

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, March 5, 1969

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

Prayer by the Rev. Mr. Roger Smith of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

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

**Reports of Committees Ought to Pass**

Report of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act to Create the Orono-Veazie Water District" (S. P 238) (L. D. 713)

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

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

**Non-Concurrent Matter**

Bill "An Act relating to Winthrop to Augusta Interlocal Trunk Sewer" (H. P. 391) (L. D. 501) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in the House on February 26.

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

In the House: On motion of Mr. Rideout of Manchester, the House voted to recede.

On further motion of the same gentleman, the House voted to recede from adoption of House Amendment "A". On further motion of the same gentleman, House Amendment "A" was indefinitely postponed in concurrence.

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

House Amendment "B" (H-84) was read by the Clerk and adopted and the Bill passed to be engrossed

as amended by Committee Amendment "A" and House Amendment "B" in non-concurrence and sent up for concurrence.

**Non-Concurrent Matter**

Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980) which was referred to the Committee on Health and Institutional Services in the House on February 25.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

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

**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:

**Appropriations and Financial Affairs**

Bill "An Act Appropriating Funds to Defray Part of Cost of Radio Homing Beacon at Norridge-wock Airport" (H. P. 914) (Presented by Mr. Corson of Madison)

Bill "An Act Providing Bonds in the Amount of One Million Nine Hundred Thousand Dollars for a Student Center at the University of Maine at Portland" (H. P. 915) (Presented by same gentleman)

Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees" (H. P. 916) (Presented by Mr. Curran of Bangor)

Bill "An Act to Provide Funds to Supplement Federal Grants for School Food Service Programs" (H. P. 917) (Presented by Mr. D'Alfonso of Portland)

Bill "An Act Providing for a Bond Issue in the Amount of Seven Hundred and Fifty Thousand Dollars for Terminal and Parking on Portland Waterfront for Casco Bay Islands" (H. P. 918) (Presented by Mr. Temple of Portland)

Bill "An Act relating to Allowance for Widows of Justices of the Supreme Judicial Court and the Superior Court" (H. P. 919)

(Presented by Mrs. White of Guilford)

(Ordered Printed)

Sent up for concurrence.

#### **Business Legislation**

Bill "An Act Making Permissible the Group Marketing of Property and Liability Insurance" (H. P. 920) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Sent up for concurrence.

#### **Claims**

Resolve to Reimburse Frederick C. Adams of Steep Falls for Loss of Turkeys by Raccoons (H. P. 921) (Presented by Mr. Durgin of Raymond by request)

Resolve in Favor of Matinicus Isle Plantation (H. P. 922) (Presented by Mr. MacPhail of Owls Head)

(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Resolve Reimbursing Louis Nadeau, formerly of Biddeford, for Violation of his Constitutional Rights (H. P. 923) (Presented by Mrs. Wheeler of Portland by request)

Committee on Reference of Bills suggested that the Resolve be referred to the Committee on Claims and printing.

On motion of Mrs. Wheeler of Portland, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

#### **Education**

Bill "An Act relating to Conferring Degrees by Eleemosynary, Inc." (H. P. 924) (Presented by Mr. Foster of Mechanic Falls)

Bill "An Act relating to Tuition Charges for Students from State Institutions" (H. P. 925) (Presented by Mrs. White of Guilford)

(Ordered Printed)

Sent up for concurrence.

#### **Election Laws**

Bill "An Act Providing for Judicial Review of Nomination Petitions under Election Laws" (H. P.

926) (Presented by Mr. McTeague of Brunswick)

(Ordered Printed)

Sent up for concurrence.

#### **Health and Institutional Services**

Bill "An Act relating to Blood or Tissue Transfer Services" (H. P. 927) (Presented by Mr. Durgin of Raymond)

(Ordered Printed)

Sent up for concurrence.

#### **Highways**

Bill "An Act to Study Desirability of Extending Route 161 from St. Francis to Canada" (H. P. 928) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act relating to Mandatory Discharge of Chattel Mortgages and Notes" (H. P. 929) (Presented by Mr. Dyar of Strong)

Bill "An Act to Provide for Discovery Procedures in Workmen's Compensation Hearings" (H. P. 930) (Presented by Mr. McTeague of Brunswick)

Bill "An Act Creating the Uniform Recognition of Acknowledgments Act" (H. P. 931) (Presented by same gentleman)

Bill "An Act Concerning the Election of Venue of Superior Court Actions for Residents of Brunswick and Harpswell" (H. P. 932) (Presented by same gentleman)

Bill "An Act relating to Support of Children by Parent who does not have Custody" (H. P. 933) (Presented by Mr. Ouellette of South Portland)

Bill "An Act relating to the Men's and Women's Correctional Centers" (H. P. 934) (Presented by Mr. Rideout of Manchester)

Bill "An Act relating to the Detention of Juveniles" (H. P. 935) (Presented by Mrs. White of Guilford)

Bill "An Act relating to Age of Girls Committed to Stevens School" (H. P. 936) (Presented by same member)

(Ordered Printed)

Sent up for concurrence.

**Labor**

Bill "An Act Broadening the Scope of the Uniform Arbitration Act" (H. P. 937) (Presented by Mr. Moreshead of Augusta)  
(Ordered Printed)  
Sent up for concurrence.

**Legal Affairs**

Bill "An Act relating to Municipal Park and Conservation Commissions" (H. P. 938) (Presented by Mrs. Coffey of Topsham)

Bill "An Act Reallocating Certain Bond Issue Funds for Norridgewock Airport" (H. P. 939) (Presented by Mr. Corson of Madison)

Bill "An Act relating to Water-skiing on Certain Lakes" (H. P. 940) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act to Amend the Charter of the City of Ellsworth" (H. P. 941) (Presented by Mr. McNally of Ellsworth)  
(Ordered Printed)  
Sent up for concurrence.

**Public Utilities**

Bill "An Act relating to Area of and Borrowing Power of the Corinna Water District" (H. P. 942) (Presented by Mrs. Cummings of Newport)  
(Ordered Printed)  
Sent up for concurrence.

**Retirements and Pensions**

Bill "An Act relating to Retirement of Chief Liquor Inspector" (H. P. 943) (Presented by Mr. Dennett of Kittery)  
(Ordered Printed)  
Sent up for concurrence.

**State Government**

Bill "An Act Establishing the Bureau of Geology and Mineral Resources within the Forestry Department" (H. P. 944) (Presented by Mr. Rideout of Manchester)

Resolve Authorizing Forest Commissioner to Convey Certain State Lots in Franklin County" (H. P. 945) (Presented by same gentleman)  
(Ordered Printed)  
Sent up for concurrence.

**Agriculture**

Bill "An Act to Tax Licensed Marine Worm Diggers" (H. P.

946) (Presented by Mr. Lewis of Bristol)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Taxation and printing.

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

Mr. LEWIS: Mr. Speaker, I would move that this be referred to the Committee on Agriculture, and would it be proper to speak to my motion?

The SPEAKER: The gentleman may proceed.

Mr. LEWIS: If this bill became law it would be administered by the Department of Weights and Measures within the Department of Agriculture, and that is my only reason.

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

**Orders**

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

Mr. DANTON: Mr. Speaker and Members of the House: I would ask if the House is in possession of H. P. 302, L. D. 378, Bill "An Act Creating a Second Assistant County Attorney for the County of York"?

The SPEAKER: The answer is in the affirmative.

Mr. DANTON: I move that we reconsider our action of yesterday whereby we accepted the "Ought not to pass" Report.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton moves that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" Report.

Whereupon, on motion of Mr. Crosby of Kennebunk, tabled pending the motion of Mr. Danton of Old Orchard Beach to reconsider and specially assigned for Wednesday, March 12.

On motion of Mr. Moreshead of Augusta, it was

ORDERED, that Daniel Rod-erigie and Paul Castonguay of Augusta be appointed to serve as Honorary Pages for today.

### House Reports of Committees Leave to Withdraw

Mr. Scott of Presque Isle from the Committee on Business Legislation on Bill "An Act to Clarify the General Law Relating to Formation of Corporations" (H. P. 541) (L. D. 720) reported Leave to Withdraw.

Mr. Curtis from the Committee on Claims reported same on Resolve to Reimburse Arthur Holt of North New Portland for Loss of Sheep Killed by Dogs (H. P. 265) (L. D. 341)

Reports were read and accepted and sent up for concurrence.

### Ought Not to Pass

Mr. Susi from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Age of Neat Cattle Taxed as Personal Property" (H. P. 489) (L. D. 643)

Report was read and accepted and sent up for concurrence.

### Ought to Pass in New Draft New Drafts Printed Tabled and Assigned

Mr. Kelley from the Committee on Inland Fisheries and Game on Bill "An Act relating to Hunting License for Certain Maine Residents in Armed Forces" (H. P. 384) (L. D. 494) reported same in a new draft (H. P. 947) (L. D. 1125) under title of "An Act relating to Hunting and Fishing Licenses for Certain Maine Residents in Armed Forces" and that it "Ought to pass"

Report was read.

(On motion of Mr. Carrier of Westbrook, tabled pending acceptance of the Report and specially assigned for Wednesday, March 12.)

Mr. Porter from the Committee on Inland Fisheries and Game on Bill "An Act relating to Closed Season on Wild Hares in Waldo County" (H. P. 518) (L. D. 689) reported same in a new draft (H. P. 948) (L. D. 1126) under title of "An Act relating to Closed Season on Wild Hares in the Counties of Hancock, Knox, Sagadahoc and Waldo" and that it "Ought to pass"

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

### Ought to Pass Printed Bills

Mr. Ross from the Committee on Taxation reported "Ought to pass" on Bill "An Act relating to Property Tax Exemption of Veterans" (H. P. 108) (L. D. 116)

Same gentleman from same Committee reported same on Bill "An Act to Amend the Real Estate Transfer Tax" (H. P. 580) (L. D. 765)

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

### Ought to Pass with Committee Amendment

Mr. Cox from the Committee on Legal Affairs on Bill "An Act Regarding Unsealed Instruments" (H. P. 569) (L. D. 750) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-82) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Repealing Certain Procedure for Registration of Voters" (H. P. 628) (L. D. 816)

Report was signed by the following members:

Mr. LETOURNEAU of York  
— of the Senate.  
Messrs. VINCENT of Portland  
MacPHAIL of Owls Head  
Mrs. BOUDREAU of Portland  
Mrs. GIROUX of Waterville  
Mr. CARTER of Winslow  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. ANDERSON of Hancock  
KATZ of Kennebec  
— of the Senate.  
Messrs. PORTER of Lincoln  
HENLEY of Norway  
— of the House.

Reports were read.

(On motion of Mr. Porter of Lincoln, tabled pending acceptance of either Report and specially assigned for Wednesday, March 12).

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 102) (L. D. 110)

Report was signed by the following members:

Messrs. WYMAN of Washington  
MARTIN of Piscataquis  
—of the Senate.  
Messrs. ROSS of Bath  
SUSI of Pittsfield  
DRIGOTAS of Auburn  
HARRIMAN of Hollis  
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. HANSON of Kennebec  
—of the Senate.  
Messrs. COTTRELL of Portland  
FORTIER of Rumford  
Mrs. WHITE of Guilford  
—of the House.

Reports were read.

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

Mrs. BAKER: Mr. Speaker, I move the adoption of the Minority Report "Ought to pass" and would speak to my motion.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker moves the acceptance of the Minority "Ought to pass" Report. The gentlewoman may proceed.

Mrs. BAKER: Mr. Speaker and Members of the House: I wish to speak in support of the Minority "Ought to pass" Report on L. D. 110. L. D. 110 is a bill designed to exempt a certain, special limited use of electricity from the sales tax. This is a difficult session to ask for exemption from any tax, but this is more in the nature of a clarification than an exemption. I feel strongly that this is a fair, just and necessary bill, one which warrants the support of this House. I shall try as briefly as possible to explain the

purpose of the bill and to show you the justice of passing it.

The bill at this time is of primary benefit to one industry in Maine, although it would benefit others to come, such as the aluminum plant which has been discussed recently. This industry, IMC Chlor-Alkali is located in Orrington and is an important industrial addition to my town. It employs fifty-five people with an expenditure contributed to the Maine economy of about \$2,700,000 annually. It produces chlorine and caustic soda chemicals important to many industries in large quantity, about 180 tank carloads a day.

The manufacturing process is very simple in principle. Electricity is passed through a solution of salt water breaking apart the elements of salt, sodium and chlorine which are refined and combined into the finished products. The use of electricity in this way is called electrolysis, the word used in L. D. 110 to describe the process.

Here is the distinction between this use of electricity and other ordinary uses of it. Electricity used for heat and to run motors and for lights in manufacturing represents, in a way, the final use of the electricity. This common use of electricity in connection with any manufacturing process is indirect at best. In an electrolytic process, on the other hand, the use of electricity is direct. The electricity is actually consumed directly in the manufacturing process.

Mr. Speaker and members, you may be aware of the fact that other things consumed directly in a process for the manufacture of personal property for later sale are exempt from sales taxes. For example, I am told that in the manufacture of paper, such things as pulp, wood and chemicals, and even felts and lubricants, are not taxable because they either become ingredients of the paper or are consumed or destroyed in the process of making the paper.

Now, here is a product, electricity, used and consumed just as directly in the manufacture of a product for later sale as pulp, wood, chemicals and lubricants are, yet it is subject to tax and those things, pulp, wood, chemicals, and so

forth, are not. That is why this bill, which would change that, is fair.

This use which IMC makes of electricity, to separate the elements of salt from one another by electrolysis, represents a new and dramatic use of electricity which was undoubtedly not anticipated when the sales tax law was drafted some years ago.

Again, L. D. 110 says simply that electricity used directly in this manufacturing process — not, it should be emphasized, electricity used, even by IMC, for such things as running motors, or lights, but only electricity directly used and separately metered in the electrolytic manufacturing process should be treated just like other major items of personal property are treated which are used directly in the making of personal property for later sale.

This bill means much to IMC Chlor-Alkali in particular and indirectly it means much to many other industries in Maine, especially paper companies which directly benefit from the lessened freight they must pay for the chlorine and caustic soda they use in their process, whether or not they purchase these items from IMC, by the way.

This bill has broad support from many sections of the state. It has the sanction of Ernest Johnson, the State Tax Assessor, as an administratively feasible bill. It has the active support of the Commissioner of Economic Development, James K. Keefe, who appeared before the Taxation Committee to support the bill. He realizes that this is an industry which, especially with the help of this bill, can make an even greater contribution to Maine's economy, possibly by serving as the nucleus for related satellite industries. This bill had no opponents at the hearing before the Taxation Committee.

There is precedent, too, for a sales tax exemption which primarily benefits one company. In 1965 and 1967, the Legislature passed bills to exempt from sales tax certain materials purchased for the construction and repair of ships, helping primarily Bath Iron Works in competition with out-of-

state boat builders. This bill does not ask for as much. It asks no favored treatment, only equal treatment.

But, we do not need to look for any reasons beyond this bill itself to justify it. This is a fair bill. It merely treats this new Maine industry, based on this special use of electricity, the same way that all other Maine industry is treated. While there will be some reduction in revenue to the State, up to \$80,000, the bill would eliminate an injustice in the way this one industry is treated. The bill is fair. The bill will benefit Maine industry in several important ways.

Mr. Speaker, I do hope this House will support the bill, and when the vote is taken, I ask for a division.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I arise to support the gentlewoman from Orrington. I think I have a particular interest in this bill in that the plant is directly across the river from my residence. We have people in this House or in this body who fear industry, for fear it will put some smoke into the air or slightly pollute our waters. This happens to be one of the very clean industries and one that is paying unusually high wages for the State of Maine.

I hold before me here a booklet put out by the DED, which they use in the hopes of attracting industry to the State or Maine. They stress in this booklet that Maine has no corporate tax or personal property tax, and it goes on in the section dealing with the sales and use tax to state that the use tax does not apply to personal property consumed in the manufacture of other personal property for sale. As so ably explained to you by the gentlewoman from Orrington, Mrs. Baker, the electricity used in this plant in the process of making the chemicals is consumed. It is rather a difficult thing to imagine because after it has been consumed and becomes a part of the product, you no longer can identify it.



I would remind you that all of the wool that is imported into this state to be used in the manufacture in our woolen mills is exempt from the tax, all of the cotton brought in to be used in our cotton textile mills is exempt from this tax. The boot and shoe industry is the largest employer in the state, practically ninety-nine per cent of the leather they use is imported into the state and is exempt from this tax.

I do not think that we should measure this by the loss of revenue; we should keep in mind justice and justice only. Furthermore, as stated by the gentlewoman from Orrington, at the hearing the DED actively supported this bill and in one of their most recent publications in an editorial had this to say and I quote: "Needing strong support is proposed legislation to exempt from Maine's sales tax electricity separately metered and consumed in any electrolytic process for the manufacture of tangible personal property for later sale."

This is an industry which if it can keep on its feet and be successful is one that is going to attract many satellite industries that require skilled people, and when you have an industry that requires skills you have a high wage industry. I certainly hope that when the vote is taken that this House will see fit to accept the Minority Report.

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

Mrs. WHITE: Mr. Speaker, as a signer of the minority report, I also support the motion of the gentlewoman from Orrington. I too feel that it is right that this particular use of electricity should be exempt from sales tax. Thank you.

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

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: I like to be known as a fair and just man. I haven't got too many more virtues left. And this appears to me to be a fair and just bill from what I've heard here. I'd like to get every penny

of money that we can in taxation but this seems to me it would be treating this product like all the other manufactured products that we have, and I'm going to support the Minority Report.

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

Mr. SUSI: I will speak in explanation of the position of we on the Taxation Committee who signed the Majority "Ought not to pass" Report. We on the Taxation Committee listen to exemption bills the majority of the time and privately we refer to our committee as not the Taxation Committee but the Exemption Committee. This is a bill which would exempt an industry from an existing tax application. All exemption bills in my experience that have been presented to the Taxation Committee have varying degrees of validity. I do not propose to argue the comparative validity of this particular bill against other bills that have been offered to us. Generally this is true that when we provide an exemption to an existing tax application, there is the same practical effect on the finances of the State of Maine as increasing appropriations.

We all are well aware of our financial situation in this session of Legislature, and for reasons that I have mentioned, we did sign in the Majority "Ought not to pass."

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I signed the Minority Report. I didn't want to sign any report at this time, and I tried to get the Committee to hold up so that we could at least make a little start and bring a little more logic to our honeycombed tax structure. It seems to me this is a very logical exemption. The boatloads of salt which they use in their electrolytic process are exempt. This is a direct current electricity, which is totally consumed. We do not charge a sales tax on the printer who printed newspapers.

I wanted to hold this bill up so that we could go through the whole list and see if we couldn't

get more income, but perhaps we didn't have time, and so I had to sign the Minority Report, and I'm glad I did it. I hope that in your wisdom you give this very fair consideration.

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

Mr. EMERY: I'd like to address the House for a minute on this. I'm not going to speak for or against, but I would say that a large aluminum company has applied for permission to come into Maine. I think we're familiar with the proposition that was proposed at Trenton. I would like to remind the House that this company also would be using large amounts of electricity. We may be opening the door, by passing this bill, to great amounts of taxation that we many lose in the future.

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

Mr. CAREY: Mr. Speaker, and Ladies and Gentlemen of the House: I attended that hearing, and it seems strange that from the testimony that was given that the Majority Report should be one that says "Ought not to pass." Now the gentleman from Pittsfield, Mr. Susi, seems to indicate that while the tax is unfair, nevertheless it does produce revenue to the state. I can't agree with this kind of reasoning, and I would certainly support the gentlewoman from Orrington, Mrs. Baker.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the gentle lady from Orrington, Mrs. Baker, for one major primary reason. As legislators I think we should be primarily concerned with the economic growth of our State, and this particular plant, a manufacturing firm, cannot expand its facilities to a greater degree unless it can convert its raw material into finished products. And that's one reason why I feel that this tax deduction should be allowed.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of

the gentlewoman from Orrington, Mrs. Baker that the House accept the Minority "Ought to pass" Report on Bill "An Act relating to Definition of Retail Sale under Sales and Use Tax Law," House Paper 102, L. D. 110. A vote has been requested. All those in favor of accepting the Minority Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 115 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

Thereupon, the Bill was given its two several readings and assigned for third reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act to Change the Name of Butler Island, Kennebec County, to Paradise Island" (H. P. 80) (L. D. 80)

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

#### Third Reader Tabled and Assigned

Bill "An Act relating to Leave of Absence for Teachers and Principals" (H. P. 139) (L. D. 161)

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

(On motion of Mr. Henley of Norway, tabled pending passage to be engrossed and specially assigned for Wednesday, March 12.)

Bill "An Act relating to Time of Sessions of Board of County Commissioners of Washington County" (H. P. 361) (L. D. 469)

Bill "An Act Providing that Revenues Received in Enforcement of Elevator Law shall be Credited to the General Fund" (H. P. 388) (L. D. 498)

Bill "An Act relating to Financial Statement Forms for Use in Determining Ability to Pay Support at State Institutions" (H. P. 389) (L. D. 499)

Bill "An Act relating to Inspection of Motorcycles" (H. P. 419) (L. D. 530)

Bill "An Act relating to the Maintenance of a Public Building in Rumford" (H. P. 450) (L. D. 573)

Bill "An Act relating to Election and Duties of Ministers in Protestant Episcopal Church in the Diocese of Maine" (H. P. 476) (L. D. 630)

Bill "An Act relating to Conveyance of Property to Bangor Recreation Center" (H. P. 477) (L. D. 631)

Bill "An Act relating to Temporary Loans by Counties of Cumberland, Washington and Kennebec" (H. P. 492) (L. D. 646)

Bill "An Act relating to School Construction Aid in School Administrative District No. 53" (H. P. 515) (L. D. 686)

Bill "An Act relating to Action that may be Taken at School Administrative District Budget Meetings" (H. P. 547) (L. D. 726)

Bill "An Act Repealing Big Squaw Mountain Game Preserve and Amending the Piscataquis and Somerset Game Preserve" (H. P. 553) (L. D. 734)

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

#### Amended Bills

Bill "An Act Appropriating Moneys for Essential Needs at the University of Maine" (S. P. 77) (L. D. 235)

Was 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 Increasing Compensation of School Directors of School Administrative Districts" (H. P. 318) (L. D. 405)

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

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

Bill "An Act relating to the Chairman of the State Apprenticeship Council" (H. P. 352) (L. D. 460)

Resolve Regulating Ice Fishing on Indian, Orange, Rocky and

Sunken Lakes in Washington County (H. P. 410) (L. D. 521)

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

#### Passed to Be Enacted

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

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.

#### Orders of the Day

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

Bill "An Act to Clarify the Watercraft Registration and Safety Law" (H. P. 118) (L. D. 134) (Committee Amendment "A" adopted H-44)

Tabled—February 25, by Mr. Carter of Winslow.

Pending—Passage to be engrossed.

On motion of the same gentleman, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

HOUSE REPORT—Ought to pass in New Draft—Committee on Election Laws on Bill "An Act relating to Time of Filing Certificates of Political Caucus Nominations" (H. P. 278) (L. D. 354)—New Draft under title "An Act relating to Time of Filing Political Nominations for Town Office" (H. P. 846) (L. D. 989)

Tabled—February 26, by Mr. Henley of Norway.

Pending—Acceptance.

On motion of the same gentleman, the Report was accepted, the New Draft read twice and tomorrow assigned for third reading.

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

Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 471) (L. D. 625)

Tabled—February 26, by Mr. Meisner of Dover-Foxcroft.

Pending—Passage to be engrossed. (Later reconsidered)

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

Mr. MEISNER: Mr. Speaker and Members of the House: I would like to speak very briefly on this bill, I don't intend to make it very long, but perhaps I shouldn't speak on it at all because I am very much disturbed and depressed because of the decline in the seriousness of our marriage laws and marriage vows that people take. You can well imagine that I have performed very many marriages in my life. I cannot hide my age any more like some people can. I think it is fifty-three years ago last fall since I performed my first marriage ceremony. I do not know just exactly how many marriages I have performed, but I count up to a thousand and I leave it there, but over the years I have consistently noticed the decline in the seriousness of marriage, and especially in the last few years. I am still conducting marriages, twenty-five or thirty a year. I have had one each weekend since coming down here. Some marriages are very good. It got so that you can tell. I have one booked now that I know is going to be a lovely marriage. These young people have been engaged for some time. The young lady is a graduate from Husson College and so is the young man.

They already have their plans made and for four years they have kept company and had an engagement, but so many marriages that come to me, it is a problem whether I should perform them or not, but I know they can go down the street and get married by the justice of the peace, he can do a good job, but I do not think he can do the job that I can, because he hasn't had the training to do it, because I talk to these young people as best I can. Some of them are frivolous marriages, a great many, too many these days, are marriages

of necessity, and I know that they will not last very long.

It was just reported, yesterday I saw in the paper where one couple had been married just six weeks and they are now applying for a divorce. I cannot belabor this question very long, but to me this is a serious business, getting married. My ceremony says that marriage is an institution of God, it lies at the basis of human legislation and civil government, the peace and the well being of the nation and land, and I believe that. I am very much disturbed when I think of the conditions of our state even and especially of our nation, our young people are disturbed, they are bewildered, and as J. Edgar Hoover tells us the great cause of much of this is the breaking up of the families.

Now I know I may not be speaking exactly to the bill before me at this time, but it is too easy to get a divorce now. This law of cruel and abusive treatment, in California it is mental abuse, and so many times I have read and listened over the radio to court trials on divorce. It seems that the applications contain so many trifling things. I think we have it in our marriage vow that until death do us part. That doesn't seem to mean very much today. I'm not saying that there should not be divorces in some cases, but I do say that sacrifice, prayer and toil are the basis of a home, and divorces should not be granted just because somebody has to make a little sacrifice, and I am sure this bill if it is passed would be abused, and if only people, husbands and wives, would marry just for love, we wouldn't need any more divorce laws. Thank you.

The SPEAKER: The pending question is passage of this bill to be engrossed.

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

Mr. MORESHEAD: Mr. Speaker, I move the indefinite postponement of this bill and its accompanying papers and I would like to speak on my motion.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead, now moves that L. D. 625 be indefinitely

postponed. The gentleman may proceed.

Mr. MORESHEAD: Mr. Speaker, a short while ago this House heard arguments on this matter and voted against indefinite postponement by a very narrow margin. At that time, many arguments were put forth both for and against the bill.

I would just briefly like to reiterate the arguments as to why this bill should not pass. I feel that as an attorney that the divorce laws as they are presently set up are too easy, and I see people come into my office to get a divorce with very little grounds, but legally they are entitled to a divorce, and I feel that our divorce laws are too liberal and that the passage of this particular legislation will liberalize these laws even further. Our divorce laws as they are today call for a wrongdoing on the part of the defendant, and this would allow a person to be — who is in an institution let his spouse get a divorce from him for no real wrongdoing on his part other than the fact that he suffers from mental disease, and I feel also that the argument that the seven years someone may be treated, this may be fine, but I feel this is a foot in the door. Next, we will have a measure to reduce this to five years, three years, two years and maybe just six months, so I feel we must end this and end it right now irrespective of the number of years involved. And therefore, I ask you that you support my motion to indefinitely postpone this bill and its accompanying papers.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Being neither an attorney nor a clergyman, I cannot eloquently speak along those emotional lines, but I would like to second Mr. Moreshead's motion for the following reasons.

This bill is supposed to consider grounds for divorce mental illness. If we pass this bill, are we not establishing a precedent? What other incapacitating illnesses can follow? What about paralysis, which is incapacitating? What about heart failure, multiple sclero-

sis and even the so-called alcoholic disease? I consider that possibly under those circumstances some men or women might like to have it grounds for divorce, but nevertheless mental illness as I see it, and I think a lot of us see it that way, should have no preference over other illnesses that incapacitate. I know and many of us know of dedicated wives who have taken care of their husbands who have fallen with heart failure and they can hardly lift a finger for year after year after year. I know of three cases of a man that is hardly able to feed himself, and it's been way over seven years. Should that man be cast adrift on the county or on the state? I feel that that woman is sacrificing, she is losing the value of her spouse, and I know of two cases where a husband, a dedicated husband, in one case a fairly young man, in fact he was a schoolmate of my son, his wife is completely helpless and has been for almost eight years; still he is very dedicated. Would we enact a law that would allow him to cast her adrift and send her to a hospital and just forget about it? It is those things that I feel responsible about to our constituency when we pass a law here, what are we opening the door to.

I objected to this bill two years ago; I shall certainly object to it again and again and again. I feel that certain grounds for divorce are very justifiable, when a person is able to defend themselves, when they are able to deny things or also to corroborate or when they are able to take care of themselves. I realize that mental illness along with these other illnesses do create a problem for the spouse many times, but that is one of the things that we face when we get married; through illness and through health, and mental illness is illness. I feel that our responsibility perhaps is even greater than toward our spouse. So I strongly urge you to vote against the passage of this bill and to vote for the indefinite postponement.

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

Mr. BENSON: Mr. Speaker and Members of the House: It grieves

me to take issue with my good friend from Dover-Foxcroft, Mr. Meisner, and it's very seldom that I do. However, in this instance, I feel that I must. If we are to be concerned with the divorce laws, I think we should be concerned with those that are on the books at the present time, much more concerned than we are with the issue in question here today.

As I read the statutes, you can today get a divorce for adultery, extreme cruelty, utter desertion continued for three consecutive years next prior to the filing of the complaint, along with many others, and of course the one that is most often used is cruelty and abusive treatment. It is used and I feel it is abused. I think that divorces are issued frivolously on this ground. I think today we are talking about a ground for divorce that is a reasonable approach to a divorce. Mr. Meisner said he feels that marriage vows should be taken seriously, and I couldn't agree with him more. He feels that the portion of the marriage ceremony which states until death do us part should be adhered to much more than it is today, and I couldn't agree with him more. But I suggest to you that seven consecutive years in a mental institution is a form of living death. I feel that the wording of the bill, and I will quote: "mental illness requiring confinement in a mental institution for at least seven consecutive years next prior to the initiation of a divorce complaint." Seven years, ladies and gentlemen, in a mental institution, truly must be considered a form of living death, and I feel that we are talking about a reasonable common sense approach to the severance of the marriage vows and ties and I think that we took a proper step, a step in the right direction the other day when we voted to accept this bill, and I urge you one and all to vote against the motion to indefinitely postpone. Thank you.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of this

House: I rise today with mixed feelings on this bill. It had been my intention to work and vote against this measure. As a Catholic, I cannot envision divorce for any reason. As a practical man I find reasons for separation of many couples and to put it bluntly, there are some couples who are a burden on each other.

Now as a representative of all of the people of my community, I must disregard my personal beliefs. Just as it is impractical for me to impose my political views on all of you here, so must it be true of my religious views. This bill has been pointed out as permissive legislation, and it is for this reason that I can faithfully support it. Now while the provisions of this bill would not be available to my family, I cannot rightly deny others their rights or impose upon them my rules of morality. I know that if my wife had several minor children, as she currently does, and she still would have after the seven year period had passed which has been mentioned, that were I to be committed, as is the feeling of some of my colleagues here, I would hope that she could have her release, both for herself and for the children. While in our case it is impossible, I know that she would need the sure hand of guidance when we have these times of trouble, violence and disrespect for authority. I urge all the members of this body to reflect seriously on the needs of some of our people. With the passage of this measure, the choice lies with the individual, but there is an avenue open, and while this could be regarded as a form of desertion, it must be remembered that at present when we commit one to an institution, we are committing at least one to a living hell outside.

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

Mr. BERMAN: Mr. Speaker and Members of the House: The gentleman from Waterville has brought up the question of burdens. Some of us thought about this matter very carefully and some of us feel very strongly that a dis-

tinguishing characteristic of any decent civilization may be defined by the way you treat human beings, who because of mental illness are unable to look after themselves. In cruel and defunct civilizations, one of which I think was Sparta, the deformed child was cast out upon a wilderness hillside to die either by beast or to perish by starvation. Perhaps the brave little boy who graced us by his courage yesterday would have been in jeopardy in such a society. I also recall that in ruthless societies closer to home the ancient mother was given a sparse supply of food and left by her nomad kindred to die alone and uncared for with no marker for her grave and no one to mourn.

Today in this House when we are adequately clothed and adequately nourished, how easy it is to turn our back on the mentally ill when one spouse is no longer useful to the other. Members of the House I strongly urge you to support the views of that great gentleman from Dover-Foxcroft, Reverend Meisner, for no matter how well the proponents seek to perfume this unsavory bill, its passage would be a stigma on this House and a shameful moment in the history of the 104th Legislature.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I hope that you will vote in favor of L. D. 625. A person who has been committed to a mental hospital for seven continuous years falls into the category of a person who can no longer be retrieved. He or she can no longer meet any of the privileges and obligations of marriage and if there are children, the privileges and obligations of parenthood.

Should medical care change so that a long term mental patient may be retrieved, it is within the power of the Legislature to alter the law when the time comes. I therefore hope that you will vote in favor of L. D. 625.

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: I want to support the motion by Representative Moreshead. I have been reminded several times in this session and the previous session in which I was a member that morals cannot be legalized. I have to admit this much to my regret in many instances, but I would like to remind the members of this House that twenty-seven years ago or a little more I took a vow, and in that vow I said I promise to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, 'til death do us part according to God's holy ordinance. I believe in these liquor laws—I don't mean liquor laws, excuse me, they are on my mind. I believe in these divorce laws, that they have been liberalized as much as the liquor laws to the extent where we do not have much control, but up until this point they have been a cause for each member involved to fight back. On this liberalization of the divorce law there is no way for one to fight back and defend his or herself.

In this vow that I have just read it says in sickness and in health. Many of us have taken that vow. There are several members of the House that someday will take that vow. If it means anything at all, I do not think that we can go and support a bill such as this measure. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, like Representative Carey of Waterville, I am a Catholic and mindful of the feeling of my church in regard to the issue of divorce. I agree with Mr. Carey that it is not our position as members of a particular church to impose our personal views on all of the people of this state.

I sympathize at least to some extent certainly with the spouse who is left out in the living hell as it's been described when another spouse is institutionalized because of mental health problems, but I think there are some other mat-

ters that we should consider aside from our philosophical positions in regard to this bill.

Number one, as I understand it, under the current law, it is possible with great safeguards to obtain a divorce against a person who is institutionalized if the grounds for divorce arose before the mental illness. This may be a very difficult problem of proof but it is possible. In that situation a guardian is appointed by the Court for the person who is institutionalized to represent his or her interest and particularly in the case of a woman to represent her financial interests, so that an individual who is motivated solely by the desire to avoid the obligation of supporting his ill spouse does not have an easy road.

I personally feel that there may be some danger if this bill is enacted, but the current situation where divorce with great safeguards is possible in these cases in less than seven years, may not be possible. I also feel that it is unfair both to the ill spouse and to the community to allow divorce on the grounds of insanity when to do so would prevent the court from granting any alimony or support, so that the ill person would end up being supported by the community and not by the spouse. I also feel that although this is not inevitable, that it is not uncommon that when one spouse is mentally ill that the other spouse may have been a partial contributing factor. When you weigh all these things and you consider that under our law no support or alimony is possible for a wife against whom a divorce has been granted, I believe that although this bill has the germ of a good idea in it, that in its present form it would do much more harm than good. I think we may actually have a result where there would be more divorces prevented that perhaps should be granted than would be granted and I also think we would be dealing with a financial inducement to divorce in order to avoid the obligation to support and pay for the medical care and hospital care of the mentally ill spouse.

Mr. Hichens of Eliot requested a roll call vote.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to rise in support of Mr. Meisner. I am also a Catholic, but it doesn't make any difference, if you are a Catholic or a Protestant, when you take the oath, in marriage oath, you state therein that until death do us part.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to point out to this body that in the 73rd Legislature back in 1907, to be found in Chapter 148, this law was passed. The complainant in this measure was held for support of the mentally ill spouse. In other words, the measure went further than what this measure goes today and then in 1913 the Legislature then in their wisdom repealed this law.

It became apparent I think that many times the perpetrator was being rewarded. Many times a spouse becomes mentally ill because of beatings, because of syphilis and other conduct and acts. We have heard people state today and the other day that mental illness in many cases is incurable. Yet we had the chief authority of our state, Doctor Schumacher testify before the Committee that he deems no mental illness as being incurable.

Today we have laws in this state that are just as liberal as the State of Nevada. Should we go on record as further liberalizing them? Should we go on record as having a policy for this state to reward a possible perpetrator? Should we go on record as saying that whatever vows you took you can forget about if your spouse is seven years in an insane asylum? If we are to do this, why stop at mental illness? Why don't we take into consideration the paraplegics; why don't we take into consideration a victim of an accident who may be a vegetable? Ladies and Gentlemen, I have at



previous sessions voted against this measure. I will vote against it today, and I think that this Legislature would be acting wisely and judiciously if they also vote against it. Thank you very much.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: I wish that I could match the eloquence of the Reverend Mister Meisner when he gave us his beautiful talk a few moments ago. I can say this as I look about me here this morning, all these people who are married I believe, I will dare say that ninety-five percent of these people have taken the same vows that the rest of us have taken, and I think until death do us part, regardless of that mental illness, let us not betray the unfortunate person who is confined in the institution. I urge you to vote against this measure. Thank you.

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

Mr. NOYES: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of L. D. 625 again. I will not go into detail, for you have heard me state briefly its merits. Please understand that I am not in favor of liberalizing our divorce laws. Again I explain this is strictly permissive legislation to be considered as individual cases, a compassionate move to ease the lives of those less fortunate than ourselves. For a moment, let us each consider what we would do or want done for those we love. I hope that in any event that this body moves for swift passage of L. D. 625. Thank you.

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

Mr. SUSI: Mr. Speaker and Members of the House: A confusing element in my considerations of the merits of this bill has been the question in my mind as to how the inmate of the institution might feel on the matter of the spouse's possible remarriage. Obviously, there is no way for us to determine this. I have, however, been able to resolve this doubt to my satisfaction through this

process. First, I concur with previous speakers that unselfishness is the keystone to a successful marriage. Recognizing this, each of us if we were to ask ourselves right now this question: would I want my spouse to be free to remarry should I be stricken with incurable mental illness? I doubt that one of us present here today would deny our spouse this possible relief in such an unfortunate situation. On the other hand, I believe our spouses would give us the same answer to the same question.

Should you concur with me here today in this conclusion, then I believe that you will vote with me for the passage of this bill. Thank you.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Moreshead, that this Bill be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. All of those desiring a roll call will vote yes and those opposed will vote no. The Chair opens the vote.

More than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Moreshead, that L. D. 625, H. P. 471, Bill "An Act relating to Mental Illness as a Ground for Divorce" be indefinitely postponed. All those in favor of indefinite postponement will vote yes and those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Barnes, Berman, Bernier, Binnette, Boudreau, Bourgoïn, Buckley, Carrier, Carter, Couture, Crommett, Croteau, Curran, Curtis, D'Alfonso, Dam, Danton, Drigotas, Dudley, Emery, Evans, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gaudreau, Gauthier, Giroux, Good, Hall, Hanson, Harriman, Hawkins, Henley, Heselton, Hewes, Hichens, Hunter, Immonen, Jameson, Jutras, Keyte, Kilroy, Laberge, Lebel, Lee, Lei-

bowitz, Levesque, Lewin, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mitchell, Moreshead, Mosher, Nadeau, Page, Porter, Rand, Richardson, G. A.; Sheltra, Snow, Soulas, Starbird, Temple, Trask, Tyndale, White, Williams, Wood.

NAY—Baker, Benson, Birt, Bragdon, Brown, Bunker, Burnham, Carey, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Cox, Crosby, Cummings, Cushing, Dennett, Donaghy, Durgin, Dyar, Eustis, Farnham, Foster, Gilbert, Hardy, Haskell, Huber, Jalbert, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, LePage, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, Mills, Morgan, Norris, Noyes, Ouellette, Payson, M. W.; Pratt, Quimby, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Stillings, Susi, Tanguay, Thompson, Vincent, Watson, Waxman, Wheeler, Wight.

ABSENT — Allen, Bedard, Brennan, Coffey, Faucher, Rocheleau, Santoro.

Yes, 74; No, 68; Absent, 7.

The SPEAKER: The Chair will announce the vote. Seventy-four having voted in the affirmative and sixty-eight having voted in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

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

Resolve Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives (H. P. 356) (L. D. 464)

Tabled — February 26, by Mr. Ross of Bath.

Pending—His motion to Indefinitely Postpone.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Last week this was debated at some length and I thought I had made my position clear. The next day a certain legislator came to me and said you're the guy that wants to cut the size of the House. So before I start I want to state

emphatically that I approve the size of the House the way it is right now.

Now as a monitor you have often heard me say, for the benefit of the new members. I now say, for the benefit of all members including me there is a parliamentary lesson to be learned with last week's treatment of this strange little bill. It was my understanding then that we would debate it at that time to its conclusion, one way or the other. But as often happens once again I was foiled. We proceeded with our plan of attack, our flanks were protected and our guns in place. The battle was begun and my side had fired its major salvos. We still had small arms ready and waiting, when suddenly the opposition demanded a cease fire for the purpose of regrouping their forces. This was a most frustrating maneuver. We now find ourselves where we can't use our spent ammunition; we must change our tactics and call up our reserves.

Now I will not repeat today how manageable and efficient I think this House is, or much decorum we truly have or how high we're held in national esteem, but I will mention again what a high regard I have for all of the State Government Committee members, from the charming Women's Corps member, my colleague and friend from Bath, Miss Watson, to the astute and capable Executive Officer, the gentleman from Manchester, Mr. Rideout, up to the revered and master tactician who is the Commanding Officer, the gentleman from Kittery, Mr. Dennett.

I stated that I normally trust this group with a unanimous report because I feel that they're an omnipotent Brigade. I am sure they were motivated with good intentions, but I feel that this time they had a slight lapse. Because I fail to see that this is progressive or it is for efficiency. I believe it is change for change sake, which reminds me of a little poem by Robert Service entitled "There's a Race of Men," and I would like to quote just three short stanzas.

"They range the field and they rove the flood,

And they climb the mountain's  
 crest;  
 Theirs is the curse of the gypsy  
 blood,  
 And they don't know how to  
 rest.  
 If they went straight they might  
 go far;  
 They are strong and brave and  
 true;  
 But they're always tired of the  
 things that are,  
 And they want the strange and  
 new.  
 They say: 'Could I find my  
 proper groove,  
 What a deep mark I would  
 make!'  
 So they chop and change, and  
 each fresh move  
 Is only a fresh mistake."

I have often heard that politics is the art of compromise. I agree with that and I am willing to show my spirit of compromise. Last Tuesday we had two amendments, one to cut the size of the House down to 32 and another to increase it to 401. I would be very happy to compromise somewhere in the middle, shall we say 151, and I hope that this House will agree with my magnanimous offer.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I arise this morning with somewhat of a feeling of fear and trepidation. You have heard the magnificent onslaught by the forces of the enemy. I have no doubt but the oration which you have just heard will go down in the annals of this House as one of the classic examples of rhetoric.

Now I know that the gentleman from Bath worked long and far into the night on this magnificent discourse. But I in my poor and humble manner can only take a few remarks off the top of my head. I could not write a speech such as the one that you have just heard, because as you all know that I have a great deal of difficulty with words that contain more than two syllables. But nevertheless, I will attempt to give you this morning the reasons for the unanimous "Ought to pass" Report of the Committee.

I think this morning that a moment of truth has arrived in this House. For many many years the ghosts of legislative reform have haunted these hallowed walls. Session after session we have had bills introduced which would institute reforms in our legislative process. Now this morning you have before you in this legislative document, the very key, the very foundation of any legislative reform. To attempt legislative reform with a large House, the cost would be both exorbitant and prohibitive. With a smaller House, accomplishments in this field could be made.

Now, we have 151 members. I would not for one moment cast any aspersion on the abilities or the integrity of a single member. I too believe that we have a good House; I too believe that perhaps a smaller House could be a more efficient House.

This morning it is time for the members of this House, the men and women of this House, to examine the problem that lays before me. This takes an immense amount of courage. We will be frank, we will be honest. Are 55 members of this House willing to vote themselves out of a job? This is a very very difficult problem; it's a problem that we all must face. We must face it with courage and with sincerity if we are to institute these legislative reforms such as staff, such as legislative pay raises, many many things that perhaps would be of advantage. Again I remind you that we can do it only with a smaller House if we have any regard to the costs that would be involved. I would ask you this morning to reject the motion to indefinitely postpone and vote once again for the bill, I believe it's to be passed to be engrossed. Thank you.

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

Mr. LUND: Mr. Speaker, Members of the House: This is a difficult league to run in, and I don't propose to run against the speakers we've just heard. However, I think that with the year of rhetoric and perhaps a little frivolity here, there is a danger that the House

might lose sight of this as a very important measure, not simply because it deals with the House as a unit, but because it represents, I believe, the first step and a first step that we must take if we are to reform the legislative process and make it one that can properly carry out its function in this day and age. And without trying to elaborate on this topic a great deal I simply would like to have the members think a little bit about the changes that have taken place in the State of Maine since it became a State, the changes of communications and the changes in method of transportation, and to ask themselves, each one of you, whether these changes warrant the consideration of compensating changes at the state level.

Time was when it took days and literally weeks for news to reach your constituents, and it took days and literally weeks to reach the State House in order to carry out the mandate. Here we drive back and forth from literally the farthestmost parts of the state, and the word goes out and comes back between ourselves and our constituents in a very brief time. And it seems to me that with this vast change in transportation and communication the necessity for a House the size that we have now is changing and that we ought to face the need for change, and we ought to take this first step as a meaningful step in the direction of legislative reform.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat amazed at what I have been listening to here this morning. I wonder how many people here realize that the territory I now represent is bigger than the State of Rhode Island. It's 80 miles long and it's 44 miles wide and it's only one segment of Washington County.

I wonder how many people have considered the geophysical layout of the State of Maine as regards to counties and districts. If this is passed and becomes a law in the state on reapportionment of

the House downward, it means that there will be three Representatives out of Washington County and one Senator.

I now find it takes me two hours to go from one end of my district to the other if I can avoid the state police, which I haven't been able to do successfully. Now then, when you reach these people, you have diversions of opinion all through your area. I am finding this especially so during this legislative session. To further inculcate this thing into a law would deprive these people of true representation throughout the Washington County area. I would not try to digress into the other parts of the state because I am not familiar with their territories, but I presume you members here are.

I've heard pro and con on this, but I think if this thing was to be done we'd be downgrading the vote of the people of the State of Maine, we'd be downgrading their thinking, we'd be downgrading their representation here in the House and which I think they're entitled to as the tax payers of the State of Maine. I think it deserves a lot of thinking.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think probably this morning you're witnessing the beginning of not the ides of March, but the winds of March.

I concur wholeheartedly with the gentleman from Kittery, Mr. Dennett, as to the feasibility and possibilities of what is to happen in the future. I also concur with the gentleman from Augusta, Mr. Lund, and it seems to me that at very best not too many moons ago, as was mentioned in this House, that it's time for a change. I think it's high time for a change. As was indicated, information to the outlying areas in our state, when the logistical number of 151 was established, if you got it in a week you were lucky. If you didn't get it in a week, you never got it. So the information that was made available some years

ago in a week maybe got back to the Capitol in a month; and a lot of it never got out and a lot of it never came back.

The gentleman from Kittery, Mr. Dennett has pointed out, are we as member of this House, are we to fear our own numbers? Or maybe as the gentleman from Bath, Mr. Ross has pointed out, have some of us run out of ammunition in our own localities for fear that we may not be reelected to this branch of the Legislature? Between the fears and the time for changes, I fear that the members of this House have an opportunity here to better their lot as a legislative group. If the fear of running out of ammunition I am sure that before the end of this session there will be enough ammunition for each and every community for you people to go back.

If the gentleman from Eastport, Mr. Mills fears the state trooper, there we might be able to institute when this logistical number of 151 was brought to our fold, we may be able to reinstitute the horse and buggy that they might have had to go round his district fence. How much of that particular area was able to be covered, persons trying to go around the state police today, in a fancy car?

So I ask the members of this House this morning to look at the true picture, not as it is now but of the possibilities of bettering our own lots and the legislative arm of our government. And if we can do this by trying to bettering our laws, also providing the same information to our people, I don't think that the number of ten or twelve thousand population is too much to ask an individual representative. Thank you.

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

Mr. BOURGOIN: Mr. Speaker and Member of the House: As at the time I went to school I never was on a debating team because there was no debating team at that time, but I would like to bring a couple of notes to your attention. The Representative would be

representing ten thousand people instead of six thousand forty. We have a Senate District that is 230 miles long served by a member in the other house which is doing a very good job, and I don't believe our districts would be too big, and as a retired man I am willing to step out and give the younger man a chance to replace me, who would do much better work than I am able to do. Thank you.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I promised my constituents that I would speak in favor of this bill. I wonder how many of us really feel that there is any particular magic in numbers. They tell us that there's no magic in the age of 21 years. Why should there be magic in certain numbers of representation? We have the State of New Hampshire with 400 Representatives. A good many times just a little village over there has their own representative; that's wonderful. But I find in talking to people over there, the only people that are satisfied are the constituency. They don't have to pay very much for their Representatives and it seems to work fine. It's alright if we want to do it that way. But I did have an acquaintance, he's gone now, who came down into legislature in 1912, an old gentleman and friend of the family. He had to change trains twice or three times to get here. It was an all day problem. When he wanted to go around the three towns that he represented with a horse and buggy, he'd stop overnight in one of the towns.

The reason that I will support this bill is that it doesn't seem understandable that if we needed the same representation, the same number of people 75 or 100 years ago in the horse and buggy days, it seems to me that we do not need that number now. Again though, numbers in themselves mean nothing. The State of California Representatives represent 200,000 people in one Representative. I think that the

answer is to reform government as we feel that it would be, as Mr. Dennett states, more adaptable to reform, and then to apply other measures to adapt to it.

If some of the areas of representation require a tremendous amount of transportation, I feel that there should be expense accounts available to the members of this body to compensate. I have felt that for a long time. There are some Representatives that their area is very compact, and they can contact their constituency, perhaps all by phone, or they can visit any of them with a half an hour's driving. There are other members of this body, in order to visit the various towns, have to do hundreds of miles of driving, and I feel that that's a matter of monetary reimbursement. I don't think that that should really be a criterion in the size of this body. So I for one feel that it is time for a change and a reduction in size of state government.

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

Mr. STARBIRD: I won't say too much because most of the arguments pro and con have already been made. I was one of those doubtful ones that had to be convinced of this usefulness of this bill. And after studying it over, after spending some time studying the ramifications of this bill, I have finally come to the conclusion that it is a good one. I'm one of these fellows like Mr. Mills that has an area close to the size of the State of Rhode Island to represent. I should imagine probably under this bill it might be increased considerably. But I think if several of the other measures that go along with this are enacted later on I don't think it would be too difficult to cover such an area.

I might in passing mention that although 10,000 is a nice round figure at the present time that each person would represent under this bill, due to the formula for computing apportionment that is in the present Constitution and will not be changed, only the number will be changed, the number of

people per Representative under the 1960 census would vary from somewhere in the low 9,000's up to close to 12,000, depending on what county you lived in. So there is quite a variation still. That is another area that should be reformed, but perhaps we shouldn't get into that now. I hope two thirds of us will be in favor of this bill.

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

Mr. ROSS: I don't normally speak twice on a bill. But in rebuttal I would like to point out such another move is in the making at the present time. Massachusetts has 240 members in the House of Representatives, and there is a bill before their Legislature which would cut this to 160. Of course, I would never attempt to compare the worth of these two bodies since, as a native born State of Mainer, I am extremely prejudiced. However, I would like to quote from the Boston Herald Traveler.

This paper openly admits it has devoted a good part of its journalistic career to lambasting the Massachusetts Legislature and individual legislators. However, they continue: "The contention that a smaller House would produce better and more efficient legislators sounds persuasive, but it won't! The reduction would only eliminate some superior legislators. It would further accelerate the trend towards higher salaries, more offices and more secretarial help. In a few years it would only cost the taxpayer more money." In conclusion they state, "that cutting the House membership would not make the legislature any better than it is today. However, it obviously would remove it further away from the people." Now I don't want to copy any of the Massachusetts legislative process except perhaps, for the benefit of my good friend from Lewiston, Mr. Jalbert, their very fine Massachusetts or "office type" ballot. Still, these remarks from a very critical press are as valid for Maine as they are for our sister state.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker and Members of the House: I attended the public hearing, at which time the State Government Committee heard this resolve; as a matter of fact I have voluminous notes and if my quotations are incorrect I imagine that some member of the Committee can correct me. In discussion in reference to the Maine House of Representatives I do not recall ever hearing the words "unmanageable", "ungainly", "unwieldy", "uncontrollable". There was no suggestion that this Constitutional change would bring us any closer to anybody's average. As a matter of fact, I am sure that the sponsor was trying to make the point that this change could lead to improved quality and efficiency in state government. Almost everyone has a right to his own opinion. I happen to think that 96 can be just as truly representative of the people as 151. But that is not the point.

This change effective in 1973 would force the Maine House to take a close look at how we operate and hopefully improve what very truthfully is a good system right now. The gentleman from Kittery pointed out some of the obvious things that would result presumably from the change in the size of the House, realistic salary increases, possibly a reduction in the number of committees, employment of some full-time help either by committee or otherwise for research and drafting purposes. I think it has already been pointed out that the Committee for Economic Development in their policy statement on modernizing state government makes a rather strong recommendation that the size of most legislatures should be drastically reduced and no more than 100 members in larger states and substantially fewer in smaller ones. In the Council of State Governments in its national committee this was one of their four major recommendations last year, reduce the size of the House.

I wish that the gentleman from Bath had read all of the Boston Herald editorials and their comments in the past week or two regarding Massachusetts and its reduction of the size of their House;

and incidentally Governor Sargent at one time used this as an economy measure, believe it or not, in the pay raises that were discussed for the Massachusetts Legislature, and it turned out to be also one of the sixteen major recommendations of the so-called taxpayers voice, again as an economy measure. Personally this might effect some economy sometime but I prefer to consider this measure would generate increased efficiency in state government.

We find facts and figures on both sides of the argument. In the past four years fourteen states have changed the size of their House; ten have decreased the size and four have increased the size. Twenty-two states have houses that have over 100 members and the other twenty-seven are 100 or less. Alaska, which is a large state size-wise, geographically has the smallest number in its House, 40; Hawaii has 51; the State of Oregon has 60; and you have been told several times that the largest one is New Hampshire, 400.

The number 96 is a three to one ratio with the present size of the other body of this Legislature but does not commit the 105th to any specific reapportionment plan. The gentleman from Fort Kent mentioned that 151 means approximately a 6,000 population in the representative districts in the State of Maine. 96 would mean about 10,000. Just for the record you actually have at least one single representative district in the State now with a population of almost 9,000.

Now remember this, this is the Constitutional amendment. It must be approved finally by the citizens of the State of Maine in referendum vote. The next Legislature, the 105th, is not affected size-wise, but the 105th must reapportion the House regardless of what the Constitution says about the number of members. If approved by the voters the first Legislature affected would be the 106th which will meet on the first Wednesday of 1973.

I urge you to vote against the pending motion and I would ask for a roll call.

The SPEAKER: Is the House ready for the question? The pend-

ing question is on the motion of the gentleman from Bath, Mr. Ross that the Resolve be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes and those opposed will vote no. The Chair opens the vote.

More than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross that Resolve Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives, House Paper 356, L. D. 464, be indefinitely postponed. All of those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Barnes, Benson, Binnette, Birt, Boudreau, Brown, Buckley, Burnham, Carey, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Crosby, Croteau, Cummings, Curran, Curtis, Dam, Donaghy, Drigotas, Emery, Eustis, Evans, Finemore, Foster, Gaudreau, Gauthier, Gilbert, Giroux, Hall, Hanson, Hardy, Haskell, Hawken, Heselton, Hichens, Hunter, Immonen, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Lee, Leibowitz, LePage, Lewis, Lincoln, MacPhail, Marquis, Marsteller, McNally, Meisner, Millett, Mills, Moreshead, Morgan, Mosher, Nadeau, Norris, Page, Payson, M. W.; Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Ross, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Tanguay, Tyndale, Wheeler, Wight, Wood.

NAY — Baker, Bernier, Bourgoin, Bragdon, Bunker, Carter, Chandler, Coroson, Couture, Cox, Crommett, Cushing, D'Alfonso, Danton, Dennett, Dudley, Durgin, Dyar, Farnham, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Good, Harriman, Henley, Hewes, Huber, Kelley, K. F.; Lawry, Levesque, Lewin, Lund, Martin, McKinnon, McTeague, Mitchell, Ouellette,

Quimby, Rand, Rideout, Sahagian, Sheltra, Snow, Starbird, Susi, Temple, Thompson, Trask, Vincent, Watson, Waxman, White.

ABSENT — Allen, Bedard, Berman, Brennan, Coffey, Faucher, Noyes, Rocheleau, Santoro, Williams.

Yes, 86; No, 53; Absent, 10.

The SPEAKER: The Chair will announce the vote. Eighty-six having voted in the affirmative and fifty-three in the negative, the motion does prevail. It will be sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker, I rise on a point of parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. JALBERT: Mr. Speaker, if one would have voted wrong on a roll call and the roll call is over, it is my assumption that it's all over as far as he is concerned also, is that correct?

The SPEAKER: The Chair would advise the gentleman that after the vote has been announced there is no recourse, accept it as it is.

Mr. JALBERT: That wouldn't stop anyone from moving to reconsider if he was on the prevailing side, would it?

The SPEAKER: The Chair would advise the gentleman that anyone voting on the prevailing side has the privilege of voting to reconsider or making that motion.

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

Mr. BINNETTE: Mr. Speaker, regards the question that the gentleman from Lewiston —

The SPEAKER: Does the gentleman pose a parliamentary inquiry?

Mr. BINNETTE: I do, sir.

The SPEAKER: The gentleman may state his inquiry.

Mr. BINNETTE: Inquiry relative to the question that was raised relative to the reconsideration. I now move that we reconsider our action on that bill and I hope you will all vote against me.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, having voted on the prevailing side,



now moves reconsideration. Is the House ready for the question?

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

Mr. BINNETTE: Mr. Speaker, I hope I am not misunderstood. I don't mean on this last roll call, but I mean on the previous roll call which we had in regard to this divorce on mental illness.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, now moves that the House reconsider its action on item three, Bill "An Act relating to Mental Illness as a Ground for Divorce," House Paper 471, L. D. 625. The Chair assumes that the gentleman voted on the prevailing side and he moves reconsideration.

Whereupon, Mr. Benson of Southwest Harbor moved that the motion of Mr. Binnette of Old Town to reconsider be tabled until tomorrow.

Mr. Starbird of Kingman Township asked for a vote.

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

A vote of the House was taken.

73 having voted in the affirmative and 61 having voted in the negative, the motion to table did prevail.

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

Bill "An Act to Exempt Television Sets and Musical Instruments from Property Taxation" (S. P. 45) (L. D. 148) (In Senate, passed to be engrossed)

Tabled — February 27 by Mr. Richardson of Stonington.

Pending — Passage to be engrossed.

On motion of the same gentleman, passed to be engrossed and sent to the Senate.

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

HOUSE MAJORITY REPORT  
(6) — Ought not to pass — Committee on Labor on Bill "An Act relating to Definition of Employer under Employment Security Law"

(H. P. 4) (L. D. 4)—MINORITY REPORT (4) — Ought to pass.

Tabled — February 27, by Mr. Farnham of Hampden.

Pending — Acceptance of Majority Report.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I rise in hopes of overturning the motion of Mr. Huber from Rockland that we accept the Majority "Ought not to pass" Report.

First, what is this bill? This is an amendment to the Maine Employment Security Act which now reads that the covered employer is one who employs four or more people for twenty or more weeks during the year. The amendment would reduce this coverage to employers of one or more. First, let me give you a very brief history of this legislation. This was passed by Congress during the period '35, '36, '37 about that time when the Social Security Act was passed, and the Federal legislation at that time excluded all employers of eight or less, or covered only those employers of eight or more. There were two basic reasons for this leaving out so many employers. First, the administrative detail of trying to cover so many thousands of employers, and secondly, a feeling that it would be some benefit to the small employer. A number of states eventually reached the magic figure of four, and then in 1956 the Congress itself reduced this coverage to four or more, and it thus became automatic that the Maine law or the Maine Act had to be reduced to four or more.

Since 1956 some twenty-four of the states have taken the next logical step and reduced coverage to what the bill now before you calls for, one or more. Without doubt during the current sessions of the Legislature this winter in other states more states will reduce the coverage to one or more as we are now trying to do here in Maine. I say the present law is discriminatory for both employers and employees. It discriminates among employers for the simple reason that the employer who has

four people has to pay an additional tax each year of about \$96.00 on each of his employees. The employer with three or less than four does not face this tax. He may be, the employer with less than four may be a far more successful employer and may operate a far more profitable business.

It also discriminates severely against employees in that the employee who is laid off or whose employer goes out of business cannot obtain unemployment compensation when he does no longer have a job. It also discriminates against the employee who worked for both covered employers and non-covered employers during his benefit year, in that when he does have to file for unemployment compensation, the amount he receives is greatly lowered because the wages he earned with a non-covered employer are not included in his benefit amount.

One of the problems that early faced the administration of this program was the record keeping. Today with computers and all the automatic machinery we have, this is no problem at all and will not add but very, very little additional cost to the administration of the program. Furthermore, I would remind you that this additional cost does not come out of any state funds, there will be no bills in the Appropriations Committee because this program, the cost of administering it comes strictly from federal funds which are contributed by Maine employers.

I would also remind the House that though this bill would reduce coverage to one or more, there are still many, many cases where people would not be covered or be entitled to the benefits of the Unemployment Compensation Law. This would not include the domestic that works in your home because domestics are specifically excluded. This would not include the occasional farm hand or farm hands you hire because agricultural labor is exempt. I have been told that this would include the painter who comes to paint your house. Well, if it does, you must have an awful big house, because

you would have to have him on the payroll for twenty weeks. Furthermore, this man is generally considered a self-employed, and you are not an employer.

I haven't any doubt that most of you have received letters from small employers urging you to vote against this bill. I have received those letters, and I would remind this House that the Dental Association has contacted all the dentists, the Medical Association has contacted all the doctors, the Small Retailer's Association has alerted all the small retailers, and there are countless associations that have been able to alert the small employer as to what this might cost him, and has urged him to write you in opposition to this bill.

Ladies and gentlemen, I think we represent all the people, and I think we should specifically try to represent those small people who do not have any trade association to back them up and alert them as to this bill. I don't think you should fear losing the votes of a few small businessmen because you must remember that these small businessmen have two or three employees, and those employees also vote.

I want you to understand clearly that I would be the last person in this House to stand up and want to do anything that would hurt an employer. What this state needs is more employers, and I give all the credit in the world to the fellow who has the intestinal fortitude, the courage and the brains to pass from the employee bracket into the employer bracket. You might say, well what will this cost? For each employee for the first three years that he is covered, the maximum cost per year is \$93.00 per year. In other words, if he employed three people his maximum cost for the year would be \$270.00. If he only employed one, it is \$93.00. Furthermore, he would not have any tax to pay prior to April 1970, and I think this gives any reasonable businessman plenty of leeway and time in which to prepare for this cost. Furthermore, if he is an employer who has no turnover, no layoffs, he is subject

to merit rating at the end of three years and his cost per employee could be reduced to \$27.00 a year. Ladies and Gentlemen of this House, I hope that when the vote is taken on the motion of the gentleman from Rockland, Mr. Huber, that the "Ought not to pass" Report be accepted, that you will vote no and then vote for the passage of this bill or the acceptance of the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Chandler.

Mr. CHANDLER: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that opponents of this bill do oppose it on the grounds that there are other inequities in the Employment Security Law which should be taken care of. I think, however, this is no reason to defeat this measure. Therefore, I support the gentleman from Hampden, Mr. Farnham.

Speaking for just a moment; I realize the hour is late, but I am an employer that two years ago crossed this level of four employees. It is a hard decision to make facing another \$300 a year charge in a business perhaps already overburdened by expense. but nevertheless, it is fair, very fair for the working man to let him know that he is supported in this particular measure. It is of course inequitable from the standpoint of large seasonal industries who perhaps do not pay a fair share, and I think this is an area that we need to look at very closely, but nevertheless it is certainly unfair to the small employer crossing this line, looks at his competition in some other area who is not facing up to his responsibility. Again, let us accept the Minority "Ought to pass" Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: First I would like to ask a question. At the present time, it isn't the motion of Mr. Huber that is before us is it?

The SPEAKER: The Chair would advise the gentleman that we have reconsidered, and the motion before the House is the motion of the gentleman from Rockland, Mr. Huber, to accept the Majority "Ought not to pass" Report.

Mr. FINEMORE: Thank you. Mr. Speaker and Members of the House: I would dislike very much to go back to my constituents in Aroostook County, the Garden of Maine, and tell them that I voted in favor of this bill or didn't speak against it, because today this bill would be a hardship against all small grocery stores, hardware, clothing stores and filling stations. A lot of these places are almost out of business now due to the fact of the chain stores and they are struggling very hard to stay along, usually working some member of the family which I know they won't have to pay unemployment on, but they may have one or two employees helping them, and still staying under the Act.

Today also your truckers in the State of Maine, who have one striker, on pulp trucks especially, would be burdened with one, they would have that much more book-keeping to do. I might speak on my own behalf on that. I have quite a few small operators in the woods who have bought skidders and through these months right now I am helping keep the payments up due to the fact that there is so much snow, and these special operators are out from under this for the simple reason they have one or two, they never go over three employees, and it would be a great hardship on them.

And speaking against Mr. Farnham, I dislike this very much because he works for the same company I do, with the exception he is with the Personnel Department or has been over a period of years, and I have been on the Production and Purchasing end. I believe I am much more familiar with the small operators in these different counties than he, he being on personnel, because he doesn't visit the small operators, all he visits is the personnel within

the Great Northern organization who are already covered by this legislation, but I do again, I hope when you vote on this you will vote in favor of the motion of Mr. Huber to accept the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker, in defense of the Labor Committee's six to four "Ought not to pass" Report, it should be pointed out that we felt that this was not necessary. The Representative from Hampden, Representative Farnham has pointed out that the Federal law which calls for four or more individuals has not changed since 1956, does not seem likely to. It was felt that this proposed change involves a segment of the business community that is traditionally low in the rate of unemployment, is a stable employer, and consideration was given to the fact that personal and financial burdens on the small employer seemed to outweigh the possible advantages.

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

Mr. HASKELL: Mr. Speaker, I rise to support Representative Huber. Another factor which played a large part in our deliberations was the effect of the passage of this legislation on the rates that would be paid under this Act. This is a complicated section of the law, but as has already been pointed out, the immediate effect of the law would be that the thousands of small employers in the state would be immediately faced with paying the maximum rate of 2.7 for a three year period.

I also am a covered employer now under the Unemployment Insurance Act, and because of the operation of the computation of the rates, it would be to my advantage as a covered employer to see this act extended because it would insure the continuation of my present favorable rate which is .05, the very minimum rate that is enjoyed by any employer. The bracketing in of thousands of small employers throughout the state

would put the reserve fund in such a situation that there would be almost no possibility of my rate ever changing. Larger employers who have a high rate of unemployment for seasonal or other factors would of course be in a much more favorable position in relation to their rates if these large numbers of small employers who are not characterized by high rates of unemployment were bracketed into the system.

So in spite of the fact that it is against my own self interest as a covered employer, I do not feel that it is wise or fair to bracket in the small employers throughout the state.

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

Mr. FARNHAM: Mr. Speaker, I'll make this short. We have heard two conflicting arguments. One, that there is no unemployment among these people because the employers are very stable. Second, that because there is so much unemployment among these people, that it would greatly reduce the fund balance in the employment security fund which now stands at some \$43,000,000.

Now I don't know which is right, but I have the feeling that the unemployment in this group will follow the pattern that prevails in the rest of industry. The second argument I've heard is that it involves the small employer in a great deal of record keeping. I would remind you that under the Social Security Act, every employer of one or more must file quarterly reports reporting the wages and paying the tax, and all that this unemployment compensation report is is a one page document which is almost identically a copy of the Social Security report, so any employer who is capable of making out a social security report and he must be or he is in violation of Federal law, certainly is capable of completing this unemployment compensation report.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker, I would like to straighten out a misinterpretation. I think that what

was trying to be told you people is that the fund would increase under this bill by I think somewhere around \$660,000 which would tend to imply that the unemployment rate in these small employees would be lower instead of higher.

The SPEAKER: Is the House ready for the question? The pending question is the acceptance of the Majority "Ought not to pass" Report on Bill "An Act relating to Definition of Employer under Employment Security Law" H. P. 4, L. D. 4. If you are in favor of this, you will vote yes, if you are opposed, you will vote no. The Chair opens the vote.

A vote of the House was taken. 67 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act relating to the Borrowing Power of Maine Maritime Academy" (H. P. 484) (L. D. 638)

Tabled — February 27, by Mr. Cox of Bangor.

Pending — Passage to be engrossed.

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

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

An Act Requiring Reconstructed Public Buildings be Made Accessible to the Physically Handicapped (S. P. 100) (L. D. 310)

Tabled — February 27, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mr. McNally of Ellsworth, under suspension of the rules, the House reconsidered its action of February 12 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-83) was read by the Clerk and adopted, the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to Ballots Cast by Presidential Electors" (S. P. 99) (L. D. 309) (In Senate, passed to be engrossed)

Tabled — February 27, by Mr. Starbird of Kingman Township.

Pending — Passage to be engrossed.

On motion of Mr. Rideout of Manchester, retabled pending passage to be engrossed and tomorrow assigned.

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

REPORT "A" (5) — Ought to pass—Committee on State Government on Bill "An Act relating to Membership of Board of Trustees for Accident and Health Insurance Program for State Employees" (S. P. 115) (L. D. 324)—REPORT "B" (5)—Ought not to pass. (In Senate, Report A accepted and Bill passed to be engrossed)

Tabled—March 4, by Mr. Dennett of Kittery.

Pending—Acceptance of either Report.

On motion of Mr. Dennett of Kittery, Report "B" "Ought not to pass" was accepted in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Corson of Madison,

Adjourned until one-thirty o'clock tomorrow afternoon.