police officers can carry in their vehicles. The one we're discussing here today is a very large machine, very intricate, very complicated, and I would submit to you that there is no member in this body here who can explain to me the workings of this machine.

And I would suggest one thing further, that each one of us here today discuss the breathometer test with our private family physicians. This breathometer test is so inaccurate that any person can beat it and it can be beaten in a number of ways. The easiest way to beat this machine, ladies and gentlemen, and it's going to be done — it's far from foolproof, and any person who wants to defeat it can do it, and you can rest assured the word will get around as to the frailties and weaknesses of this machine. I would suggest that you talk with your family doctor and he will tell you about this.

Now it would appear to me that because the Royal College of Surgeons, the one organization that I know of that has performed tests under ideal scientific conditions and has completely refuted the accuracy and the results of this machine, that we should accept this. Are we going to permit the citizens of this state to be convicted on the results of an inaccurate machine?

We have been very emotional here the past two days. As a member of the Highway Safety Committee I support any form of legislation, I have supported it consistently; and in reference to an earlier statement concerning the divided report I was referring to the report on the municipal training bill which came out of committee unanimous ought not to pass. I was not referring to the implied consent bill.

So I am saying, let us not be identified with the bill, let's not pass a law here today that we know scientifically is inaccurate. And this business of putting the burden on the citizens of the State of Maine to appeal their cases up to the courts so that it can be corrected in the next session of the Legislature, we can't delegate this to others, it is our responsibility. Again to equate opposition to this bill to support of, and to equate this, who says to me that we support the motor vehicle accidents, property damage and personal injury is highly erroneous.

Again for the reasons that we outlined yesterday, and the potential abuse is one of nine reasons which I outlined yesterday, I trust that we will defeat this bill, defeat this amendment soundly, because of the reasons outlined by myself and other speakers.

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

Mr. FORTIER: Mr. Speaker and Members of the House: Last June I listened to a group of eloquent speakers opposing the implied consent bill. The proponents of the bill were unable to convince the House, a vote was taken and the bill went down in a very decisive manner. Ladies and gentlemen, I was disgusted, not at the decision of the House but at myself. I sat here in my seat, seat 137, and though I felt strongly in favor of the bill I sat in this seat entrusted to me by the citizens of the City of Waterville and betrayed that trust by not raising my voice in support of this bill. And every time I think back I become slightly more nauseated at my behavior.

The opponents orated, most of them along the lines of protecting

the freedom of the individuals and by ridicule, which are the very same tactics that have been used in this special session. But who are these individuals whose rights we are so concerned about? Are they the type of people who are concerned about our rights, our rights to live, the rights of our children? What about our youngsters struggling home from school on a winter afternoon under a heavy load of books and with no sidewalks to walk on? Don't they have rights, or do we feel that they should be exposed to the drunken driver as part of the hazards of living, as part of the hazard of having been born?

Ladies and gentlemen, who are we trying to protect really, a few drunks under the guise of protecting individual rights? Shouldn't we be more concerned about the great majority rather than the small minority who are abusing their privilege to drive?

I've heard it said here that our police would take advantage of this law to punish their enemies and as a tool to harass innocent citizens. This is ridiculous. The great majority of our police are dedicated and underpaid public servants and the few that would abuse their office can do it under existing laws. This breathometer we have been speaking of will not change anyone's nature.

Most police departments are undermanned, underequipped, undertrained and underpaid, and there are enough genuine law-breakers to take up all of their time with no time left to harass people. I am convinced that this law and equipment will act as a deterrent. It will discourage that extra drink for the road, and after all isn't this what we all want? Shouldn't we as legislators be more concerned with the great majority rather than a small minority of people who show no concern for their fellow citizens? Shouldn't we be concerned as politicians for the majority rather than this very small minority?

Let us try, in whatever small way we can here today, to stop the unnecessary waste of human lives on our highways and to make our city streets safer for your

children and mine. And while on the subject of children I would like to tell you a short story. This story was told to me as a true story and I have no reason to doubt the veracity of the teller.

It involves a young family man of thirty-one or thirty-two who was involved in a serious auto accident. He was taken to the emergency room of a nearby hospital very close to death. His wife had been called and she was there. The doctors decided to give him transfusions. This man needed a type of blood that was not available at this hospital but it was known that his nine year old daughter had the same type of blood. She was rushed to the hospital. Her mother explained her daddy's condition and the need for some of her blood to save him from dying. She quickly assented and the instruments for making the transfusion were attached. As her blood flowed from her veins to his a noticeable improvement took place and the deathly pallor was replaced by a slight flush in the man's cheeks.

When the doctors were satisfied that the father had regained a fifty-fifty change of surviving, the daughter was released from the instruments. She immediately rushed to her mother, clasped her around the waist and said, "Mommy, do I die now?"

Isn't there something we can do here today to repay this kind of love? Thank you.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps—I know I was led astray by the last speaker to a certain degree, aren't we missing the point? Is this going to do what the proponents claim it will do? I still feel that we need officers who can properly bring the evidence which can be acted upon in a favorable manner to keep such people off the highway. I am as sure as I am standing here that we cannot argue with a machine, and I am even more sure as I look back to the days when I served on the jury, it looks to me like this would be a very fine place for a defense lawyer to hang his

hat. I have tried in the past to argue with mechanical things; I find that eventually argument does no good, you need to fix them by knowledge and knowhow gained in the mechanical field.

The statements were made in regard to the testing of this equipment. I point out to you that equipment of this type is easily and readily damaged in transportation. Any equipment is subject to damage. I think you will find the defense lawyer will point this out in trying these cases. I am sure that you'll find this will be extremely expensive for those involved. The bone of contention as far as I'm concerned will be in favor of the defendant, because I know of no one that would sit on a jury and convict a person if there is a reasonable doubt, and there surely could be just from the standpoint that I have pointed out; the fact that the machine may have been tested surely, but if someone carried this machine, even a few yards, a half a mile or to what distance it does not matter, did he fall, did he bump the machine, this is all a part and parcel of the testimony which I am sure will be carried on at these hearings. I hope that we do not adopt this legislation now.

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

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of this House: The last speaker referred to the possibility of error of this machine. I'm sure that we can all agree that in any mechanical device there is a possibility of error. I can't help but feel, however, that under our system of jurisprudence that any person subjected to such a test who took issue with the results of that test would be allowed the opportunity to participate in a blood test or a urinalysis or some other measure of alcoholic content with which he could refute the finding of this machine. Reference has been made to the opposition of the Maine Municipal Association. I don't know of my own knowledge that they are, but it has been suggested here in debate. I do know of my own knowledge, however, that this is

an association of municipal officers among whom are numbered a great many police chiefs, people with a vested interest in this measure. A great deal has been spoken of of our responsibility to the people, and this has been stressed by the opposition. I would suggest for your consideration that we do have a responsibility to the people. I think editorially in the news media, from our Executive Department of State Government and from all sources, we have found that the people of this state do want redress from the carnage on our highways. We owe them something. If this be imperfect, we can at least try it. Nobody here has been able to state categorically that it won't work; they state that it might not work. Well, if it doesn't work, we will change for the better hopefully, but let's make a start. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Eustis.

Mr. EUSTIS: Mr. Speaker, maybe I'm just a firecracker standing up here before a battery of seventy-fives. All I want to do is place myself on the record as very emphatically in favor of the passage of this bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I shall not try to belabor this amendment or the purpose of this amendment for too long a time. Somehow or other I find myself in the position that possibly if the state police, the municipal police and also the different municipal associations would band together their resourcefulness that we may be able to come out with some formal training for all police officers; and here I must inject this, that certainly in the larger centers of our state the greatest majority of law enforcement officers may very well be qualified to administer these tests, and I am sure that the greatest majority of the same municipal officers would use very good judgment in the application of this law. But let me point out to you ladies and gentlemen of this House that these

law enforcement officers on the municipal level, on the state level, or even the association by which they are represented are not running a popularity contest, and this should not be limited to a popularity contest when it comes to law enforcement.

So some of the ideas that this might create dissension between the different law enforcement agencies, I would offer to you that I think this could bring them together into a better promotion of our laws and also better enforcement of our laws, and certainly to my distinguished colleague from Portland, Mr. Brennan, and the distinguished colleague from Rumford, Mr. Beliveau, both being attorneys fully recognize these facts, and also being in the leadership does not offer me too many opportunities to be running a popularity contest. I have recognized in some areas something has to be done and again I fully recognize the fact that we must be doing something, and this may not be the answer or the complete answer to the problem, but again, as was pointed out on the Floor of this House today, we must afford our law enforcement agencies some area that we can reduce the percentage of carnage on our highways. Thank you.

Mr. Birt of East Millinocket requested the vote be taken by the yeas and nays.

The SPEAKER: The yeas and nays have been requested. The pending question is the adoption of House Amendment "A".

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

Mr. FOSTER: Mr. Speaker, there has been a large segment of our law enforcing agency apparently totally and completely omitted in this discussion this afternoon, and I hasten to explain that this would exclude not only the police officers of the communities, but it would exclude from this enforcement provision all the Sheriffs and their deputies, as you know there are sixteen and they have anywhere from six to sixteen or twenty deputies, and they in small towns, I have in mind a small town in Oxford County, a

resident deputy sheriff has brought the only arrest that has been made in his town and in his area has been made by him the last two or three years, and he has brought in as many drunken drivers as anybody else.

There is another thing that keeps coming up that I don't quite fathom, I don't understand, it is the matter of the percentage of increase of the deaths on our highway. If you saw the Portland paper of last Sunday, the first column, you will note in the first paragraph the increases of crime throughout the country. Some crimes or crimes of violence were increased as much as 70 per cent in just a short time. We are going to have crime with us always, regardless as to what you have on your highway or for drunken driving, you're going to have criminals on your highways, you always will have them; we want to banish them, eliminate them, everybody was trying to do that, we differ in our methods of doing it.

Now in doing it, it has been said that we are going to go along with a few and let somebody get hurt and injured and so forth on the highways. When I was in law school a long time ago, I was told that it would be better for seven guilty people to go unpunished than it was to punish one innocent person. Now one of the ardent supporters of this bill told me yesterday that I was wrong, he said that at that time it was better for nine guilty people to go unpunished than it was to punish one innocent person. Now this is a rule of society; I don't think anybody here will dispute it, and it is something that we should live with and something that we should keep in mind when we are going to try and hang something on a person when he could very well be innocent.

Now as a deterrent factor that this would produce, I question whether it does. I question whether you would produce any appreciable deterrent factor. I wish you would think for a moment of the deterring factor that we have to smoking, and yet by every tick of the clock we have more smokers in our country as time goes by,

and you know the consequences, and you know what the deterrent is or should be in the minds of everybody that does. So I don't believe that these arguments that have been advanced, I don't believe they are too weighty.

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

Mr. LYCETTE: Mr. Speaker and Members of the House: I will be very brief. When I read this amendment I thought it was based on the asinine theory that a young state trooper that wasn't dry behind the ears had better judgment than a captain of a police department of Lewiston who had been there twenty-five years. I now, after having talked with one gentleman, I find that that wasn't the theory of the thing. But let me quote from this document. It says, "The breath test shall be administered by a person certified by the Commissioner of Health and Welfare." Now, as someone noted—in other words, no one is prevented under this law from making arrests for drunken driving.

Now, I question the fallibility or infallibility of this machine, but whether it's good or not for heaven's sake let's if we're going to have a sophisticated equipment and going to have somebody trained for it let's make it available to everyone. I can't see any reason for this amendment.

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

Mr. CONLEY: Mr. Speaker and Members of the House: The amendment that we have has left me somewhat baffled for if I remember right we had Report "A" from the Judiciary Committee and Report "B". Now if we adopt this amendment we're adopting both Report "A" and "B", the fact is what we're doing is the first part of the amendment which has merely to do with electronically, the speed of motor vehicles measured electronically. In this case I'm opposed to this bill because I feel that it's a case of entrapment. And the second part of the bill which is again back to implied consent, which as far as I'm concerned it would make

no difference to me personally whether the bill passes or not because I am not an imbiber. The rest of you will have everything in the world to worry about, some night perhaps if you're out having a good time and particularly if you have an enemy on the state police force.

I know in our town every time around New Year's they always say, don't drive, if you want to ride home call the local police. Well, this will be a beautiful law for them because they can take you right down to the bastille and put you away. I have not yet heard, neither in the regular session nor yesterday, nor have I heard again today, any strong proof that has convinced me of the fact that this bill, implied consent, is going to in any way act as a deterrent to drunken driving. If you are going to stop drunken driving you are going to have to go down some other avenues, some other road.

There was a bill I think that was before us either yesterday afternoon or this morning, it was driving to impair or while impaired. Now if you want to act on something and keep the drunken driver off the road I would think that this probably, would probably be the best vehicle and I would even go so far as to say to repeal the drunken driving statute and to adopt that measure, because under that measure I feel that you will get a heck of a lot more convictions. This bill here again I question the constitutionality of it, I question whether the fact that it will act as a deterrent—in my own mind I know it won't and it's not going to, and I think that everyone is putting their own selves in jeopardy, they're putting their relatives in jeopardy, they're putting the citizens of the State of Maine in jeopardy, under the implied consent law.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Very briefly, I have had two or three persons ask the same question and I want to clear this up. Point number one, this amendment

doesn't have anything to do with the qualification of the person administering the test; it deals only with the fact that the only time that the consent is held to have been given would be when the arrest is by a uniformed state police officer. It has nothing to do with the administration of the test itself.

Secondly, this amendment would have absolutely no effect on the right of county and municipal officers, police officers, sheriffs, to make arrests for drunken driving. They will continue to enforce the law in exactly the same manner that they have in the past. All this does is give to the arresting uniformed state police officer the access to this piece of equipment.

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

Mr. DANTON: Mr. Speaker and Members of the House: Yesterday I related my experience with the machine and I gave you my impressions of its accuracy. It came to my attention this morning that some people were wondering how many drinks I had before I entered that room. I swear to each and every one of you that I did not have any drink whatsoever that contained alcohol, and I also swear to each and every one of you that I didn't eat pickles either!

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

Mr. HARVEY: Mr. Speaker and Members of the House: I will make this fast. We have dealt a lot in passionate pleas and about carnage and this will take the carnage off the highways. The only facts that have been brought out after these long debates is that the machine is not perfect; as a matter of fact it has been described by some as a gadget — that is a fact, it has been proven.

Another fact is that it does take away an individual's constitutional right to be innocent until proven guilty. Now I would like to have anyone in the House tell me another few facts if they can. This must have been looked into because I have been told that this will take the carnage off the highways. How much has the accident

rate decreased in New York, Connecticut, and California since the implied consent law was put into effect? Who can tell me these facts?

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: I cannot answer the question raised by the gentleman from Woolwich precisely, but I do have some facts which relate to references made to deterrents. This is from the Traffic Digest and Review. None of these figures has been presented to you up until this time.

"In the connection with chemical tests there are three things that are certain," I am quoting from this review. "Experience indicates that officers do a much better job in contacting and apprehending the motorist who has had too much to drink, convictions of the guilty increase, and just as importantly, the innocent are exonerated. In many instances, the latter also have had their lives saved when a chemical test has shown that alcohol is not the factor causing impairment but rather a pathological condition requiring immediate medical attention." This goes on to say, two more paragraphs.

"Here one naturally turns to New York," in the implied consent law, "the first state to enact such a law in 1958," and now there are forty such states. Therefore New York is the state having more experience with this law. "In 1952, municipalities in the State of New York reported the use of chemical tests and only about 420 arrests made state-wide that year, despite the fact that it was one of the first four states to have a chemical test statute. New York City at the time had no chemical test program and for that year this city of over 8,000,000 population recorded less than 200 arrests for driving while in an intoxicated condition! This contrasts sharply with more than 5,000 arrests during that same year for the comparable offense in Chicago and Los Angeles, both of which had chemical test programs. Could one properly conclude from

these records that fewer motorists drink and drive in New York City than in either Chicago or Los Angeles?"

This is documented proof from the Traffic Digest and Review. Yesterday we gave you proof of three Supreme Court decisions regarding the constitutionality. I think these questions have been answered sufficiently. Mr. Speaker and ladies and gentlemen, I would urge you to vote for this amendment.

Mr. Jalbert of Lewiston then moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have 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.

Thereupon, the members having voted, the Clerk took a total.

The SPEAKER: Obviously a sufficient number having voted the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? All those in favor of the main question being put now will say yes; those opposed no.

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

The SPEAKER: And the main question being the adoption of House Amendment "A". The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the adoption of House Amendment "A" to L. D. 1875, Bill "An Act relating to Speed of Motor Vehicles Measured Electronically." All those in favor of adopting House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Belanger, Benson, Birt, Bourgoin, Bragdon, Brown, M. F.; Carroll, Clark, Crosby, Darey, Dickinson, Drummond, Dunn, Durgin, Eustis, Evans, Ewer, Fecteau, Fortier, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Haynes, Healy, Hewes, Hichens, Hinds, Hoover, Huber, Immonen, Jewell, Levesque, Lewin, Lewis, Lincoln, Maddox, Meisner, Miliano, Morrell, Mosher, Noyes, Payson, Pendergast, Philbrook, Pike, Porter, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Sawyer, Shaw, Shute, Starbird, Susi, Thompson, Trask, Waltz, Watts, White, Wight, Williams, The Speaker.

NAY — Bedard, Bellevue, Berman, Bernard, Binnette, Boudreau, Bradstreet, Brennan, Bunker, Burnham, Carey, Carrier, Carswell, Champagne, Conley, Cornell, Cote, Couture, Crockett, Crommett, Curran, Cushing, D'Alfonso, Danton, Drigotas, Dudley, Edwards, Farrington, Foster, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Hawes, Henley, Hennessey, Hodgkins, Humphrey, Jalbert, Jameson, Janelle, Keyte, Kilroy, Kyes, Lebel, Martin, McMann, McNally, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Quimby, Robertson, Robinson, Rocheleau, Ross, Roy, Scribner, Snow, P. J.; Snowe, P.; Soulas, Tanguay, Townsend, Truman, Wheeler, Wood.

ABSENT — Brown, R.; Buck, Cookson, Cottrell, Dennett, Hunter, Littlefield, Lycette, Quinn, Scott, C. F.; Scott, G. W.; Sullivan.

69 voted in the affirmative and 69 voted in the negative.

Mr. Fraser of Mexico was granted permission to change his vote from yes to no.

Mr. Miliano of Eastport was granted permission to change his vote from no to yes.

Yes, 70; No, 69; Absent, 12.

The SPEAKER: The Chair will announce the vote. The Speaker

having voted yes, the amendment is adopted seventy to sixty-nine.

Is it now the pleasure of the House that this Bill be passed to be engrossed as amended?

(Cries of "No")

The Chair will order a vote. All those in favor of this Bill being passed to be engrossed as amended will vote yes—

Mr. Brennan of Portland then asked for a roll call.

The SPEAKER: A roll call is requested on passage to be engrossed. 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 engrossment of House Paper 1330, L. D. 1875 as amended. All those in favor of this bill being passed to be engrossed as amended will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Belanger, Benson, Birt, Bragdon, Brown, M. F.; Carroll, Clark, Cornell, Darey, Dickinson, Drummond, Dunn, Durgin, Eustis, Evans, Ewer, Fortier, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Haynes, Healy, Hewes, Hichens, Hinds, Hoover, Huber, Immonen, Jewell, Levesque, Lewin, Lewis, Lincoln, Maddox, Meisner, Miliano, Morrell, Mosher, Noyes, P ayson, Pendergast, Philbrook, Pike, Porter, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Sawyer, Shaw, Shute, Starbird, Susi, Trask, Waltz, Watts, White, Wight, Williams.

NAY — Bedard, Beliveau, Berman, Bernard, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Bunker, Burnham, Carey, CARRIER, Carswell, Champagne, Conley, Cote, Couture, Crockett,

Crommett, Crosby, Curran, Cushing, D'Alfonso, Danton, Drigotas, Dudley, Edwards, Farrington, Fecteau, Foster, Fraser, Gaudreau, Gauthier, Gill, Giroux, Harnois, Harvey, Hawes, Henley, Hennessy, Hodgkins, Humphrey, Jalbert, Jameson, Jannelle, Keyte, Kilroy, Kyes, Lebel, Martin, McMann, McNally, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Quimby, Robertson, Robinson, Rocheleau, Ross, Roy, Scribner, Snow, P. J.; Snowe, P.; Soulas, Tanguay, Thompson, Townsend, Truman, Wheeler, Wood.

ABSENT — Brown, R.; Buck, Cookson, Cottrell, Dennett, Hunter, Littlefield, Lycette, Quinn, Scott, C. F.; Scott, G. W.; Sullivan.

Yes, 65; No, 73; Absent, 12.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-three in the negative, the Bill is not passed to be engrossed.

Is it now the pleasure of the House that this Bill be indefinitely postponed?

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

Mr. JALBERT: Mr. Speaker and Members of the House: As the bill stands now, yesterday I asked a question wherein it concerned L. D. 1875, and I was told by some members of the Judiciary Committee that this ten mile situation would be corrected. In view of the fact that in case this amendment did not pass, I am having now an amendment prepared that would clarify the situation as agreed upon in L. D. 1875, and for that reason I would hope that someone would table this measure pending the preparation and distribution for introduction of this amendment.

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

Mr. LEVESQUE: Mr. Speaker, I move this lie upon the table until the next legislative day.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that item 1, L. D. 1875 be tabled until the next legislative day.

(Cries of "No")

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until later on in today's session.

(Cries of "No")

The SPEAKER: The House will please be in order. We expect decorum in here; we expect proper treatment from each individual, and I'm sure that you are amazed at each other for your actions. The motion pending is the motion of the gentleman from Madawaska, Mr. Levesque, that this matter be tabled until the next legislative day pending indefinite postponement. Is this the pleasure of the House?

(Cries of "No")

The Chair will put this to a vote. All those in favor of tabling will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

81 having voted in the affirmative and 57 in the negative, the tabling motion did prevail pending indefinite postponement.

The Chair laid before the House item 2 tabled earlier in today's session and later today assigned:

An Act relating to Tax on Real Estate Transfers. (H. P. 1335) (L. D. 1879)

Tabled—Earlier in the day, by Mr. Gauthier of Sanford.

Pending—Passage to be enacted.

On motion of Mr. Carrier of Westbrook, under suspension of the rules, the House reconsidered its action of January 22 whereby the bill was passed to be engrossed as amended by House Amendment "A."

The same gentleman offered House Amendment "B" (H-534) and moved its adoption.

House Amendment "B" was read by the Clerk.

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

Mr. HANSON: Mr. Speaker and Members of the House: If I understand this amendment correctly, this is removing the penalty of five times the amount of the stamps required, but would leave the penalty of \$25.00. I think you can all understand what might happen

if a person purchased a home upon the deed of which tax stamps in excess of \$25.00 were required to be placed, it would be financially to their benefit to accept the penalty rather than to place the stamps on, and to me, this isn't good legislation. I can't find myself in my meager arithmetic where this would work too great a hardship, the original penalty. The gentleman from Westbrook, Mr. Carrier, this morning, or prior, indicated that a fine or tax stamps in an amount of \$300 or more might be necessary on a home of \$30,000. Well my arithmetic indicates that at a rate of 55 cents on \$500 or \$1.10 on a \$1,000, a \$30,000 house would only require \$33.00 of tax stamps. If the tax stamps were not affixed to the deed and the penalty were invoked, the fine would only be five times \$33.00 or \$165.00. Now on a \$30,000 transaction, this doesn't appear to me at all unreasonable. When you get down into the ordinary type of house that I would be forced to buy, a \$10,000 or \$12,000 house it amounts only to a fine slightly in excess of \$50.00 which isn't much more than the \$25.00. I honestly can't find too much wrong with the original measure, and I do feel that this amendment particularly weakens it to the point where it is completely unacceptable. Thank you.

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

Mr. CARRIER: Mr. Speaker and Members of the House: One of us is misinterpreting this thing here because the gentleman from Solon states that if you sell a \$30,000 house or at least infers that if you sell a \$30,000 house all he would have to do is take the penalty and pay \$25.00. Well, I'm not a lawyer, but to my knowledge, you cannot agree to pay the penalty instead of the regular obligation that you have to pay. It is my understanding you would still have to pay the \$33.00 with the \$25.00 fine besides. I think that the \$25.00 fine, I wasn't too much in favor of that, but that's all right. In order to make any law workable, we would have to have some kind of punishment or

penalty to it, and the \$25.00 will do it.

On the other hand, I think there is a misconception that you could take your choice of paying the penalty instead of paying the regular obligation. To my knowledge, this is not so, and the court won't allow you to do this. A very, very clear example is that if somebody would be doing things against a certain ordinance that carried a \$100 fine a day and it is advantageous to him to pay that \$100 a day instead of giving in to the ordinance and complying with the ordinance, I don't think that the court would let him do that even if he chose to pay the penalty. So I think in this case here, I think one point he has stated which I agree with, if it's a \$33.00 penalty, five times that is \$165.00, that is a lot of money for some people; as a matter of fact, the point I tried to impress on you this morning was the fact that the fellow that buys a \$7,000 or \$8,000 house and gets caught with \$50.00 or \$60.00 of penalty, it causes him much more hardship than the fellow that happens to be lucky and owns a \$30,000 house. So therefore, I think that with this deletion of five times the amount of the stamps that the penalty itself will deter — will accomplish what the bill is trying to do, and that is to give the State of Maine a civil action against the fellow that does not affix the stamps to it, and I think that the penalty is minimized and I think that this is a good amendment and I hope that you will support it.

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

Mr. HANSON: Mr. Speaker and Members of the House: I would like to thank the gentleman from Westbrook, Mr. Carrier, for setting me straight. I am another one with egg on my face; I understand now that he is correct, that you couldn't escape the affixing of the stamps by the payment of the fine, and I wish to apologize to him and to the House for inferring that this could be done. I don't know now that I would have too serious objections to the reduced fine, it still leaves the

person liable to civil suit, if I understand it correctly. I think that's all I have to say. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: First off, as House Chairman of Judiciary, I would like to set one thing straight. I think this talk of people buying substantial homes or the more expensive homes and fudging on these stamps is sheer nonsense. I think the people that are going to be buying substantial homes or the more expensive homes are very responsible citizens, and I think that the only purpose of putting a reasonable penalty here is to try to insure compliance.

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

Mr. DAREY: Mr. Speaker, Members of the House: In these real estate transactions, I cannot conceive of anybody purchasing property and getting a warranty deed and not taking care of the stamps, whether they are the vendor or the grantor or the grantee, that they would insist on those stamps or see that they were put on just as they would insist that they were getting a warranty deed or the description was proper, or that the spouse signed, and regard that as a part of the deed.

Now when we considered this bill, we followed the Federal procedure, which was suspended — discontinued after January 1st. The procedure appears the same as the Federal procedure. I might add that in Title—that there is a penalty in the Federal Statute, I.R.S., Title 26, 7271 of the Internal Revenue Code provides for a \$50.00 penalty, and after giving this considerable consideration in the Judiciary we reduced that penalty to \$25.00.

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

Mr. HENLEY: Mr. Speaker, I have no objection to either the amendment or the law, but because of what the gentleman from Livermore had to say, I

would like to state experience on the situation and I wonder just how prevalent it is to enforce these laws. I know through the years many times I have seen reports of real estate transactions with the size of the stamps listed. Many, many times I was quite positive that the stamps did not illustrate the value of the real estate transaction. Recently, I was contacted by a couple of bankers in my area who of course have had a lot to do with real estate transactions. They asked me if this law was going to be enforced. They stated to me, these gentlemen, that it was more or less accepted practice a good many times that the stamps did not illustrate the amount of the transaction, that it was not necessary to show on a warranty deed the amount involved, that all it showed was one dollar and other considerations; that a good many times the other considerations were to the advantage of the buyer perhaps to not reflect the true amount. So I arose merely to inquire if anyone knows if this is or will be actually enforced or is just going to be a law on the books?

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

Mr. HANSON: Mr. Speaker, I had a note here from this morning's or prior debate also on a statement from Mr. Carrier of Westbrook, to the effect that often times—I shouldn't say often times, but on occasion these stamps do not reflect the actual market value of the property, and Mr. Henley has brought this up again, and I feel that perhaps I should set the record straight to this extent, that they are correct in saying this. However, both the State Tax Office and local assessors take this into account, it is not too difficult, and they have a great number of transactions available and this gives them a general opinion or view or estimate of the actual value of a given piece of property, and at any time when they find properties which are apparently out of whack, the tax stamps don't indicate a reasonable market value, why they are discounted or

discredited, and it isn't as difficult to do this as you might assume.

Another question that was raised in debate this morning, this has been debated, and I would like to comment on at this time, the gentleman from Mechanic Falls, Mr. Foster, even though he was favorable to the bill, he did indicate that these stamps are no longer necessary per se to the valuation of property, but in the final analysis the best actual assessment of value is the market sale; even a group of professional assessors, when they come into a town, recognize that property values fluctuate from community to community. I am sure you are all aware of situations where a given house, a \$15,000 in community A would sell for perhaps \$12,000 in community B or \$20,000 in community C. There are several things which affect market value, economic conditions, social conditions, and the income of the community, the stability of the wage scales and so forth, and so that in order to arrive at a value for economic factors and social factors that even professional assessors have to take into consideration the fair market value, and this is done by a comparative sales method and we get the sale prices from the tax stamps. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I think one of the arguments that was advanced last spring in opposition to this bill was the fact that the stamps do not have to be attached under the Federal law to a deed until you receive it back, it is your responsibility to put them on, and they can go to the recorder without any stamps affixed at all. This doesn't show the assessor what was paid for a piece of property, and I think this new law also provides the same thing in the state before recording, or immediately after. I don't think there is any question about the stamps having to be attached before it is recorded.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: I have but one question relative to the bill. I can probably talk to you for hours on the application of the valuation as set by the Bureau of Equalization and the methods used in regards to using transfer of property as one of their prime criteria for setting the values. I won't go into that. I am interested in asking from any one on the Committee whether the Commissioner, and I assume he would, has indicated that he would establish a percentage of commission for the entire state, or would this vary from one percent to ten percent?

The SPEAKER: The pending question is the adoption of House Amendment "B." The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I would like to get the answer to my question. I assume there was a hearing on this bill, and perhaps someone from the department was there.

The SPEAKER: The gentleman from China, Mr. Farrington, poses a question through the Chair to anyone who may answer if they choose, and the Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I would like to answer his question and be as brief as I can. I don't know that I completely understand it though, the percentage of what?

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

Mr. FARRINGTON: You have the document before you, it is in Chapter 4652, Tax Stamp Rules, and it is the last sentence, it says: which compensation shall be not to exceed ten percent commission of the legal price of the stamps sold.

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

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: The enforcement of this act and the arrangements for the distribution of the stamps and so forth is left up entirely to the State Tax Office, Mr. Johnson's office.

Now we were in doubt as to what outlets that these stamps should be available at. We concluded pretty much that the Register of Deeds would be a proper outlet, and others have thought perhaps banks. In the bill it says that the Register of Deeds or such other agency as may be designated by the Tax Office. Now as to the amount, whether it is one percent or ten percent is something I presume that the Tax Office will have to work out with the various Registers of Deeds. It doesn't go to the Register individually. I think that there was some doubt in the other branch, there was some doubt as to the conclusiveness of that, that there might be uncertainty, and I believe they intend to amend it saying that it shall go to the county and not of course to the individual Registrar, so it is up to ten percent to the county and the remaining ninety percent of course to the State, general fund.

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

A vote of the House was taken.

91 having voted in the affirmative and 10 having voted in the negative, House Amendment "B" was adopted, the Bill passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence and sent up forthwith for concurrence.

On motion of Mr. Benson of Southwest Harbor,

Recessed until five o'clock this afternoon.

After Recess
5:00 P. M.

Called to order by the Speaker.

The SPEAKER: Is there objection to taking up matters from the Senate out of order? The Chair hears none. The Chair will call your attention to Supplement number four.

**Non-Concurrent Matter
Tabled Until Later in
Today's Session**

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 756) (L. D. 1867) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House:

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

Mr. NADEAU: Mr. Speaker, as we all realize, we had a short recess 'til 5:00 o'clock; I get here on my desk and I find eight or nine amendments and I'd like to remind all you good people who have just come in who have not had time to look at it, they're beautes, and we start off with this supplement number 4, and before we go on and let this go under the gavel as they say I think you ought to look at some of these beautes. They're making a bout every change that occurred in the session of the 103rd, this is how much deliberation we should give to the taxpayers. They did claim that we stayed here the longest, we have the honor, the dubious honor of having been here the longest of any other prior session, and now in a short space of a recess between the hour of 4:00 to 5:00 they throw to us this little an act to correct errors. I guess they're correcting errors, so I wish someone would at least give us time to look at these, just briefly look into these, I don't want to take your time and read them. It says here the clerk of the courts they are changing the thing from three months to two months; they're changing—oh, take a look, it's too long, it would take you an hour to look at them. They don't even want to give you time to look at 'em. There's something else, special orders, and this is my baby, special order by the commis-

sion for unstocked merchandise shall be priced at not less than and they change it from 65 to 75 per cent, another increase in liquor. Eh God, there goes York County again to New Hampshire. Here's another thing on real estate, this is a real beaut, it covers everything except our pay. In all cases of foreclosure, this is another amendment in this errors, let me read this, and I've only had time to look at it for a minute, in all cases of foreclosure of real estate mortgages by publication or certificate of the publication of foreclosure made by the mortgagee or by an officer of the mortgagee, if a corporation so on and so on, read it, but do you know what it's saying? All I ask that we be given at least the time to take a look at this and not accept something because the other honorable members of the other body tell us that we should without an argument or at least time to look at it. I personally would move that whatever the correct word would be that we insist on our previous action which would mean not accept any of these until we have time to look at it. Thank you.

The SPEAKER: The Chair would advise the gentleman that we are proceeding on acceptance or rejection of the report.

Mr. NADEAU: Mr. Speaker, will we have time to take a look at this? Inquiry please.

The SPEAKER: The matter is before the House. Is it the pleasure of the House to accept the Committee Report?

Mr. NADEAU: It isn't as far as I'm concerned, maybe they're not concerned in taking a look at it. Can anyone tell me that you spent two minutes, all I ask of you, is that you admit that you spent two minutes to look at these. It covers maybe thirty or forty things and we're going to let it go under the gavel? Ladies and Gentlemen of the House, I move and request a roll call whether we accept this or not. Are we going to be led by a small group who are going to tell the 151 of us what to do? At least they ought to give us the courtesy of looking at them. I know we're in a hurry to go home.

The SPEAKER: The Chair would advise the gentleman that each amendment will be considered separately prior to adoption of the amendments. Is it the pleasure of the House to accept the report? A roll call has been requested.

Mr. NADEAU: Mr. Speaker! Mr. Speaker!

The SPEAKER: The Chair recognizes the —

Mr. NADEAU: Could I have the honor of tabling this at least so we—

The SPEAKER: Will the gentleman please be in order?

Mr. NADEAU: I'm sorry.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen: I apologize. But this gets me, in five seconds, would someone please allow some of us the time to look at this?

Could I please table this until tomorrow so most of us would at least have the opportunity to read this?

The SPEAKER: The Chair would advise the gentleman that his tabling motion is not in order, he having debated his tabling motion. A roll call has been requested on the acceptance of the Committee Report. 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 Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: I request a quorum.

The SPEAKER: A quorum has been questioned. The Chair will declare a quorum present. A roll call has been ordered. The pending question is the acceptance of the Committee Report. All of those in favor of accepting the Committee Report will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Allen, Belanger, Beliveau, Benson, Berman, Bernard, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, M. F.; Bunker, Burnham, Carswell, Champagne, Clark, Cornell, Crockett, Crosby, Curran, Cushing, Darey, Dennett, Dickinson, Drummond, Durgin, Edwards, Eustis, Evans, Farrington, Gill, Giroux, Hall, Hanson, B. B.; Hanson, P. K.; Harvey, Hawes, Haynes, Healy, Hennessy, Hewes, Hichens, Hodgkins, Huber, Humphrey, Jalbert, Janelle, Jewell, Keyte, Kilroy, Levesque, Lewin, Lewis, Maddox, Martin, McNally, Meisner, Minkowsky, Morrell, Payson, Pike, Porter, Prince, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Sahagian, Sawyer, Scribner, Shaw, Shute, Snow, P. J.; Snowe, P.; Starbird, Wheeler, White, Wood.

NAY — Baker, E. B.; Baker, R. E.; Carey, Cote, Dudley, Hanson, H. L.; Harriman, Jameson, Kyes, Mosher, Nadeau, J. F. R.; Pendergast, Philbrook.

ABSENT — Bedard, Bradstreet, Brown, R.; Buck, Carrier, Carroll, Conley, Cookson, Cottrell, Couture, Crommett, D'Alfonso, Danton, Drigotas, Dunn, Ewer, Fecteau, Fortier, Foster, Fraser, Gaudreau, Gauthier, Harnois, Henley, Hinds, Hoover, Hunter, Immonen, Lebel, Lincoln, Littlefield, Lyette, McMann, Miliano, Nadeau, N. L.; Noyes, Quimby, Quinn, Rackliff, Robertson, Rocheleau, Ross, Roy, Scott, C. F.; Scott, G. W.; Soulas, Sullivan, Susi, Tanguay, Thompson, Townsend, Trask, Truman, Waltz, Watts, Wight, Williams.

Yes, 80; No, 13; Absent, 57.

The SPEAKER: The Chair will announce the vote. Eighty having voted in the affirmative and thirteen having voted in the negative, the Report of the Committee is accepted in concurrence.

Thereupon, the Bill was read twice.

Committee Amendment "A" (S-362) was read by the Clerk and adopted in concurrence on a viva voce vote.

Senate Amendment "A" (S-358) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-366) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, again, ladies and gentlemen, maybe I got excited before, but would you please, I beg of you, take a look at this Senate Amendment 366, Filing S-366, would you please look at it? Just for one moment. Now how can we in our right minds sit here today, the 24th of January and say that all at once we're going to make a change which used to be two million dollars to ten million dollars without even questioning it. Now I beg of you, have we forgotten about the people back home?

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

Mr. RICHARDSON: Mr. Speaker, for the information of my friend from Sanford, Mr. Nadeau, I would like to have him know that the question of errors and inconsistencies bills or omnibus bills has been debated in this House many, many times, and there is certainly no thought on my part to stifle any debate. If the question is directed to Senate Amendment "B", and it is in order, Mr. Speaker, I would like to answer the gentleman's question, if it was a question.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: The Governor of the State of Maine addressed, as you may have seen on your calendar this morning, a letter to the Speaker of the House and an identical letter was directed to the President of the Senate, indicating that the Constitution permits a larger amount of borrowing than the statutory provisions allow. In August of this year we are going to confront a very serious crisis in that we are not going to be able to make the school payments because we have followed a financial course which leaves us no flexibility whatever. The Governor has requested that we make this change in the statute, which we have express Constitutional authority to carry out. The necessity for this is the request

of the Governor in order to provide the necessary flexibility to make these payments, and I'll be happy to answer any other questions that I am able to, and I would call on the House Chairman of the Judiciary Committee to answer any questions that deal with those portions of the amendments that were brought out by the Judiciary Committee.

The reason for this legislation is that in the past, we have been able to make payments out of surplus, but we no longer have a surplus in the great State of Maine and this is the reason we have to borrow in order to meet these payments that we are obligated by law to make in August of 1968.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise to concur with the remarks made by the gentleman from Cumberland, Mr. Richardson. Previous to the last regular session it had always been the custom for the Treasurer of State to negotiate loans in anticipation of taxes. However, as is customary, or as we sometimes find out after it is too late, this was not constitutional, and so at the regular session of the 103rd a Resolve was introduced to change the Constitution and to allow borrowing and negotiating temporary loans in anticipation of taxes. The people of the State approved this last fall, and this amendment introduced by a member of the other body would put in effect an amendment which the people voted on last fall, and I certainly hope that the members of the House will go along with Senate Amendment "B."

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

Mr. BERMAN: Mr. Speaker, for our own edification, I would like to ask my good friend the gentleman from Cumberland, Mr. Richardson, whether Senate Amendment "B" to An Act to Correct Errors and Inconsistencies in the Public Laws is in the nature of a substantive amendment or is in the nature of a procedural amendment?

The SPEAKER: The gentleman from Houlton, Mr. Berman, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, it is by no stretch of the imagination a procedural change in the law and as the gentleman from Houlton, Mr. Berman knows, it was I think two years ago that the present Majority Leader of the House practically had an apoplectic seizure over putting substantive changes in the law in an omnibus bill, and I am not going to attempt to be ingenious enough to suggest to you that this is not a substantive change. It is a substantive change in the law, it is requested by the Governor of the State; I would have preferred to have seen it done by the introduction of an order and the reporting out of a bill. However, I was overruled on that and that is the reason I am taking the time now and I wanted to point out to the gentleman from Sanford the reason why this change is being made. I don't like to use an omnibus as a vehicle to sneak little cuties through and my friend in the other body, and I can't refer to him by name, but he is standing about six feet away from you, Mr. Berman, would remind you of the fact that we have had occasion to debate this issue before.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As the Majority Floor Leader has indicated to you some of those things sometimes can be done other ways and relatively the same effect can come about, but this I understand as was indicated in the message conveyed to the members of the House and the Senate this morning to cover an error or inconsistency or a change in the law that in effect was made but was not put into force, so this necessitated these changes in order that the Department of Education which now goes into a lump sum payment of some of its subsidies, where a few years ago might have been a few million dollars, could

have been taken out of the surplus if there was a surplus, or it could be paid over a period of months. Now where this subsidy now amounts to somewhere in the vicinity of \$24,000,000 that it is almost impossible for this State in a short period of time to be able to accumulate this amount of money so that it will be paid in a lump sum payment, so this in effect, allows the State of Maine the same as your municipalities do from the time that they issue the town warrants and the people vote on a measure that you have to borrow in anticipation of taxes in some areas. This in effect is relatively the same thing, that they have to have this legislation in order to be able to pay the lump sum subsidies to the different towns and municipalities.

The SPEAKER: The pending question is the adoption of Senate Amendment "B". Is this the pleasure of the House?

The motion prevailed.

Senate Amendment "C" (S-367) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, again I rise and question why on the 24th of January we want to omit, mind you, this is what this amendment is doing, omit: there shall at no time be more than one commissioner from any one county. What is this, a special little group? And I fall to agree with the Senate on this case. I feel that this is equal representation no one should question, why there should be more than one, and this is all it is doing. I, for one, would like to propose that we do not accept this.

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

Mr. HANSON: Mr. Speaker and Members of the House: Might I inquire through the Chair of anybody who can answer as to just what this Commissioner is the commissioner of?

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

gentleman from Waterville, Mr. Carey.

Mr. CAREY: It is the Real Estate Board.

The SPEAKER: Is the House ready for the question? All those in favor of the adoption of Senate Amendment "C" will answer yes, those opposed will say no.

Thereupon, Senate Amendment "C" was adopted in concurrence on a viva voce vote.

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

Mr. MARTIN: Mr. Speaker, before we proceed, I wonder if someone could explain Senate Amendment "A" which we adopted.

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

On motion of Mr. Richardson of Cumberland, tabled pending assignment for third reading and assigned for later in today's session.

Non-Concurrent Matter

Resolve Providing for a Retirement Allowance for Lois Blackwell Goodwin (H. P. 1280) (L. D. 1786) which was finally passed in the House on January 16 and passed to be engrossed on January 12.

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

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

Non-Concurrent Matter

An Act Establishing the Bureau of Mental Retardation (H. P. 1312) (L. D. 1841) which was passed to be enacted in the House on January 16 and passed to be engrossed on January 12.

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

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

Non-Concurrent Matter

Report "A" of the Committee on Judiciary on Bill "An Act relating to Percentage by Weight of Alcohol in Blood of Operators of Motor Vehicles" (S. P. 766) (L. D. 1823) reporting same in a new draft (S. P. 813) (L. D. 1883) and that it "Ought to pass", and Report "B" reporting "Ought not to pass" on which the House accepted Report "B" in non-concurrence on January 24.

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.

In the House:

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

Mr. BERMAN: Mr. Speaker and Members of the House: This is a matter that we debated at great length this morning. The hour is late and the second special session of the 103rd Legislature is late. I therefore move that we adhere.

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

Mr. RICHARDSON: Mr. Speaker, I would inquire of the Chair of the appropriate parliamentary motion with respect to the Senate's action. If we recede and concur will that put us in the position of joining in a Committee of Conference?

The SPEAKER: The Chair would advise the gentleman that if the House recedes and concurs it will be in concurrence with the Senate.

Mr. RICHARDSON: In joining in a Committee of Conference?

The SPEAKER: This would be the acceptance of Report "A".

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

The SPEAKER: The gentleman from Cumberland, Mr. Richardson now moves that the House insist and join a Committee of Conference. Is this the pleasure of the House?

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

Mr. BERMAN: Mr. Speaker and Members of the House: I don't wish to belabor this point. This is

a very technical thing. The House resolved itself on this matter this morning in at least two votes as I recall and I say that it will serve no useful purpose at this time to join a Committee of Conference. I hope that the House votes against the motion to insist and join a Committee of Conference and then we will be able to vote on the motion to adhere.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I disagree with the gentleman from Houlton, Mr. Berman. This will serve as a useful purpose and may save us a day here. I certainly hope that the motion of the gentleman from Cumberland, Mr. Richardson will prevail.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I likewise would like to support the motion of the gentleman from Cumberland, Mr. Richardson, that we join in a Committee of Conference.

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

Mr. McMANN: Mr. Speaker, I would like to know what it's all about.

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

Mr. JALBERT: Mr. Speaker, we'll find out when the Committee of Conference meets.

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

Mr. BERMAN: Mr. Speaker, Members of the House: To expedite things, in good faith on my part I would go along and have a Committee of Conference.

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

The Speaker appointed the following Conferees on the part of the House:

Messrs. RICHARDSON

of Cumberland
BRENNAN of Portland
BERMAN of Houlton

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

Mr. BIRT: Mr. Speaker, I would inquire if the House has in its possession House Paper 1335, L. D. 1879, Bill "An Act relating to Tax on Real Estate Transfers"?

The SPEAKER: The answer is in the affirmative.

Thereupon, on motion of the same gentleman, the House reconsidered its action of earlier in the day whereby the Bill was passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence.

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

Mr. NADEAU: Mr. Speaker, an inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. NADEAU: When these legislators get up and ask if we have a certain paper in the House, will they please give us a little information as to what bill they're talking to and what they intend to propose. Would that be in order?

The SPEAKER: The Chair would advise the gentleman that the statement has been made that it is House Paper 1335, L. D. 1879, Bill "An Act relating to Tax on Real Estate Transfers" and the House has voted to reconsider its action.

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

House Amendment "C" (H-538) was read by the Clerk.

The SPEAKER: The pending question is on the adoption of House Amendment "C" and the Chair recognizes the same gentleman.

Mr. BIRT: Mr. Speaker and Members of the House: To clarify, to explain this amendment because it came through rather rapidly, this is the administrative expense in order to implement the act that you previously adopted this afternoon, and it will require one per-

sonnel and the money this involves for this particular procedure.

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

By unanimous consent was ordered sent forthwith to the Senate.

The SPEAKER: The Chair will now call the attention of the members to Supplement No. 5.

**Ought to Pass in New Draft
New Draft Printed
Passed to Be Engrossed**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969" (S. P. 784) (L. D. 1856) reporting same in a new draft (S. P. 815) (L. D. 1885) under same title and that it "Ought to pass"

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

In the House, the Report was read.

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

Mr. RICHARDSON: Mr. Speaker, I move that we accept the Committee Report and I would speak to the motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that the House accept the Committee Report. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: You now have before you L. D. 1885, which is the basic appropriations measure which we hope will be accepted by the membership of this Legislature. It represents a diligent, and I report to you in all sincerity, bipartisan effort to eliminate many of the points of controversy that exist. There has been a great deal of giving and taking, I can assure you. I feel that I got taken more

than I perhaps should have, but anyhow this is the end product.

Now there are a number of important things in here for every one of us to consider. I would mention only two or three of them. I would hope that we can take this bill through a third reading and get it passed to be engrossed this evening and then tomorrow we can decide whether or not we're going to go any further with any of these other matters.

We have restored \$400,000 to the University of Maine, in its operating funds request you will recall that the cut that was effected was \$700,000 in the original proposal; now we have restored \$400,000 of that. I think that by making temporary adjustments and making a real effort the University of Maine can take on the 850 additional students that they wanted to take on, and that they can educate these young people without any substantial cutback in the essential educational services.

Now this may end up with the University of Maine using some funds that are in other areas, making transfers and so forth, but I think that we can rest assured that we are making a real effort to use the physical facility that we have available and I hope that this will find favor with you. The question of scholarships is in here and we propose to fund the first year of the biennium and to leave to the 104th Legislature the determination as to whether or not this program is to be continued. There are a number of other changes in here. The University's director for the consortium of state colleges and institutions and oceanography, that has been funded. The bi-state commission on oceanography has not been funded

This matter has been discussed by the Speaker and the President of the Senate with the Governor of the State. It is an attempt, a genuine attempt to arrive at a compromise — and may I say this. You have on your desks an amendment which the gentleman from Portland, Mr. Scribner has had distributed. If you open up this bill to this amendment, and I feel that in all good conscience you must — at least as far as I'm concerned

we will open up the entire bill because there are a number of items on here that I feel as strongly about as I am sure the gentleman from Portland does. And I would hope that we will all recognize that our better interests and our better course of action here is to accept this as a compromise document, you will have ample time to study it, to be familiar with it before you vote on it for enactment. Thank you.

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

Mr. SCRIBNER: Mr. Speaker and Members of the House: I also feel that I've been taken, as I think probably most every member of the Appropriations Committee does. I think that the only way we would come out with a good document would be with that feeling anyway. I would like to explain the intent of this amendment which I propose and what the situation is as it exists.

The proposal in L. D. 1885 is that we fund only that portion for the students that are involved in the program at the present time. However, as you recall several days ago we discussed L. D. 1759 which would have abolished Chapter 302 of Title 20, which is the state scholarship law and it failed at that time. I believe there was a great deal of discussion at that time, some people felt that the intent was that perhaps enough legislators would be satisfied if we merely funded those people that are involved in the program.

I think there was a serious question as to what we mean when we say those that were involved in the program. On Monday of this week was the deadline for filing applications which were solicited for those people that filed for the next step in the state scholarship program. 1050 students have applied for this program and their applications are now on file in the Department of Education. If we pass this bill as it is presently proposed this would necessitate the Department of Education returning these applications and sending letters to these parents all over the state, that the Legislature the very same week that applications

were due denied funds to this program. This is the situation as it exists today.

We had a great deal of debate which I am not going to cover regarding whether students should receive scholarships or whether they should provide for their higher education through a loan program. I think that one thing that was not mentioned at that time that is quite important is that this seriously disrupts the work study program. There are a number of students who qualify for the work study program whereby they will receive a scholarship based on need, a small loan plus they can receive about \$1.75 an hour for working in a mimeograph room and thereby complete their education.

If we deny scholarships to needy students we are going to deny them the advantages of this type of program; in other words, we are going to deny them a higher education. It may be necessary — I have suggested to the Majority Floorleader that funds could be found to continue this program. It's on the Statutes, I think as responsible legislators we have to be concerned as to whether we're going to fund everything that the law provides. An attempt was made several days ago to repeal this program and it failed. It's the law of the land as far as the State of Maine goes, it's a program that we've endorsed. Perhaps some other action should have been taken at that time and with a little bit of Monday morning quarterbacking we will not do it this time. We might have taken a little different action when the bill was before us to repeal the scholarship program.

There are several things that I could do at this time. I could present the amendment, have a roll call, and it would make something to put forth to the people of the State of Maine. The Democratic Party tried to continue this program and to eliminate the necessity of sending these letters from the Department of Education, which is undesirable. I am not going to present the amendment. I am unhappy, very unhappy. I think that this is the type of situation that involves, under some of

the situation that we have regarding the presentation of a n appropriations act. In this special session the Governor's office and the members of the Appropriations Committee of both parties worked quite diligently to provide a free exchange of information in order that the appropriations act would be satisfactory to everyone involved. It evidently did not succeed.

The bill that we have no one is satisfied with it and I think that would be desirable because — but if it has serious deficiencies which I want to point out and one example of this is a serious deficiency. We're going to go home, we're going to be subject to a lot of criticism, but as I see it that's the way it's got to be. I just hope that the next time we come back up here we can do a better job. I think there probably could be money found to fund this amendment. I'm not going to make the attempt, I'm not going to delay us another day up here. But I want to bring out to the members of this House, we've nearly 120 years of history behind the actions that we take here, that perhaps we're not doing all we should do.

I think it's a very serious matter. When we put a law on the books, we try to repeal it, and we come in through the back door and effectively repeal it. That's what we're doing in this case. I'm unhappy about it; I think every member of this House should be unhappy that we have to take this sort of action. But somehow we have to come up with an appropriations act that comes up to a total that matches the revenues of the state. That has been done. The members of the Minority Party I feel have not had an effective voice in this practice. The document is not completely as much a joint effort as I would like to see it, but I'm not sure just what can be done. Therefore, I defer.

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

Mr. BIRT: Mr. Speaker and Members of the House: I sympathize a good deal with the remarks of the good gentleman

from Portland, Mr. Scribner. I have enjoyed the experience during the last two years of working with him; it has been one of the most pleasant experiences I have had in this Legislature. As far as the scholarship program is concerned, I think probably I could hark back to about thirty-five years ago and wish that a scholarship program of this type had been available for myself, but it wasn't.

But I would point out to the members of this Legislature that last fall a letter was sent to every secondary school in the State of Maine pointing out the fact that the 103rd Legislature had not funded the continuation of this program and there would be no assurance that any money would be available, and every student should have been notified. The schools were notified and if the students were not notified the fault actually lays with the administrative faculty of the various schools, because this letter was sent by the Department of Education to every secondary school in the State of Maine.

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

Mrs. WHITE: Mr. Speaker and Members of the House: This amendment was not presented; had it been I should have supported it. I feel that I have fought for this program too long to pull in my horns at this point, but I guess I have to. I certainly do hope that at another time we can implement this law which is continuing of course on the books at present.

I feel that \$260,000 a year to provide such scholarships for 604 students is not out of line with our financial structure.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would commend the gentleman from Portland, Mr. Scribner in his explanation and the manner he did so. Of course he has a complete knowledge of figures in his particular work as a certified public accountant. However, besides this he has in my opinion grasped the situation of state's finances in

excellent fashion, even as a first member. I speak as a long-time member of this committee.

I think that as far as I'm concerned in this instance I was not taken. There was one item for \$150,000 that I uncovered in the original document, that has been deleted because we didn't need it; and the manner in which it was arrived at was not right and I am not going to go into details and I feel that \$150,000 is a lot of money. And that doesn't show in this document and I am very very happy.

Insofar as scholarships are concerned I would say that I try over the years to do my part to help students get scholarships and find funds for them to pursue higher education. And anything that involves education, involves higher education, is very very close to my heart. Coupled with the fact also that vocational education scholarship is involved in this and everyone knows exactly how I feel.

I do, however, remember that a while back, with the acquiescence of the entire populace of the State, the Governor made funds available wherein it concerns education. We still have, and I don't highly encourage the practice at all times, but we still have a contingency account in the Governor and Council that could take care of emergencies; and I'm sure and certain that if the hue and cry is high enough, and it probably will be, that some funds can be found that would lay this thing over until the next session of the Legislature.

I would concur with the gentleman from Cumberland, Mr. Richardson, that should this amendment, and I am happy with the philosophy and decision of the gentleman from Portland, Mr. Scribner, should this amendment be presented, passed, it would certainly open up the doors to items that are also equally and if not more equally but, as the gentleman from Cumberland, Mr. Richardson says even more important if that could be possible than this item. And so it would delay us immeasurably.

I think the Committee has worked hard and long. I my own self must say also as a member

of the Minority that I haven't had probably the opportunity to look at this document as closely as I would have. I think in some areas probably the Committee as a whole have not spent the time together that they might have on this document, but at least one thing is certain, that we are arriving at a program that will fulfill the pledge that at least we as members of the Minority made on financing a program and without taxation, which is relief in essence to the people of Maine.

Certainly I do hope that this measure, this report be accepted, that this measure be passed to be engrossed so that we can later on have an opportunity as times goes — until tomorrow at least, to study this document and decide then whether we do want to enact it or not.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I would like to take one more second to say I don't want anyone to be in any doubt but that I am very pleased and grateful that the \$61,000 is there and that we are going to keep faith with the 151 students who are presently in college. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I too am very concerned about this document that is before me, namely 1885. I am concerned with upping the estimates as much as has been done. I don't think that the economy of this State or Nation after March is going to be booming as much as it is now. This is my personal opinion and I think whoever dreamed up this type of thing, upping the estimates at this particular time, is a very bad move. I feel like a very small boy and a big audience, and I know I can't do anything about it, but I just want it plain on the records that I don't tolerate this kind of doing business, upping the estimates, when as I can see times ahead — and I would say beginning in March, and it will be there where

you can read it later, that our estimates are going to be wrong. Because we're in an election year, because the economy of this Nation in my opinion in March will make a turn that won't be good and it will probably stay that way on through until midsummer, and probably we will have it bad again in the fall.

Now this is my opinion and sometimes my opinion is not wrong but a good many times in my life it has been right. I also would say that in case the draft should end any day the need for the University of Maine's expansion would be nowhere near as great. I am around there some and I see great evidence of a lot of people being there on account of the draft. So we may be upping the estimates there quite a lot, what they will need. And I just want you to know that I feel as though that any man doing business as long as I have and if he was to up estimates this much he would be out of business in thirty days. I hope the State of Maine prevails longer than that and I think this is a very poor document and I am going along like the rest, reluctantly.

Thereupon, the Committee Report on Bill, "An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969," Senate Paper 815, L. D. 1885, was accepted in concurrence and the New Draft read twice. Under suspension of the rules, the New Draft was read the third time, passed to be engrossed and sent to the Senate. By unanimous consent, ordered sent forthwith.

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

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws," S. P. 756, L. D. 1867, tabled earlier by Mr. Richardson of Cumberland, pending assignment for third reading.

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

Mr. BENSON: Mr. Speaker and Members of the House: Although Senate Amendment "A" to L. D. 1867 has been adopted, a question was asked relative to what this amendment did. It refers to the — the only change proposed in this amendment is a reference to the formula used for the road construction aid, town road construction aid. It changes the figure \$500,000 back to \$400,000. The change was made in the last session of the Legislature from \$400,000 to \$500,000 and this is merely putting it back where it was prior to that session of the Legislature. I hope this is a sufficient explanation.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, as I understand it, the bill that was put in, was put in by Senator Greeley to raise the snow removal to five hundred and there was a mistake made which included state aid, and this was discovered here just this week, and I happened to be over to the Highway Department when it was, and this is just to correct that error.

The SPEAKER: This matter was tabled pending suspending the rules for the purpose of giving this bill its third reading.

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

Mr. HANSON: Mr. Speaker, would a question pertaining to this bill be in order at this time?

The SPEAKER: A question is in order.

Mr. HANSON: Thank you. Mr. Speaker, I am a little concerned about Senate Amendment "C" under filing number 367. Prior to the adoption of the amendment I inquired as to whom this — to what commissioner, the commissioner of what agency this referred, and the question was answered that it pertained to the Commissioner of Real Estate, and recognizing the fact that real estate values vary greatly throughout the State from county to county depending on the economics of the individual counties, and the possible benefit derived from commissioners coming from various areas of the State, they would be more

easily reached by people with a problem in real estate, I would inquire through the Chair of anybody, any member who might answer if they wish as to just what is the need for removing this from the statutes? What will we gain by doing this?

The SPEAKER: The gentleman from Solon, Mr. Hanson, poses a question through the Chair to any member who may answer if they choose. The Chair understands the gentleman from Cumberland, Mr. Richardson, moves that the rules be suspended. Is there objection? The Chair hears none. The rules are suspended.

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

Mr. RICHARDSON: Mr. Speaker, I must say, that if there is no one in this House that can tell us why we are making this change in the law, I am going to rock the boat, and I will not accept it. I would inquire of the Chair if a motion to indefinitely postpone this amendment is in order?

The SPEAKER: The Chair would inquire what amendment the gentleman is referring to?

Mr. RICHARDSON: I am referring to Senate Amendment "C" under filing S-367.

The SPEAKER: The Chair would advise the gentleman that a motion to reconsider the adoption of Senate Amendment "C" would be necessary.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I move that we reconsider our action in adopting Senate Amendment "C".

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that the House reconsider its action whereby it adopted Senate Amendment "C". Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. RICHARDSON: Mr. Speaker, I move that Senate Amendment "C" be indefinitely postponed and that in taking this action the House serve notice that it doesn't want to have it down here again.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson,

now moves that Senate Amendment "C" be indefinitely postponed.

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

Mr. GILL: Mr. Speaker, perhaps to clarify this, and I will go along with the motion of the gentleman from Cumberland, and this is just something that occurred in relation to this matter. This was so they could put a gentleman back on the Real Estate Commission from Cumberland County that had been on it before. There has been another appointment made and this individual wanted to get back on it and evidently this is the means of which he took. And as I state, this is something that I heard, I don't know for a fact.

Thereupon, Senate Amendment "C" was indefinitely postponed in non-concurrence, the Bill given its third reading, passed to be engrossed as amended by Committee Amendment "A", Senate Amendments "A" and "B" in non-concurrence and sent up for concurrence forthwith.

House at Ease

Called to order by the Speaker.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws," H. P. 1259, L. D. 1765, reporting that the House recede from passage to be engrossed, adopt Senate Amendment "D" (S-360), and pass the bill to be engrossed as amended by Committee Amendment "A" House Amendments "B" and "D", and Senate Amendment "D"; that the Senate recede from passage to be engrossed, that the Senate recede from its action whereby it indefinitely postponed House Amendment "B"; that it adopt House Amendment "B"; that it recede from its action whereby it adopted Senate Amendment "C"; that it indefinitely postpone Senate Amendment "C"; that it pass the Bill to be engrossed as amended by Committee Amendment "A", House Amendment "B", House Amend-

ment "D", and Senate Amendment "D" in concurrence.

(Signed)

Mrs. HICHENS of Eliot
BAKER of Orrington
RICHARDSON
of Stonington
—Committee on part of House.
KATZ of Kennebec
BOISVERT

of Androscoggin

MacLEOD of Penobscot

—Committee on part of Senate.
The Conference Committee
Report was accepted, and the
House recessed from engrossment.

Senate Amendment "D" (S-360) was read by the Clerk and adopted and the Bill passed to be engrossed as amended by Committee Amendment "A", House Amendments "B" and "D" and Senate Amendment "D" in non-concurrence and sent up for concurrence forthwith.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.