

# 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**

Thursday, February 20, 1969

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

Prayer by the Rev. Mr. Edward Antin of Augusta.

The journal of yesterday was read and approved.

**Order out of Order**

On motion of Mr. Jalbert of Lewiston, it was

ORDERED, that Kerry Mitchell of Frankfort be appointed to serve as Honorary Page for today.

**Papers from the Senate**

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

**Reports of Committees  
Leave to Withdraw**

Report of the Committee on Liquor Control on Bill "An Act relating to Permits for Certain Liquor Licensees Providing Entertainment" (S. P. 227) (L. D. 667) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

**Ought to Pass**

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Fulfillment of Contracts by Teachers about to Retire" (S. P. 98) (L. D. 308)

Report of same Committee reporting same on Bill "An Act Appropriating Funds for Health Education" (S. P. 121) (L. D. 383)

Report of same Committee reporting same on Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority (S. P. 97) (L. D. 307)

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 assigned the next legislative day.

**Ought to Pass with  
Committee Amendment  
Amended in Senate  
Tabled and Assigned**

Report of the Committee on Judiciary on Bill "An Act relating to Notice of Suspension or Revocation of Motor Vehicle Operators' Licenses" (S. P. 57) (L. D. 165) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read.

(On motion of Mr. Berman of Houlton, tabled pending acceptance of the Report in concurrence and specially assigned for Wednesday, February 26.)

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 25, at 10 o'clock in the morning. (S. P. 285)

Came from the Senate read and passed.

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

**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 Creating the Maine Milk Dealers' Bonding Law" (H. P. 715) (Presented by Mr. Buckley of Leeds by request)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Amend the Charter of the Union Mutual Life Insurance Company" (H. P. 716) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

**Claims**

Resolve in Favor of Robert Huntington and Floyd Richardson of Turner for Damage by Bears (H. P. 717) (Presented by Mr. Gilbert of Turner)

Resolve to Reimburse the Towns of Thomaston and Warren for Fire and Municipal Protection Services for the State (H. P. 718) (Presented by Mr. Hardy of Hope)

Resolve to Reimburse Elmer L. Rogers of Berwick for Well Damage by Highway Construction (H. P. 719) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act relating to Secondary School Tuition" (H. P. 720) (Presented by Mrs. Cummings of Newport)

Bill "An Act relating to the Formation of a School Administrative District in the Machias-East Machias Area" (H. P. 721) (Presented by Mr. Kelley of Machias)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act relating to the Requirement for a Board of Registration" (H. P. 722) (Presented by Mr. Dyar of Strong)

Bill "An Act to Hold the Primary Election on the Second Tuesday after Labor Day" (H. P. 723) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act relating to Form and Arrangement of Ballots in General Elections" (H. P. 724) (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

**Highways**

Bill "An Act relating to Winter Maintenance of State Aid Highways by Municipalities" (H. P. 725) (Presented by Mr. Evans of Freedom)

Bill "An Act relating to Use of Town Road Improvement Fund for Bridges" (H. P. 726) (Presented by Mr. Gilbert of Turner)

(Ordered Printed)

Sent up for concurrence.

**Inland Fisheries and Game**

Bill "An Act Providing for Pheasant Stamp under Fish and Game Law" (H. P. 727) (Presented by Mr. Bourgoin of Fort Kent by request)

Bill "An Act relating to Open Season on Moose" (H. P. 728) (Presented by Mr. Bourgoin of Fort Kent)

Bill "An Act relating to Taking of Fisher in Town of Turner, Androscoggin County" (H. P. 729) (Presented by Mr. Gilbert of Turner)

Bill "An Act Repealing Law Permitting Acquisition of Land for Game Management Areas" (H. P. 730) (Presented by same gentleman)

Bill "An Act Prohibiting Firearms in Snowmobiles in York County during Hunting Season" (H. P. 731) (Presented by Mr. Jutras of Sanford)

Resolve Permitting Taking of Smelts from Townsend Brook, So Called, and Little Wilson Pond, Androscoggin County (H. P. 732) (Presented by Mr. Gilbert of Turner)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Gambling Apparatus, Burglar Tools, Lottery Tickets and Equipment Used to Counterfeit Money" (H. P. 733) (Presented by Mr. MacPhail of Owls Head)

Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics" (H. P. 734) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act Amending the Liability of Landowners Law" (H. P. 735) (Presented by Mr. Hardy of Hope)

Bill "An Act Providing for a Council-Manager Charter for the Town of Scarborough" (H. P. 736) (Presented by Mr. LePage of Scarborough)

Bill "An Act Deleting the Population Requirement from the Revenue Producing Municipal

Facilities" (H. P. 737) (Presented by Mr. Soulas of Bangor)  
(Ordered Printed)  
Sent up for concurrence.

#### Liquor Control

Bill "An Act relating to Penalty for Illegal Sale of Liquor" (H. P. 738) (Presented by Mr. Barnes of Alton)  
(Ordered Printed)  
Sent up for concurrence.

#### Natural Resources

Bill "An Act relating to Approval of Refuse Disposal Areas" (H. P. 739) (Presented by Mr. Eustis of Dixfield)  
(Ordered Printed)  
Sent up for concurrence.

#### Public Utilities

Bill "An Act Adding Airport Facilities to the Revenue Producing Municipal Facilities Act" (H. P. 740) (Presented by Mr. Soulas of Bangor)  
(Ordered Printed)  
Sent up for concurrence.

#### Retirements and Pensions

Bill "An Act relating to Participating Local Districts in the Maine State Retirement System" (H. P. 741) (Presented by Mr. Pratt of Parsonsfield)  
(Ordered Printed)  
Sent up for concurrence.

#### State Government

Bill "An Act relating to the Responsibilities of the State Planning Office" (H. P. 742) (Presented by Mr. Eustis of Dixfield)  
(Ordered Printed)  
Sent up for concurrence.

#### Taxation

Bill "An Act Granting Veterans a Property Tax Credit in Lieu of an Exemption" (H. P. 743) (Presented by Mr. Burnham of Naples)

Bill "An Act Imposing a Poll Tax of \$5 on Male and Female Residents Between the Ages of 21 and 70 Years" (H. P. 744) (Presented by Mr. Immonen of West Paris)

Bill "An Act to Exempt Certain Totally Disabled Veterans from a Portion of Real Estate Taxation" (H. P. 745) (Presented by Mr. Jutras of Sanford)

Bill "An Act Repealing the Refunding of Excise Taxes on Malt Liquor" (H. P. 746) (Presented by Mr. Starbird of Kingman Township)

Bill "An Act Repealing Liquor Licensee Discounts" (H. P. 747) (Presented by same gentleman)  
(Ordered Printed)  
Sent up for concurrence.

#### Towns and Counties

Bill "An Act Increasing Salaries of County Officers of Franklin County" (H. P. 748) (Presented by Mr. Dyar of Strong)

Bill "An Act relating to Municipal Park and Conservation Commissions" (H. P. 749) (Presented by Mr. Lewis of Bristol)

Bill "An Act to Authorize Lincoln County to Raise Money for Court House Capital Improvements" (H. P. 750) (Presented by same gentleman)  
(Ordered Printed)  
Sent up for concurrence.

#### Transportation

Bill "An Act Providing for a Statutory Agent for Foreign Domestic Carriers Purchasing Six-year Trailer Plates" (H. P. 751) (Presented by Mr. Crosby of Kennebunk)

Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 752) (Presented by same gentleman)

Bill "An Act relating to Operation of Motor Vehicles after Dark by Certain Minors" (H. P. 753) (Presented by Mr. Dyar of Strong by request)

(Ordered Printed)

Sent up for concurrence.

#### Orders

On motion of Mr. Dennett of Kittery, it was

ORDERED, that Mark Lancaster of Kittery be appointed to serve as Honorary Page for today.

On motion of Mr. Gilbert of Turner, it was

ORDERED, that Rev. William Ricker of Sabattus be invited to officiate as Chaplain of the House on Wednesday, March 12, 1969.

Mr. Wight of Presque Isle was granted unanimous consent to address the House.

Mr. WIGHT: Mr. Speaker and Ladies and Gentlemen of the House: The County budgets have now been filed through the Secretary of State's office and are now in legislative hands. These individual County budgets will be referred to the Committee on Towns and Counties.

I would, therefore, request that you make a study of your individual budgets with a thought in mind of additions or deletions to proposals that are submitted to the 104th Legislature by your individual Board of County Commissioners. When this work is done an amendment should be made to your committee revising any changes that the delegation wishes to make. We have only a matter of about two to three weeks to complete these budgets and I feel it urgent that the county delegations meet and approve the budgets so that they can be passed for assessment of taxes before April first. Thank you.

#### **House Reports of Committees Leave to Withdraw**

Mr. Susi from the Committee on Taxation on Bill "An Act Exempting Television Sets from Taxation" (H. P. 105) (L. D. 113) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

#### **Ought Not to Pass**

Mr. Benson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Funds to Update the Surveys of Penobscot Tribal Lands" (H. P. 255) (L. D. 331).

Mr. Williams from the Committee on Public Utilities reported same on Bill "An Act relating to Financial Responsibility of Water Carriers of the People's Ferry Company" (H. P. 210) (L. D. 260).

Mr. Ross from the Committee on Taxation reported same on Bill "An Act Exempting Water Supplied to Members of a Consumer Cooperative from the Sales Tax" (H. P. 245) (L. D. 300).

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft New Drafts Printed**

Mr. Rideout from the Committee on State Government on Bill "An Act Dividing the State of Maine into Presidential Election Districts" (H. P. 74) (L. D. 74) reported same in a new draft (H. P. 755) (L. D. 887) under title of "An Act relating to Presidential Electors at Large and from Districts" and that it "Ought to pass".

Mr. Crosby from the Committee on Transportation on Bill "An Act to Provide that Motor Vehicle Operators' Licenses be Issued on a Staggered Basis of Odd and Even Birth Years" (H. P. 249) (L. D. 304) reported same in a new draft (H. P. 754) (L. D. 886) under same title and that it "Ought to pass".

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

#### **Ought to Pass Printed Bills**

Mr. Buckley from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to Payment to Commissioner of Agriculture of Dog License Fees" (H. P. 253) (L. D. 329).

Mr. Martin from the Committee on Appropriations and Financial Affairs reported same on Resolve Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 113) (L. D. 129).

Mrs. Kilroy from the Committee on Education reported same on Bill "An Act relating to the Borrowing Capacity of School Administrative District No. 70" (H. P. 322) (L. D. 409).

Mr. Richardson from same Committee reported same on Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22" (H. P. 375) (L. D. 484).

Mr. Clark from the Committee on Public Utilities reported same on Bill "An Act Extending Water Service of Kennebunk, Kennebunkport and Wells Water District to Town of Arundel" (H. P. 392) (L. D. 502).

Same gentleman from same Committee reported same on Bill "An Act relating to Safety Devices for Railroad Utilities" (H. P. 440) (L. D. 564).

Mr. Lawry from same Committee reported same on Bill "An Act Enlarging the Territorial Limits of Hampden Water District and Changing the Time of the Election of the Trustees of Hampden Water District" (H. P. 390) (L. D. 500)

Mr. Mosher from same Committee reported same on Bill "An Act relating to the Capital Stock of Oakland Water Company" (H. P. 346) (L. D. 453)

Reports were read and accepted, the Bills read twice, Resolve read once, and assigned the next legislative day.

#### **Tabled Until Later in the Day**

Mr. D'Alfonso from the Committee on State Government reported "Ought to pass" on Resolve Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives (H. P. 356) (L. D. 464)

Report was read.

(On motion of Mr. Ross of Bath, tabled pending acceptance and assigned for later in the day.)

Mr. Donaghy from the Committee on State Government reported "Ought to pass" on Bill "An Act relating to the Borrowing Power of Maine Maritime Academy" (H. P. 484) (L. D. 638)

Miss Watson from same Committee reported same on Bill "An Act relating to Expenditures from Aeronautical Fund" (H. P. 72) (L. D. 72)

Mr. Ross from the Committee on Taxation reported same on Bill "An Act Providing for Annual Revision of State Valuation" (H. P. 100) (L. D. 108)

Reports were read and accepted, the Bills read twice, and assigned the next legislative day.

#### **Ought to Pass with Committee Amendment**

Mr. Henley from the Committee on Election Laws on Bill "An Act relating to Date of Town Meeting of Town of Fort Fairfield" (H. P. 140) (L. D. 162) reported "Ought to pass" as amended by Commit-

tee Amendment "A" (H-48) submitted therewith.

Mr. Porter from same Committee on Bill "An Act relating to Filing Campaign Reports" (H. P. 323) (L. D. 410) reported "Ought to pass" as amended by Committee Amendment "A" (H-49) submitted therewith.

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Privileges and Appurtenances in Short Form Deeds" (H. P. 37) (L. D. 38) reported "Ought to pass" as amended by Committee Amendment "A" (H-50) submitted therewith.

Mr. Finemore from the Committee on Transportation on Bill "An Act to Clarify Certain Motor Vehicle Laws" (H. P. 246) (L. D. 301) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and the Bills assigned for third reading the next legislative day.

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

Bill "An Act relating to Definition of Valuation in Reimbursement to Towns for Snow Removal" (S. P. 126) (L. D. 388)

Bill "An Act to Clarify the Law Relating to Measuring Devices of Speed of Motor Vehicles" (S. P. 130) (L. D. 392)

Bill "An Act relating to Appointment of Clerk Pro Tempore of the Judicial Court" (S. P. 139) (L. D. 421)

Bill "An Act relating to Trial Terms of the Superior Court" (S. P. 143) (L. D. 425)

Bill "An Act relating to Fire Protection for Township 8, S. D." (H. P. 200) (L. D. 247)

Bill "An Act Increasing Fee for Motor Vehicle Duplicate Licenses" (H. P. 304) (L. D. 380)

Bill "An Act relating to Minor Children Committed to State Custody" (H. P. 324) (L. D. 411)

Bill "An Act to Encourage the Use of Electronic Voting Systems by Municipalities" (H. P. 382) (L. D. 491)

Bill "An Act Permitting the Commitment of Girls from Stevens Training Center to Half - Way House" (H. P. 429) (L. D. 553)

Bill "An Act relating to the Transportation of Prisoners to and from Court and Between Institutions by Order of Court" (H. P. 466) (L. D. 603)

Bill "An Act to Make Ballot Tampering a Felony" (H. P. 467) (L. D. 604)

Bill "An Act Amending the Charter of Boothbay - Boothbay Harbor Community School District" (H. P. 655) (L. D. 806)

Resolve Proposing an Amendment to the Constitution Repealing the Provisions which Establish the Treasurer of State as a Constitutional Officer (H. P. 14) (L. D. 14)

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 Revocation of Certain Licenses under Fish and Game Laws" (H. P. 93) (L. D. 102)

Bill "An Act to Grant a New Charter to the Town of Rumford" (H. P. 96) (L. D. 119)

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.

#### Amended Third Reader Tabled and Assigned

Bill "An Act to Clarify the Watercraft Registration and Safety Law" (H. P. 118) (L. D. 134)

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

(On motion of Mr. Carter of Winslow, tabled pending passage to be engrossed and specially assigned for Tuesday, February 25.)

Bill "An Act Providing Full Reimbursement for High School Diploma Programs in Maine's General Adult Evening Schools" (H. P. 215) (L. D. 265)

Bill "An Act relating to Sick Leave for Teachers Assistants and Aides" (H. P. 221) (L. D. 271)

Bill "An Act relating to Taking Smelts for Bait Purposes" (H. P. 235) (L. D. 291)

Bill "An Act Reestablishing the Town Line Between the Town of Jay, Franklin County, and the Town of Canton, Oxford County" (H. P. 238) (L. D. 293)

Bill "An Act relating to List and Salaries of Employees of School Department of City of Auburn" (H. P. 268) (L. D. 344)

Bill "An Act relating to Use of School Buildings" (H. P. 269) (L. D. 345)

Bill "An Act Permitting Transfer of Property to Monument Lodge Association" (H. P. 341) (L. D. 449)

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

#### Passed to Be Enacted Emergency Measure

An Act to Remove Debt Limit of Jay Village Water District (H. P. 69) (L. D. 69)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act Extending the Territory of Brunswick Sewer District (H. P. 176) (L. D. 215)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 130 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.



**Emergency Measure**

An Act relating to Taking of Alewives in Damariscotta River (H. P. 295) (L. D. 371)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act relating to Workmen's Compensation Third-Party Actions (S. P. 42) (L. D. 125)

An Act relating to the Executive Secretary and Procedure of Actuarial Computations under State Retirement System (S. P. 59) (L. D. 167)

An Act Providing for an Additional District Court Judge at Large (S. P. 64) (L. D. 186)

An Act relating to Open Season for the Trapping of Foxes (S. P. 80) (L. D. 238)

An Act Clarifying Certain Milk and Milk Products Laws (H. P. 52) (L. D. 54)

An Act relating to Tree and Shrub Seeds under the Maine Seed Law (H. P. 53) (L. D. 55)

An Act relating to Open Season on Deer in the Town of Southport to Conform with Lincoln County (H. P. 121) (L. D. 137)

An Act Increasing Compensation of City of Bath Councillors and School Board Members (H. P. 152) (L. D. 178)

An Act relating to Sale of Laws to Municipalities (H. P. 154) (L. D. 180)

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

An Act to Clarify Certain Banking Laws (H. P. 159) (L. D. 198)

An Act relating to Method of Sale of Commodities and Liquefied Petroleum Products (H. P. 207) (L. D. 257)

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

**Enactor****Tabled and Assigned**

An Act Providing Preservice and In-Service Educational Activities for Teachers of General Adult Education (H. P. 223) (L. D. 273)

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

(On motion of Mr. Cottrell of Portland, tabled pending passage to be enacted and specially assigned for Tuesday, February 25.)

An Act to Repeal Certain Bag Limits on White Perch (H. P. 233) (L. D. 289)

An Act relating to Remedies Against Gas Companies and Natural Gas Pipeline Companies for Violations of the Public Utilities Law (H. P. 587) (L. D. 707)

**Finally Passed**

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 75) (L. D. 236)

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

**Orders of the Day**

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

HOUSE REPORT—Ought not to pass—Committee on Judiciary on Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 471) (L. D. 625)

Tabled—February 19, by Mr. Noyes of Limestone.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Noyes.

Mr. NOYES: Mr. Speaker, I move we substitute the bill for the report.

The SPEAKER: The gentleman from Limestone, Mr. Noyes, now moves that the House substitute the bill for the report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This proposed legislation would seriously derogate the marriage contract. The proposal received a

unanimous ought not to pass report from your Committee on Judiciary because we have felt very strongly that in Maine we should continue to be extremely fair, that no one should be granted the privilege of a divorce except for fault on the part of the other spouse. Our present statutes set forth extreme cruelty, gross and confirmed habits of intoxication from the use of liquors, addiction to opium, drugs, cruel and abusive treatment and other unpleasant faults on the part of a delinquent partner.

Now mental illness requiring confinement in a mental institution for seven consecutive years is proposed as a new ground for divorce. This, your committee feels is wrong. This proposal is against the fault concept which sustains our sound social policy that no one in Maine should cast aside a spouse who is unfortunate enough through no fault of his or her own to have been incarcerated in a mental institution. I therefore move indefinite postponement of this bill and when the vote is taken, I request a division.

The SPEAKER: The pending question now is the motion of the gentleman from Houlton, Mr. Berman, that the Report and Bill be indefinitely postponed.

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

Mr. MORESHEAD: Mr. Speaker, I would just like to supplement what was stated by Representative Berman. The committee in its judgement voted ten to nothing that this bill should be defeated and came out with an ought not to pass report. I would just like to point out to this House that recently our divorce laws have been under a great deal of criticism as being too lenient, and I submit to this House that this bill would be another step toward making it easier for parties to get divorces in the State of Maine.

Now it was pointed out by the proponents of this bill that it creates a hardship on the person who is not in the institution when their spouse has been institutionalized. I would like to point out that if this bill passed, it would

create extreme hardship on the patient in the institution, and we must also consider this person and this person's needs and not place a burden on him of having to be confronted with a divorce while he is in the institution. So I urge this House to accept the Committee Report and vote against the motion by Mr. Noyes.

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

Mr. BENSON: Mr. Speaker and Members of the House: You will have to be a little bit odd to get involved in a legal matter when you are not an attorney. There are two ways of looking at issues I believe, the legal way and the common-sense way.

In this particular instance, I think we are discussing a good common-sense approach to a very serious problem. Obviously, this problem is not serious unless it affects you or a loved one.

Under this bill a person must be confined to a mental institution for seven years before any action can be considered. With the progress that we have had in recent years in the area of mental illness, I think that it can very readily be determined that if a person is going to be cured, that progress will be made in the seven year period. I think that it is ridiculous, if I must use that word, to make it necessary under the present law for two people to remain married, the bonds remain after a seven year period with a person, one of the partners confined to a mental institution, and presumably incurable.

To use the words of the gentleman from Houlton, Mr. Berman, in order to get a divorce, and he said: "there must be faults on the part of a delinquent partner." In the case of mental illness there is no delinquency on the part of a partner, mental illness is something that cannot be helped. Mental illness is something that can be treated, but after seven years I think it can be assumed that there is little or no help, and there should be means under our divorce laws to do something about it; and I think that this is a good, sound, reasonable approach, and I think

that we should think very seriously today before we indefinitely postpone what I consider to be a very fine piece of legislation. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question to any member of the House who may choose to answer. In view of the new developments and almost revolutionary developments in the treatment of mental health patients, what would happen after seven months—seven years and six months should there be some revolutionary new treatment that comes in and this patient is cured after the seven year and six months basis?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a question through the Chair to any member of the House who may answer if they choose.

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

Mr. BENSON: Mr. Speaker, I attempt to answer the question, only because no one else does. If there is a cure effected after seven years and six months, I am sure that if these people can still stand each other, they can get together and get remarried. In the meantime, I think that there should be a provision after seven long years of separation, one person being in a mental institution, I think that there should be a provision for a legal divorce.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: As an individual and as an attorney, and not as the Majority Leader, I would like to speak in opposition to the motion to indefinitely postpone this legislation.

I fail to see that the way to eradicate the evils of divorce and the evils that follow broken marriages is to perpetuate the archaic divorce laws that we now have on the books which lead to the ridiculous situation of virtually fraudulent collusive arrangements be-

tween two people who want to get a divorce and who have to make up some fanciful story about their marriage in order to dissolve it. I think that we should recognize that mental illness continuing over a period of seven years gives the party who is mentally competent some interest in leading a life, and a married life if he wishes to, and I think most important of all, the children of a marriage in which one of the partners is confined for a period of seven years have a right to have two parents and to have a normal life if they can.

And may I say this, we have heard this legislation discussed in this Chamber in the 102nd and again in the 103rd, and I always find it somewhat amusing to have bachelors talk to us about the sanctity of the marital arrangement. The fact of the matter is that our present divorce law does not recognize the real world as it really exists, and insofar as it departs from the real world, I think we should amend it, and I hope you will vote against indefinite postponement.

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

Mr. BERMAN: Mr. Speaker, with all due respect to what has been said, I don't think there is anything amusing about what we are talking this afternoon. I don't think that this matter should concern itself with personalities or personal affairs. I think we should look at these matters on the merits.

Now if we would look at our statutes and read our divorce laws, there is nothing archaic about our Maine divorce laws. As a matter of fact, under the section which allows for divorce in Maine for the so-called ground of cruel and abusive treatment, Maine is extremely liberal. Now if there was any substantial demand for this type of legislation, I think that there would have been more than one person appear before our committee in support of this legislation. My good friend from Limestone, Mr. Noyes, came down as a proponent for this proposal of his, and as I recall and as my notes recall, he was the only one who spoke definitely for the bill.

Now if this House today is going to concern itself in a non amusing way on a very basic piece of legislation because of the evidence presented by just one proponent, I wonder what we're going to do as we go through these legislative documents that are going to confront us the rest of the session. I ask you people to use your good common sense. I frankly am not amused by the remark that there are legal reasons as distinguished from common sense. I think that the history of our law has not been logic necessarily, it has been experience. This is not my point of view, this is a point of view that was set forth by a great Justice, Oliver Wendall Holmes, and I hope that you won't consider this a laughing measure and that you will go along with the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Noyes.

Mr. NOYES: Mr. Speaker, Ladies and Gentlemen of the House: You have not heard my voice very often in this Chamber, but the Committee Report, unlike two years ago, has overwhelmed me in disappointment. Mr. Eustis in the 102nd Legislature saw defeat in a similar bill; Mr. Shute in the 103rd, even with a favorable Committee Report, fought from February until July for this bill. Those of you who were here can recall this proposed legislation passed the other body, lost in the House on April 27, and on May 4 you reversed yourselves and voted to send it to a Committee of Conference. You had recognized this to be permissive, compassionate legislation. You had recognized that this bill merely specifies mental illness as the grounds for divorce, and that the Courts still decide the merits of each individual case.

You knew that this bill specified then as now a waiting period of seven long years of confinement in a mental institution as the basis for those grounds. You knew then as you know now that under Maine law a spouse may apply for a divorce in three years in non-support cases. You knew then as you know now that under Maine

law either parent can be declared legally dead by the Courts after one has been lost after seven consecutive years.

Is not one truly lost when he or she has been confined in a mental institution for seven years in severe mental illness? Children of such a union have a right to another parent. We ask you to consider those who, through no fault of their own, find their mate confined to a world from which they will never return while in this mortal life. We ask you to think of the sacrifices a surviving mate will make upon the altar of loneliness and abnormality. We ask you to think of the children who pay the price of never again knowing a father or a mother, one who will cherish and love them as if they were their own. We ask you to search your conscience and to decide what you would do were you in such a situation, what you would permit others to do as you vote on my bill which I defend today, and finally I ask you to have compassion for a very few and unfortunate Maine citizens.

Mr. Moreshead of Augusta requested a roll call vote.

The SPEAKER: The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that both reports and bill be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. As many as desire a roll call will vote yes, those opposed will vote no, and 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 Houlton, Mr. Berman, that the Report and Bill "An Act relating to Mental Illness as a Ground for Divorce," H. P. 471, L. D. 625 be indefinitely postponed. All of those in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Berman, Bernier, Binnette, Boudreau, Bour-

goin, Carey, Carter, Clark, H. G.; Couture Cox, Crommett, Croteau, Curran, Curtis, D'Alfonso, Dam, Danton, Drigotas, Durgin, Fec-teau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gaudreau, Gauthier, Giroux, Harriman, Hen-ley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Jutras, Keyte, Kilroy, Laberge, Lebel, Lee, Leibowitz, Levesque, Martin, McKinnon, McNally, Mc-Teague, Meisner, Millett, Mitchell, Moreshead, Morgan, Mosher, Na-deau, Page, Porter, Rocheleau, Santoro, Soulas, Temple, Tyndale, Williams.

NAY — Baker, Barnes, Benson, Birt, Bragdon, Brown, Bunker, Burnham, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cote, Cottrell, Crosby, Cummings, Cush-ing, Dennett, Donaghy, Dyar, Eus-tis, Evans, Farnham, Faucher, Foster, Gilbert, Good, Hall, Han-son, Hardy, Hawkens, Jameson, Kelley, K. F.; Kelley, R. P.; Lawry, LePage, Lewin, Lincoln, Lund, MacPhail, Marstaller, Mills, Norris, Noyes, Ouellette, Payson, M. W.; Pratt, Quimby, Richard-son, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, G. W.; Shaw, Sheltra, Snow, Star-bird, Stillings, Susi, Tanguay, Thompson, Trask, Vincent, Wat-son, Waxman, Wheeler, Wight, Wood.

ABSENT — Allen, Brennan, Buckley, Carrier, Dudley, Emery, Haskell, Johnston, Kelleher, Lew-is, Marquis, Rand, Scott, C. F.; White.

Yes, 64; No, 71; Absent, 14.

The SPEAKER: The Chair will announce the vote. Sixty-four hav-ing voted in the affirmative and seventy-one having voted in the negative, the motion does not prevail.

Thereupon, the Bill was substi-tuted for the "Ought not to pass" Report, the Bill read twice and assigned for third reading the next legislative day.

The Chair laid before the House the second tabled and today as-signed matter:

Bill "An Act relating to Issu-ance of Temporary Notes by Hos-pital Administrative District No.

1 in Penobscot County" (H. P. 342) (L. D. 450)

Tabled—February 19, by Mr. Cox of Bangor.

Pending — Passage to be en-grossed.

The SPEAKER: The Chair rec-ognizes the gentleman from Ban-gor, Mr. Cox.

Mr. COX: Mr. Speaker and Members of the House: I under-stand that necessarily the gentle-man from Enfield, Mr. Dudley, is absent today and therefore would ask one of our colleagues to table this bill again.

Thereupon, on motion of Mr. Cote of Lewiston, retabled pend-ing passage to be engrossed and specially assigned for Tuesday, February 25.

The SPEAKER: The Chair now lays before the House an item tabled and later today assigned, on page 7 of your House Advance Journal and Calendar, item 15. The Committee Report on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives, House Paper 356, L. D. 464.

The Chair recognizes the gentle-man from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Lad-ies and Gentlemen of the House: First as monitor I would like to make several comments. You will note if you refer to your Regis-ters, Joint Rule 19 on page 105 says that you cannot debate until third reader, providing the com-mittee report has been accepted.

I tabled this item today until later in the day's session before we accepted the committee report. However, I do not intend to de-bate this item. This is a Constitu-tional Amendment and will re-quire for its final enactment a two-thirds affirmative vote of those persons present here in the House on that day. So we will de-bate it at that time. But I did want to point this item out specifi-cally.

I have strong and fond feelings for this House of Representatives. I came here first in 1955. I have served as Assistant Majority Floorleader and Majority Floor-

leader. I later moved on to the other body at the end of the corridor here. I chose to come back here. I have had the honor of having been requested by various Speakers to be Speaker pro tem more times than any other member of the House. I know that our one hundred and fifty-one members are not unmanageable. They are truly representative of the people. They are responsible to the people and they are excellent cross sections of the citizens of Maine.

So I urge all of the members over the weekend to give this due consideration, and I now move that we accept the Committee Report.

Thereupon, the "Ought to pass" Committee Report was accepted, the Resolve read once, and assigned for second reading the next legislative day.

---

On motion of Mr. Casey of Baileyville,

Adjourned until Tuesday, February 25, at ten o'clock in the morning.