

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 5, 1969

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

Prayer by the Rev. Mr. John Godfrey of Jefferson.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 197)

STATE OF MAINE
TREASURY DEPARTMENT
Augusta, Maine

June 30, 1968

To the Honorable Senate and House of Representatives:

Pursuant to the Constitution of the State of Maine, I have the honor to submit herewith the biennial report of the financial transactions of the Treasury Department of the State of Maine for the two years ended June 30, 1968.

Most respectfully submitted,
MICHAEL A. NAPOLITANO
Treasurer of State

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

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

The following 11 Bills and 1 Resolve which were referred to the 104th Legislature by the 103rd Legislature:

Bill "An Act Providing for Dealings between Local Education Boards and Associations Representing Teachers" (S. P. 186)

Bill "An Act Establishing the Municipal Public Employees Labor Relations Law" (S. P. 187)

Bill "An Act to Provide for Qualification, Certification and Examination of Tax Assessors" (S. P. 189)

Bill "An Act relating to Retirement Benefits of State Employees at Correctional and Mental Institutions and Liquor Inspectors" (S. P. 190)

Bill "An Act Creating the Uniform Deceptive Trade Practices Act" (S. P. 191)

Bill "An Act Creating the Uniform Preservation of Private Business Records Act" (S. P. 192)

Bill "An Act Establishing Social Security Benefits for State Classified Service Employees" (S. P. 193)

Bill "An Act Creating the Uniform Federal Tax Lien Registration Act" (S. P. 194)

Came from the Senate indefinitely postponed.

In the House, indefinitely postponed in concurrence.

Bill "An Act relating to Creation of Professional Service Corporations" (S. P. 195)

Came from the Senate indefinitely postponed.

In the House:

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I presented this bill last time in the 103rd Legislature. It was a non-money bill and I felt it was a bill very very much deserving of our professional people in the State of Maine. We have many attorneys, doctors and etcetera of this type of caliber that at the present time do not have the same privileges that any other person being a member of any corporation.

I was in hopes that this particular bill would receive a hearing this time but I can see now that it's like many of the other bills that are going down. So I just wanted you to know for the record that I did say something for this bill.

Thereupon, the Bill was indefinitely postponed in concurrence.

Bill "An Act relating to Intoxication in Liquor Licensed Premises" (S. P. 196)

Resolve Proposing an Amendment to the Constitution to Provide for Municipal Home Rule (S. P. 188)

Came from the Senate indefinitely postponed.

In the House, indefinitely postponed in concurrence.

Bills and Resolves from the Senate requiring reference were disposed of in concurrence.

Senate Reports of Committees Ought to Pass

Report of the Committee on Claims reporting "Ought to pass" on Resolve to Reimburse Charles A. Holden of Portland as Agent of Conservator of Casco Mercantile Trust Company (S. P. 38) (L. D. 121)

Report of the Committee on Public Utilities reporting same on Bill "An Act Increasing Borrowing Capacity of Ashland Water and Sewer District" (S. P. 31) (L. D. 89)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Motor Vehicles Excise Tax Credits" (S. P. 46) (L. D. 149)

Report of same Committee reporting same on Bill "An Act relating to Sales and Use Tax on Property Registered for Use in Maine" (S. P. 47) (L. D. 150)

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

In the House, Reports were read and accepted in concurrence, the Bills read twice, Resolve read once, and tomorrow assigned.

Messages and Documents

The following Communication:
THE SENATE OF MAINE
AUGUSTA, MAINE

January 29, 1969

Honorable Bertha W. Johnson
Clerk of the House
Augusta, Maine
Dear Madam Clerk:

This is to inform you that the President of the Senate today appointed the following members of the Senate to the Committee of Inquiry to Study the Administration of Indian Affairs:

Senators:

REED of Sagadahoc
KATZ of Kennebec

Sincerely,

(Signed)

JERROLD B. SPEERS
Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act relating to Killing Rodents in Orchards" (H. P. 451) (Presented by Mr. Hardy of Hope)

Bill "An Act to Remove the Prohibition Against Running Horse Racing During Certain Weeks in the Months of June and July" (H. P. 452) (Presented by Mr. Moreshead of Augusta) (Later Reconsidered)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Powers of Sale in Mortgages" (H. P. 453) (Presented by Mr. Benson of Southwest Harbor)

Bill "An Act relating to Financing Statements under the Uniform Commercial Code" (H. P. 454) (Presented by Mr. Richardson of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Claims

Resolve to Reimburse Lindore Labbe of Wallagrass Plantation for Damage by Beaver (H. P. 455) (Presented by Mr. Martin of Eagle Lake)

Resolve in Favor of Rodrigue J. Albert, M. D. of Fort Kent and Peoples Benevolent Hospital of Fort Kent (H. P. 456) (Presented by same gentleman)

Resolve to Compensate Mary Ann Blaisdell for Loss Due to Lack of Adequate Accident Liability Insurance on State Contracted Vehicles (H. P. 457) (Presented by Mr. Noyes of Limestone)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Age Requirement for Kindergartens" (H. P. 458) (Presented by Mr. Benson of Southwest Harbor)

Bill "An Act to Provide Relief for 'Municipal Overburden' in Educational Costs in Maine

Municipalities” (H. P. 459)
(Presented by Mr. Jalbert of
Lewiston)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill “An Act Providing Separate
Ballots for Voting for President
and Vice-President” (H. P. 461)
(Presented by Mr. Ross of Bath)

(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill “An Act relating to the
Administration of Aid to the Aged,
Blind, Disabled and Medically Indig-
ent” (H. P. 462) (Presented by
Mr. Jalbert of Lewiston)

Bill “An Act relating to Funeral
Expenses of Recipients of Public
Assistance” (H. P. 463) (Presented
by same gentleman)

Bill “An Act to Clarify the
Barber Laws and Raise Certain
Fees” (H. P. 464) (Presented by
Mr. Lewin of Augusta)

Bill “An Act Revising the Laws
Relating to Support at State
Institutions” (H. P. 465) (Pre-
sented by Mr. Moreshead of
Augusta)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill “An Act relating to the
Transportation of Prisoners to and
from Court and Between Institu-
tions by Order of Court” (H. P.
466) (Presented by Mr. Hardy of
Hope)

Bill “An Act to Make Ballot
Tampering a Felony” (H. P. 467)
(Presented by Mr. Jalbert of
Lewiston)

Bill “An Act relating to Husband
or Wife of the Accused as Witness
in Criminal Cases” (H. P. 468)
(Presented by Mr. Moreshead of
Augusta)

Bill “An Act relating to Arrest
of Parole Violators” (H. P. 469)
(Presented by same gentleman)

Bill “An Act Tolling Running of
Probation Period Pending
Determination of Violation” (H. P.
470) (Presented by same gentle-
man)

Bill “An Act relating to Mental
Illness as a Ground for Divorce”

(H. P. 471) (Presented by Mr.
Noyes of Limestone)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill “An Act relating to Voting
in Elections by Employees” (H. P.
472) (Presented by Mr. McTeague
of Brunswick)

Bill “An Act relating to State
Employee’s Grievance Procedure”
(H. P. 473) (Presented by Mr.
Soulas of Bangor)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill “An Act Providing for the
Outlawing of Contests and Games
by Establishments Selling Motor
Vehicle Fuel” (H. P. 474)
(Presented by Mr. Drigotas of
Auburn)

Bill “An Act relating to Building
Liens” (H. P. 475) (Presented by
Mr. Lewin of Augusta)

Bill “An Act relating to Election
and Duties of Ministers in Protes-
tant Episcopal Church in the
Diocese of Maine” (H. P. 476)
(Presented by Mr. Ross of Bath)

Bill “An Act relating to Con-
veyance of Property to Bangor
Recreation Center” (H. P. 477)
(Presented by Mr. Soulas of
Bangor)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill “An Act Reclassifying Pre-
titled Stream of the Meduxnekeag
River Basin” (H. P. 478)
(Presented by Mr. Finemore of
Bridgewater)

Bill “An Act Creating Civil
Liability to the State for Pollution
of Waters” (H. P. 479) (Presented
by Mr. Lund of Augusta)

Resolve Authorizing the Forest
Commissioner to Study the Laws,
Rules and Regulations Relating to
Logs and Lumber (H. P. 480)
(Presented by Mr. Benson of
Southwest Harbor)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill “An Act to Regulate Sewer
Utilities” (H. P. 481) (Presented
by Mr. Bernier of Westbrook)

Bill "An Act Reducing the Membership of the Board of Trustees of Richmond Utilities District" (H. P. 482) (Presented by Mr. Curtis of Bowdoinham)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Increasing Salary of County Attorney of Hancock County" (H. P. 483) (Presented by Mr. Benson of Southwest Harbor)

Bill "An Act relating to the Borrowing Power of Maine Maritime Academy" (H. P. 484) (Presented by same gentleman)

Bill "An Act to Create a Crime Laboratory" (H. P. 485) (Presented by Mr. Hardy of Hope)

Bill "An Act Providing Accident and Health Insurance Program" (H. P. 486) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Cumberland County" (H. P. 487) (Presented by Mr. McTeague of Brunswick)

Bill "An Act relating to Compensation of State Probation and Parole Board" (H. P. 488) (Presented by Mr. Moreshead of Augusta)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to Age of Neat Cattle Taxed as Personal Property" (H. P. 489) (Presented by Mr. Curtis of Bowdoinham)

Bill "An Act relating to the Taxation of Farm Machinery, Equipment, Fowl, Broilers and Livestock" (H. P. 490) (Presented by Mr. Hunter of Durham)

Bill "An Act Exempting Severely Handicapped Persons from Certain Real Estate Taxes" (H. P. 491) (Presented by Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act relating to Temporary Loans by Counties of Cumberland, Washington and Kennebec" (H. P. 492) (Presented by Mr. Donaghy of Lubec)

Bill "An Act relating to Expenses of Chief Administrative Officer of

County Commissioners of Aroostook County" (H. P. 493) (Presented by Mr. Finemore of Bridgewater)

Bill "An Act relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies" (H. P. 494) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act relating to Vacating of Street Locations on Plans" (H. P. 495) (Presented by same gentleman)

Bill "An Act Increasing Salaries of County Officials and Jury Commissioners of Lincoln County" (H. P. 496) (Presented by Mr. Lewis of Bristol)

Bill "An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects" (H. P. 497) (Presented by Mr. MacPhail of Owls Head)

Bill "An Act relating to Chairman of Meetings of County Law Libraries" (H. P. 498) (Presented by Mr. Moreshead of Augusta)

Bill "An Act Increasing Payments to Kennebec County Law Library" (H. P. 499) (Presented by same gentleman)

Bill "An Act relating to Tax Distribution between Town of West Bath and Birch Point Village Corporation" (H. P. 500) (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

Veterans and Military Affairs

Bill "An Act relating to Burial of Honorably Discharged Veterans" (H. P. 501) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

The following Bill and Resolve, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, were received and referred to the following Committees:

Education

Resolve Discharging Town of Shapleigh from Part of the Indebtedness to State Board of Education for Preparation of Agreement for Dissolution of School Administrative District No.

57 (H. P. 460) (Presented by Mr. Pratt of Parsonsfield)
 (Ordered Printed)
 Sent up for concurrence.

Labor

Bill "An Act relating to Petitions for Review of Incapacity under Workmen's Compensation Act" (H. P. 502) (Presented by Mr. Levesque of Madawaska)
 (Ordered Printed)
 Sent up for concurrence.

Orders

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

Mr. MORESHEAD: Mr. Speaker, I would like to move that we reconsider item two under Reference of Bills.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead moves that the House reconsider its action whereby item two, Bill "An Act to Remove the Prohibition Against Running Horse Racing during Certain Weeks in the Months of June and July," House Paper 452, which was referred to the Committee on Agriculture. Is it the pleasure of the House to reconsider? It's a vote; the gentleman may proceed.

Mr. MORESHEAD: Mr. Speaker, I would like to suggest the Committee on Business Legislation.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead now moves that this matter be referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: The very first day of the year I sat here and I listened to a DDT bill go over to some other committee, and last week there was a dog bill here and somebody got up and suggested the dog bill go to some other committee; and after all we of the Agriculture Department are expert on dogs.

Now today they are on this horse race bill. Now I am beginning to think that a lot of you people don't think that we're qualified at all. After all we have handled horse race bills before and we get the

proceeds of the money and we divide them up in the Agriculture Department, and I think it ought to stay just where it is now in the Agriculture Department.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Augusta, Mr. Moreshead that this matter be referred to the Committee on Business Legislation, ordered printed and sent up for concurrence. All those in favor will say aye; those opposed say no.

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

Thereupon, the Bill was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

On motion of Mr. Cox of Bangor, it was

ORDERED, that Rev. H. Francis Cox of Orono be invited to officiate as Chaplain of the House on Wednesday, February 12, 1969.

On motion of Mr. Jameson of Bangor, it was

ORDERED, that Rev. Robert Mitchell of Bangor be invited to officiate as Chaplain of the House on Thursday, February 27, 1969.

House Reports of Committees Leave to Withdraw

Mr. Trask from the Committee on Business Legislation on Bill "An Act to Incorporate Dead River Acceptance Credit Corporation" (H. P. 134) (L. D. 156) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Lewin from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Power Boats on Certain Waters in Washington County" (H. P. 63) (L. D. 65)

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Lewin from the Committee on Inland Fisheries and Game on Bill "An Act relating to Open Season on Muskrat on Portion of

East Machias River, Washington County" (H. P. 62) (L. D. 64) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Ought to Pass
Printed Bills**

Mr. Binnette from the Committee on Health and Institutional Services reported "Ought to pass" on Bill "An Act Increasing Fees under State Nursing Law" (H. P. 228) (L. D. 284)

Mr. Noyes from same Committee reported same on Bill "An Act Increasing Compensation of Examiners of Podiatrists" (H. P. 225) (L. D. 275)

Mr. Porter from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Use of Artificial Lights for Lighting Game" (H. P. 92) (L. D. 101)

Mr. Stillings from the Committee on Liquor Control reported same on Bill "An Act Appropriating Funds to Administrative Hearing Commissioner for Subpoenas to Parents of Minors" (H. P. 290) (L. D. 366)

Mr. Fortier from the Committee on Taxation reported same on Bill "An Act relating to Poll Taxes Paid to Caswell Plantation" (H. P. 199) (L. D. 246)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Mr. Sheltra from the Committee on Claims on Resolve to Reimburse Bernard J. Kinney of Wintthrop for Well Damage by Highway Maintenance (H. P. 56) (L. D. 58) reported "Ought to pass" as amended by Committee Amendment "A" (H-11) submitted therewith.

Mr. Kelley from the Committee on Inland Fisheries and Game on Bill "An Act relating to Violating the Laws Dealing with Certain Birds" (H. P. 120) (L. D. 136) reported "Ought to pass" as amended by Committee Amendment "A" (H-12) submitted therewith.

Mr. Finemore from the Committee on Transportation on Bill "An Act relating to Surrender of Motor Vehicle Instruction Permits" (H. P. 129) (L. D. 145) reported "Ought to pass" as amended by Committee Amendment "A" (H-13) submitted therewith.

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

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act relating to Use of Nomination Papers for Council or School Board Membership in Town of Falmouth" (H. P. 89) (L. D. 98)

Report was signed by the following members:

Messrs. ANDERSON of Hancock
KATZ of Kennebec
LETOURNEAU of York
— of the Senate.
Messrs. MacPHAIL of Owls Head
PORTER of Lincoln
HENLEY of Norway

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. VINCENT of Portland
Mrs. BOUDREAU of Portland
Mrs. GIROUX of Waterville
Mr. CARTER of Winslow

— of the House.

Reports were read.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Some of us feel in our committee work that we should evaluate the evidence, one might say, of proponents and opponents to a bill. I feel for myself that, that should be our chief guideline. I feel that we shouldn't have too much — fall back too much on our personal feelings on it.

This bill here before our Committee on Election Laws, there was

one proponent representing a group of ladies in Falmouth and they proposed, as you have probably stated, on nominations for council or school board membership, that they shall be only by the use of nomination papers in accordance with the laws of the State of Maine. As I say there was the one proponent that talked for this bill at some length and was quite vocal on it, very understandable from her point of view, but there was no one else that talked for the bill.

There were three opponents to the bill, men of the area, that felt that the bill should not be passed, that they should leave things as they are with their charters. The third opponent, a gentleman — I have not his name here, it does not matter, stated that he would be willing to have the bill be answered by the people if it was decided to send it in referendum back to the people.

I normally do not have too much objection to referendums if they don't get too many of them. I feel that we are sent here to answer all the questions that we possibly can, without bouncing things back to the localities; but nevertheless there was this one suggestion. The minority members of the committee who will insist that they feel that it should go back to the town and be answered. If there had been many proponents, if there had been some others to back up the one proponent, I might have gone along with it. But I feel that based upon the discussion before our Committee, and leaving our own perhaps personal thoughts out of it, our only finding should be "Ought not to pass" as the majority found on the Committee. So that is the way that the majority of the Committee recommended, and I move that the Majority Report "Ought not to pass" on L. D. 98 be accepted.

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

Passed to Be Engrossed

Bill "An Act relating to Application for Registration of Motor Vehicle by Minor under 15 Years of Age" (S. P. 49) (L. D. 152)

Bill "An Act Converting the Plantation of Grand Lake Stream into the Town of Grand Lake Stream" (H. P. 39) (L. D. 40)

Bill "An Act Changing Name of Methodist Church to United Methodist Church" (H. P. 146) (L. D. 172)

Bill "An Act to Clarify the Law for the Establishment of Veterans Memorial Cemetery" (H. P. 156) (L. D. 182)

Bill "An Act relating to Residency Requirements for Aid to Dependents of Veterans" (H. P. 157) (L. D. 183)

Bill "An Act relating to Powers of Park and Recreation Commission" (H. P. 195) (L. D. 242)

Resolve Authorizing Attorney General to Convey Interest of the State in Certain Lands in Cumberland County" (S. P. 25) (L. D. 53)

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

Amended Bills

Bill "An Act relating to the Authority to Regulate Motor Vehicle Speeds" (H. P. 60) (L. D. 62)

Bill "An Act relating to Sales Tax on Sales of Boats to Nonresidents" (H. P. 126) (L. D. 142)

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

Orders of the Day

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

HOUSE MAJORITY REPORT—(7)—Ought not to pass—Committee on Election Laws on Bill "An Act Determining Position of Names of Candidates on Primary Ballots and Nominees on General Election Ballots" (H. P. 90) (L. D. 99)—**MINORITY REPORT** (3)—Ought to pass.

Tabled — January 29, by Mr. Waxman of Portland.

Pending — Acceptance of either Report.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: At this time I would like to move that the "Ought to pass" Report be accepted. Some brief background on this bill. It is designed to revise the method for determining the order of names on a ballot when there are more than one person seeking that particular office. At present, the order of names is determined alphabetically. This bill proposes to change this method and have the order determined by public lot by the Secretary of State.

The reasoning behind it is as follows: In some areas of the State, there is a problem with long lists of candidates that the voter must choose over, and very often there is a distinct advantage to be gained by having a candidate's name appear near or at the top of the ballot. This is particularly true in the primary where you might have as many as thirteen people running for six seats or as many as fifteen or sixteen seeking eleven seats. I am aware that this particular problem is not particularly acute in most areas of the State, particularly where there are single member districts, and so I am going to state now that if the "Ought to pass" Report is accepted, I would offer the amendment labeled H-15 which was distributed on your desks this morning. This amendment reads as follows: "This Act shall apply only to those municipalities which elect 6 or more members to the House of Representatives." This is where I feel the problem is most acute, and therefore I would offer this amendment should the "Ought to pass" Report be accepted.

The SPEAKER: The gentleman from Portland, Mr. Waxman, now moves that the House accept the "Ought to pass" Report.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Again, as House Chairman, I would like to defend the Majority "Ought not to pass" on L. D. 99. I feel we gave this bill a very fair hearing. It is a perennial I am given to understand. Two years ago we had two bills somewhat similar

and they were very seriously considered.

The sponsor of the bill two years ago, his last name began with "S" and the sponsor of the bill this year, his last name begins with "W" well down on the listing. I asked one of the questions during the hearing, in spite of the way the ballots are set up these two sponsors were elected and it seems to me that through the years it hasn't made too much difference. I as a member of the Committee asked if any specific instances could be cited where there seemed to be a majority of candidates down the list in the alphabet that were slighted. I could not seem to find any such evidence. That is that side of the picture.

As I say, there was the one opponent. There were no opponents as such. We tried to consider the repercussions of the bill; we considered that there were only a few areas that would have any problems of multiple candidates. We also wondered how many people just voted by going down the list and counting off so many people and then when they ran out of numbers, to quit, and also we discussed the problem of this so-called being chosen by mixing it up in the Secretary of State's office and drawing. We asked a member of the Secretary of State's Department what he would consider the fair way of so doing, and he said that he did not know whether it would require some official public witnesses to the drawing of lots or what it would require.

All in all, we felt that — the majority of us on the Committee, that the bill should not pass because of those various ramifications and the fact that there were very few supporters for the bill, no other proponents in fact. I so move that when we vote on this that we vote the Majority "Ought not to pass."

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House. The gentleman from Norway, Mr. Henley, mentioned the bills two years ago. I would like

to mention the bill being sponsored four years ago by the gentleman from Portland, Mr. Bartholomew Sullivan. The bill failed four years ago and Mr. Sullivan petitioned the Court to change his name to Sullivan Bartholomew. The Court refused to do this, and Mr. Sullivan always blamed the Judge because he said the only reason that he wouldn't change his name is because the Judge was a Republican. I support the Majority Report.

Mr. Waxman of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present 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.

More than one fifth having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Portland, Mr. Waxman, that the House accept the Minority "Ought to pass" Report on Bill "An Act Determining Position of Names of Candidates on Primary Ballots and Nominees on General Election Ballots," House Paper 90, L. D. 99. All those in favor will vote yes, those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Binnette, Boudreau, Bourgoin, Carey, Carrier, Carter, Casey, Chandler, Corson, Cottrell, Croteau, Danton, Farnham, Fortier, M.; Gaudreau, Huber, Hunter, Jameson, Keyte, Kilroy, Leibowitz, Lund, Marquis, Marstaller, McTeague, Mitchell, Moreshead, Ouellette, Santoro, Shaw, Snow, Soulas, Tanguay, Temple, Vincent, Waxman, Wheeler.

NAY — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Birt, Bragdon, Brown, Buckley, Bunker, Burnham, Chick, Clark, C. H.; Clark, H. G.; Coffey, Cote, Couture, Cox, Crommett, Crosby, Cummings, Curtis, Cushing, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin,

Dyar, Emery, Eustis, Evans, Faucher, Fecteau, Finemore, Fortier, A. J.; Foster, Fraser, Gauthier, Gilbert, Giroux, Good, Hall, Hanson, Hardy, Hariman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Immonen, Jalbert, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Laberge, Lawry, Lebel, Lee, LePage, Levesque, Lewin, Lewis, MacPhail, Martin, McKinnon, McNally, Millett, Morgan, Mosher, Nadeau, Norris, Noyes, Page, Payson, G. F.; Payson, M. W.; Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Scott, C. F.; Scott, G. W.; Sheltra, Starbird, Stillings, Susi, Thompson, Trask, Watson, White, Wight, Williams, Wood.

ABSENT — Brennan, Curran, Lincoln, Meisner, Mills, Sahagian, Tyndale.

Yes, 37; No, 106; Absent, 7.

The SPEAKER: The Chair will announce the vote. Thirty-seven having voted in the affirmative and one hundred six having voted in the negative, the motion does not prevail.

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

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

SENATE REPORT—Ought to pass as amended by Committee Amendment "A" (S-3)—Committee on Judiciary on Bill "An Act relating to Workmen's Compensation Third-Party Actions" (S. P. 42) (L. D. 125) (In Senate, Bill passed to be engrossed as amended by Committee Amendment "A")

Tabled—January 30, by Mr. Berman of Houlton.

Pending—Acceptance in concurrence.

On motion of Mr. Berman of Houlton, retabled pending acceptance in concurrence and tomorrow assigned.

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

An Act relating to Tenure of Office of Assistant Director of Legislative Research and Method of

Appointment of Assistant Finance Officer (H. P. 42) (L. D. 43)

Tabled—February 4, by Mr. Benson of Southwest Harbor.

Pending—Passage to be enacted.

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

Mr. BENSON: Mr. Speaker and Members of the House: Just very briefly, the reason I tabled this bill was because I had a bright flash that probably the Director and the Assistant Director should serve concurrent terms, and yesterday after the session I had it explained to me that maybe it would be just as well to have a staggered term and then you would carry on a little continuity of office here, it would carry over beyond the appointment period. So I think the bill as it is presently written is very adequate. Thank you.

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

Mr. Haskell of Houlton was granted unanimous consent to address the House.

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen: I would like to speak concerning the budget and appropriation requests of the University of Maine and their Capital Fund requests. A brief word of explanation as to why I choose to do this now.

During the last fifteen years, I have served as a Trustee of Ricker College, the last six of those years as Chairman of the Board. During this time, I worked very closely with college budgeting.

I do not cite this to pose as an expert in the field of college financing, but I discovered very early in my experience as a college trustee that it was difficult for a layman to make sound judgments on requests for educational monies without some basis of judgment. I discovered one day, in searching for statistics to back up an opinion that I held regarding an appropriation, an extremely valuable tool which is this one, a Digest of Educational Statistics, which is published annually by the Health, Education and Welfare Department in Washington. These statistics are

compiled from reports that are required from every institution of higher learning in the country. And the technique that I discovered that serves as a substitute for expertise in the field is the application of the national averages that are developed in this Digest to the particular college budget that you are working on.

When the budget material was presented to the Legislature, I was of course interested to apply some of the guidelines that I had developed in working with the Ricker College budget to the University budget. In attempting to do this, I discovered that I needed more detailed figures than were available, and in working with the Department of Education and with various people at the University I discovered that the application of national averages was a comparatively novel technique to them, and in some areas it was apparent that these applications had not been made.

So I would like to suggest this morning of the guidelines that can be established from national averages, I would like to suggest three, and I am not suggesting that these are the only pertinent ones but these do have I think a very significant application on this particular budget. I will read the guidelines first and then I would like to comment just briefly on them.

The first guideline I would suggest is student tuition and fees in all branches of the University of Maine be at least at national averages for four year public institutions of higher education. The current national average figure from this table of Digest of Educational Statistics, Table number 116, the current national average figure is \$339.00. This is for all four-year public institutions in the United States. The second guideline I would suggest the auxiliary enterprise income expense ratio should be at national averages for four-year public institutions. Currently, from Table 114 and 120 of the Digest, the income ratio is \$9.00 income to \$8.00 expense. The third guideline and the one that I consider the most important, the physical plant value per student have national average of four-year

public institutions as a goal as capital investment in physical plant is planned.

Currently, the national average of investment per student in plant at four-year public institutions, this average is compiled from 387 institutions enrolling more than 2,108,000 students, that average is \$5,397 which I suggest is a very significant figure.

Now to make application of these guidelines to the current budget, if tuition and fees at Gorham, Farmington, Washington, Aroostook and Fort Kent were raised to the national averages, approximately \$1,188,704 could be added to the income side for the biennium. If these tuition and fees were brought to the level of the Orono campus, which is incidentally now above national average, another \$200,000 could be added.

The second guideline, auxiliary enterprise ratio of income and expense. I was forced through necessity to work very closely with this ratio for several years at Ricker for the reason that we financed four dormitories and a dining commons predicated on the ability of the college to maintain a plus or a black balance in the auxiliary enterprise area. These figures suffer from one disadvantage, educational statistics, there always is a lag. The latest available statistic in this area is for the year 1964, and I do not have updated figures from the University; but of the latest published figures on a national average the income of auxiliary enterprise at four-year public institutions country-wide is 903,904,000 against an expense figure of 802,285,000. In other words, \$9.00 of income for every \$8.00 of expense. The same year the University system, the super University system had income of \$5,080,000 and an expense of \$5,121,000. In other words, it was a deficit operation. I have checked these figures with Mr. Mraz of the University and he indicates that he feels updated figures might show an improvement in this area. However, assuming the trend has not been improved, if the same condition now prevails there is approximately a million dollars of additional revenue that could be gained if

the figures were in line with the national averages.

I feel that this guideline is particularly valuable because if it is in line, number one it would show that the fee system is realistic, and number two, it would show that the management on the expense side was sound.

Now to discuss the third and I consider the most important of the guidelines, the average investment in physical plant per student, as I am sure you are all aware, is a constantly changing figure. This figure changed from 1958 from a figure of \$4,443 and in 1964 it becomes a figure of \$5,397. For purposes of computation I have rounded this off to a \$5,400 figure. This figure is found in Table 124 of the Digest of Educational Statistics. Now applying this figure to the super University was a difficult process, number one because I was not able to quickly find the total investment in plant in the super University system. As a matter of fact, I finally got the figure last evening in a conference with Mr. Mraz.

By taking the current enrollment at the University of 12,800 students at \$5,400 average investment per student, the University system should now represent an investment of approximately \$69,130,800. The University reports to me it does have a current investment of \$68,832,000 which would indicate that they are almost exactly on the button on investment in plant. There is one figure in this that is an estimate, \$3,800,000 of the total they report represents an estimate of the capital investment of that part of the Federal buildings they are currently using at Dow Air Field. The \$65,000,000 is actual dollars now in the super University plant.

To check this figure further, I applied this to a situation that I was familiar with, namely, the Ricker College situation, and they have 625 students. Their figure of average investment is for a private institution. They should have an investment of \$3,444,000. They do have an investment of \$3,337,000 which would indicate again that this is a fairly reliable guide figure.

I anticipate that perhaps the question will come up as to recent construction costs, so as a matter of interest I checked the Husson College plant, which I am sure you are all aware is new construction starting from the ground up creating capacity for 2,000 students. Using the appropriate guide, they should have an investment of \$11,000,000. They do have, and report to me they do have an investment of \$9,500,000. I think that the fact they are below national averages can be explained by the fact that Husson would not normally be expected to create laboratory space for the type of school that they have. But basically, these figures seem to work out to be a reliable guide. They seem to indicate an average figure has value as a guide, and would suggest that these institutions at least, the super University system and the other two colleges, have not created excess capacity at this point or constructed unusually expensive buildings, but rather have done an excellent planning and construction job to date.

Now turning to the average figure as a guide to planning, the budget material at hand suggests that the super University is planning on building capacity for 1800 additional students in the next biennium. This would seem to indicate by multiplying this number of students by the appropriate average investment that an expenditure of \$9,720,000 would be appropriate if the whole system

is to stay within the national average figures. Contrasted to this \$9,720,000 the introductory material to the University of Maine appropriation request says, and I quote: "Well justified projects within the total University system amounting to over \$67 million for the biennium." This amount, as I am sure you are aware from studying your average investment figures would almost double the present plant that exists in the entire super University system. The introductory material continues: Consideration for the financial—this is not a direct quote, but in essence they say that out of consideration for the financial capacity of the State, they have reduced this figure to \$39,625,000. The Governor's budget message recommends \$22,000,000. The wide gap in these figures would suggest that this body should give thoughtful consideration to this guideline, or a refined version of it, as a control as we consider appropriations to continue what I at least consider a sound plan, namely the super University, to meet the educational needs of our state.

My interest is not centered in this particular budget, but is centered in seeing the principle established of basing budget decisions on reliable guidelines. Thank you, very much.

On motion of Mr. Buckley of Leeds,

Adjourned until one-thirty o'clock tomorrow afternoon.