

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

Thursday, March 6, 1969

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

Prayer by the Rev. Mr. Charles Karsten of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

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

**Senate Reports of Committees
Ought to Pass**

Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act Regulating Atlantic Salmon Fishing in Maine Rivers" (S. P. 67) (L. D. 189)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Amount of Property Held by Coburn Classical Institute" (S. P. 244) (L. D. 753)

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

In the House, the Reports were read and accepted in concurrence, the Bills read twice and assigned the next legislative day.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Election Laws on Bill "An Act relating to the Preparation of Voting Lists" (S. P. 205) (L. D. 614) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-21) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading the next legislative day.

**Ought to Pass
Amended in Senate**

Report of the Committee on Retirements and Pensions reporting "Ought to pass" on Bill "An Act to Increase the Retirement Pay of Certain Retired State Police Sergeants" (S. P. 214) (L. D. 623)

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" (S-25) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

Non-Concurrent Matter

Bill "An Act relating to Non-profit Hospital or Medical Service Organizations" (H. P. 808) (L. D. 1047) which was referred to the Committee on Health and Institutional Services in the House on February 26.

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

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

Non-Concurrent Matter

Bill "An Act relating to the Division of the State into Regions for the Purpose of Regional Development" (H. P. 829) (L. D. 1068) which was referred to the Committee on Natural Resources in the House on February 26.

Came from the Senate referred to the Committee on Industrial and Recreational Development in non-concurrence.

In the House: On motion of Mr. Rideout of Manchester, the House voted to recede from its former action and refer the Bill to the Committee on State Government in non-concurrence.

Sent up for concurrence.

Non-Concurrent Matter

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

House on February 11 and passed to be engrossed on February 5.

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

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

Non-Concurrent Matter

An Act Increasing Entry Fees under Small Claims Law (S. P. 90) (L. D. 252) which was passed to be enacted in the House on February 18 and passed to be engrossed as amended by Committee Amendment "A" on February 13.

Came from the Senate indefinitely postponed in non-concurrence.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, March 11, at 10 o'clock in the morning. (S. P. 356)

Came from the Senate read and passed.

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

Petitions, Bills and Resolves Requiring Reference

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

Appropriations and Financial Affairs

Bill "An Act Providing a Bond Issue in the Amount of Two Hundred and Thirteen Thousand Dollars for Construction of Necessary Added Facilities at Camp Waban, York County" (H. P. 949) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (Presented by Mrs. Baker of Orrington)

Bill "An Act relating to Truth in Packaging" (H. P. 951) (Pre-

sented by Mr. Gauthier of Sanford)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education" (H. P. 952) (Presented by Mr. Haskell of Houlton)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Suspension of Operator's Motor Vehicle License when Person is Convicted of Larceny or Breaking and Entering" (H. P. 953) (Presented by Mr. Evans of Freedom)

Bill "An Act relating to Evidence of Payment of Compensation or Medical Expenses in Civil Actions" (H. P. 954) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act Increasing the Number of Superior Court Justices" (H. P. 955) (Presented by same gentleman)

Bill "An Act relating to Larceny by One Trusted with Property and Conversion by Insurance Agents" (H. P. 956) (Presented by Mr. Lee of Albion)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Amending the Charter of the City of Portland Relating to Rotation of Names on Ballots" (H. P. 957) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Amending the Waterville City Charter" (H. P. 958) (Presented by Mr. Carey of Waterville)

Bill "An Act relating to Referendum Provisions under Charter of City of Waterville" (H. P. 959) (Presented by same gentleman)

Bill "An Act relating to Bond Issues under Waterville City Charter" (H. P. 960) (Presented by same gentleman)

Bill "An Act to Eliminate Public Debt Amortization Fund under Waterville City Charter" (H. P. 961) (Presented by same gentleman)

Bill "An Act to Grant a New Charter to the Town of Brunswick"

(H. P. 962) (Presented by Mr. Croteau of Brunswick)

Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (Presented by Mr. Emery of Auburn)

Bill "An Act Repealing the City Manager Provisions in the Charter of the City of Hallowell" (H. P. 964) (Presented by Mr. Rideout of Manchester)

Bill "An Act to Grant a New Charter to the City of Belfast" (H. P. 965) (Presented by Mr. Thompson of Belfast)

(Ordered Printed)

Sent up for concurrence.

Retirements and Pensions

Bill "An Act relating to Restoration to Service under State Retirement Law" (H. P. 966) (Presented by Mr. Susi of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

State Government

Resolve Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor (H. P. 967) (Presented by Mr. Birt of East Millinocket)

Resolve Changing the Name of Mud Pond in Oxford County to Twilight Pond (H. P. 968) (Presented by Mrs. Lincoln of Bethel)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Providing for a Head Tax" (H. P. 969) (Presented by Mr. Crommett of Millinocket)

Bill "An Act relating to Reimbursement by States to Municipalities in Lieu of Taxes on States-Owned Property" (H. P. 970) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act Increasing Salaries of County Officials of Kennebec County" (H. P. 971) (Presented by Mr. Moreshead of Augusta)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Scott of Wilton presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Business Legislation report out a trailer bill to amend House Paper 201, An Act Providing the Maine Insurance Code. (H. P. 973)

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: Just a word of explanation to the Members of the House. This Insurance Code, as most of you know, is a huge document and it was hoped that this was in final form and ready for passage without any amendment. However, it has developed that some changes are necessary and Sam Slosberg's office advises us it would be better to handle these in a trailer bill, so hence this order to report out the bill and we will take these up in regular session.

Thereupon, the Joint Order received passage and was sent up for concurrence. By unanimous consent, ordered sent forthwith.

Mr. Ouellette of South Portland presented the following Order and moved its passage:

ORDERED, that this House extend its congratulations to Representative Coffey of Topsham and her husband on the birth of their son and best wishes for her swift return to our ranks.

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

Mr. OUELLETTE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday as you all know we debated and voted on a bill that would have reduced the size of this House — an earlier measure would have increased the size of the House. I would like to announce that yesterday while we were having our debate the size of this House in a certain sense increased anyway. Representative Barbara Coffey of Topsham gave birth to an eight pound baby boy.

Because I am Representative Coffey's godfather and an old

friend of the family, I would like to make this announcement. It is believed that this is the first time in the history of the Maine Legislature that we have had such a legislative birth. I might add that it is also a first with the Coffey family, the first boy that is. Representative Coffey and her husband John, who is employed in the Promotion Division of the Department of Economic Development, have three girls. At the last report mother and child were doing fine and the Coffeys were wrestling with a problem of deciding on a boy's name. Thank you.

Thereupon, the Order received passage.

Mr. Drigotas of Auburn presented the following Joint Order and moved its passage:

WHEREAS, the City of Auburn, first organized as a Town on February 24, 1842, has been long known as a community of fine homes, educational institutions, municipal facilities and thriving business concerns, having greatly expanded in these directions during the past several years; and

WHEREAS, the 47th Legislature, on February 12, 1868, enacted a bill granting Auburn a city charter, and the townsmen of Auburn, on February 22, 1869, voted to adopt incorporation under said charter; and

WHEREAS, February 22, 1969 marked the start of Auburn's 100th year as a city, which centennial it is now observing; now, therefore, be it

ORDERED, the Senate concurring, that the 104th Maine Legislature designate the year 1969 as Auburn's Centennial Year as a City, and commend its officials and all its citizens for the success of this community, which they have achieved together, and also extend to each its sincerest hopes and best wishes for continued success upon entering its second century; and be it further

ORDERED, that duly attested copies of this Joint Order be transmitted forthwith by the Secretary of the Senate to the Mayor and City Manager of the City of Auburn to commemorate the occasion. (H. P. 974)

The Order received passage and was sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Keyte from the Committee on Transportation reported "Ought not to pass" on Bill "An Act relating to Lights on Vehicles Used for Snow Plowing" (H. P. 653) (L. D. 840)

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Noyes from the Committee on Health and Institutional Services reported "Ought to pass" on Bill "An Act relating to Definition of Demonstrator under Hairdresser and Beautician Law" (H. P. 630) (L. D. 818)

Mr. Nadeau from the Committee on Highways reported same on Bill, "An Act relating to Allocations from the General Highway Fund for Reconstruction of Certain Bridges in Baxter State Park" (H. P. 112) (L. D. 128)

Mr. Curran from the Committee on Natural Resources reported same on Resolve Authorizing the Forest Commissioner to Study the Laws, Rules and Regulations Relating to Logs and Lumber (H. P. 480) (L. D. 634)

Mr. Eustis from same Committee reported same on Bill "An Act to Classify Certain Tidal Waters of Hancock County" (H. P. 671) (L. D. 857)

Mr. Jameson from same Committee reported same on Bill "An Act to Classify Certain Minor Tributaries of the Androscoggin River" (H. P. 640) (L. D. 828)

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

Passed to Be Engrossed

Mr. Williams from the Committee on Public Utilities reported "Ought to pass" on Bill "An Act Changing the Time and Manner of Election of the Trustees of Orrington Water District" (H. P. 641) (L. D. 829)

Report was read and accepted and the Bill read twice. Under suspension of the rules, the Bill was

read the third time, passed to be engrossed and sent to the Senate.

By unanimous consent was ordered sent forthwith to the Senate.

Mr. Carey from the Committee on Transportation reported "Ought to pass" on Bill "An Act relating to Provisional Motor Vehicle Operator's Licenses" (H. P. 617) (L. D. 805)

Report was read and accepted, the Bill read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Providing for Statement of Taxes and Other Assessments on Real Property" (H. P. 581) (L. D. 766) reporting same in a new draft (H. P. 972) (L. D. 1153) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
HANSON of Kennebec
—of the Senate.
Messrs. COTTRELL of Portland
SUSI of Pittsfield
HARRIMAN of Hollis
Mrs. WHITE of Guilford
—of the House.

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

Report was signed by the following members:

Mr. MARTIN of Piscataquis
—of the Senate.
Messrs. DRIGOTAS of Auburn
ROSS of Bath
FORTIER of Rumford
—of the House.

Reports were read.

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

Mr. FORTIER: I move for acceptance of the Minority Report and wish to speak on the motion.

The SPEAKER: The gentleman from Rumford, Mr. Fortier, moves that the House accept the Minority "Ought not to pass" Report. The gentleman may proceed.

Mr. FORTIER: The purpose of this L. D. was to create a single source of information where a purchaser of real estate could ascertain the full amount of taxes out-

standing against one particular piece of property. This information is now readily available although it is broken down in three different locations. The purchaser now, or any other interested party, must verify the Registrar of Deeds office, the Tax Collector for the current year's taxes, and the treasurer of the municipality. This places upon the collector a responsibility to quote figures and information over which he has no control.

In the case of a tax lien, for example, if he inadvertently quoted \$300 where a \$500 balance is due, the municipality would have no recourse to the lien itself, although the bill does stipulate that they would have recourse against the individual which means that there would be no priority for lien either as by statute or a recorded tax lien. This is imposing a responsibility upon an official who has no control, no jurisdiction. It is ignoring the business-like principle which is generally accepted that responsibility goes together with authority. This bill is very strongly opposed by the Maine Municipal Association, and I strongly urge acceptance of the Minority Report.

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

Mr. SUSI: Ladies and Gentlemen of the House: The majority of the Taxation Committee reported out "Ought to pass" on this bill. The bill so far as its intent is concerned is rather simple and I might say that I'm completely in agreement with the intent of the bill. It would make it possible for someone or anyone who is interested in finding out how much the property taxes are on any given piece of property on payment of one dollar, and it would place the responsibility on the tax collector to furnish this information to whoever should apply.

Mr. Fortier has indicated that it is possible by visiting three separate offices, if you happen to know where to look and how to look, to determine this. However, it was brought out in the hearing on this bill that our municipal tax offices, our tax collector offices, our treasurer's offices and so forth are run

by people who may conduct their business in their kitchen, and there might be a copy of a tax lien down in back of the refrigerator that has been mislaid for some 12 or 14 years or something and they'd like basically to retain the right whenever they clean out behind the refrigerator to put this charge on the property and hold the new owner responsible for it. Now basically, I feel this way, that if someone wants to know how much a bill is, and wants to pay it, he should be entitled to receive payment in full with a signature, whether it's a business or a community or whatever. And I don't think it's an unreasonable demand to make of any business office, and the tax collector's office is basically a business office, that they furnish to you a statement, a simple statement, showing what amount is due. And if it calls for changes in the machinery of tax collection then I would say that those changes should be made because this is such a simple demand to make, and once it's made, I feel there should be responsibility to furnish a valid statement that won't be coming up for reviews some several years later. The person buying a piece of property wants to know how much this property is going to cost him. He's entitled to know that whether it's the price that he has to pay the seller, or whether it's the settlement that he has to make on taxes to a municipality. I feel that the bill is completely reasonable and I hope that you will vote against accepting the "Ought not 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: I had no idea of speaking on this bill, but as you read it you find that there's lots of errors. A tax collector hasn't the necessary material in his hands to give out this information, because once a lien is put on a piece of property, it automatically goes back to the town treasurer and as far as this bill is concerned it would take a record search to get clear title to a piece of property. So therefore,

I don't think it would be very good business to expect that from one dollar or expect the tax collector to do it who collects the tax on a commission. I hope when the vote is taken it accepts the "Ought not to pass" Report.

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

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: I too had no intention of addressing myself to this bill so I will have to extemporize perhaps for a moment, but I agree with the two speakers in favor of the Minority Report. There's one thing that they haven't mentioned as yet and it's very vital is that every town of course has a right to a supplemental assessment. If somebody rushes in and gets a statement from the tax collector to the effect that there's no taxes due that would bar the town and assessors from imposing a supplemental assessment which they have under the law currently. Not only that, a new tax collector taking office in effect what you are doing you're asking him to be responsible perhaps for some neglect or for some oversight of a predecessor in office, in that the predecessor may have made a mistake, and he's even subject to a suit as I understand, and I haven't studied the bill because I didn't think I would speak on it. But the person buying property usually it is to their interest if they have a title check. The Registry of Deeds shows any tax lien that is enforceable against the property, it's been duly recorded, it may be ascertained at the Registry of Deeds. That's where everybody turns to get their title check is the Registry of Deeds, it's always a simple matter. It's only the past year or the current year that the tax assessor — or collector rather, has any control over it. As Mr. Finemore said, after a lien is put on, the collector doesn't have anything to do with a tax deed. The lien goes to the treasurer, and I can see many, many flaws and pitfalls in this. I certainly would urge that the Minority Report be accepted.

I don't know who is sponsoring this; I have an idea it might be the real estate people, agents, real estate agents that want to get a lot of service for a dollar. But I certainly would oppose — I can see many pitfalls and I can see them that, just reflecting on the past two minutes. I should urge certainly that the Minority Report would be accepted.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I would request that this be tabled until the next legislative day pending the acceptance of the Minority Report.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, moves that this matter be tabled until the next legislative day pending the motion of the gentleman from Rumford, Mr. Fortier, to accept the Minority "Ought not to pass" Report. Is this the pleasure of the House?

For what purpose does the gentleman rise?

Mr. Fortier of Rumford then asked for a vote.

The SPEAKER: A vote has been requested. All those in favor of this matter being tabled until Tuesday, March 4, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 82 having voted in the affirmative and 47 having voted in the negative, the motion prevailed.

Passed to Be Engrossed

Bill "An Act to Create the Orono-Weazie Water District" (S. P. 238) (L. D. 713)

Bill "An Act relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 102) (L. D. 110)

Bill "An Act relating to Property Tax Exemption of Veterans" (H. P. 108) (L. D. 116)

Bill "An Act to Amend the Real Estate Transfer Tax" (H. P. 580) (L. D. 765)

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

Third Reader Amended

Bill "An Act relating to Time of Filing Political Nominations for Town Office" (H. P. 846) (L. D. 989)

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

Mr. Henley of Norway offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-87) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act relating to Closed Season on Wild Hares in the Counties of Hancock, Knox, Sagadahoc and Waldo" (H. P. 948) (L. D. 1126)

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

Amended Bill

Bill "An Act Regarding Unsealed Instruments" (H. P. 569) (L. D. 750)

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.

Order Out of Order

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that Bill "An Act to Provide a Uniform Fiscal Year for Municipalities" (H. P. 98) (L. D. 106) be recalled from the Legislative Files to the House. (H. P. 795)

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

A vote of the House was taken.

The SPEAKER: One hundred and twenty-four having voted in the affirmative and none in the negative, the Order receives passage.

Ordered sent forthwith.

**Passed to Be Enacted
Emergency Measure**

An Act to Incorporate the Town of Palermo School District (H. P. 218) (L. D. 268)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Town of Dresden School District (H. P. 220) (L. D. 270)

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

Emergency Measure

An Act Creating the Town of Franklin School District (H. P. 271) (L. D. 347)

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

Emergency Measure

An Act Creating the Town of Sullivan School District (H. P. 272) (L. D. 348)

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

Emergency Measure

An Act relating to Issuance of Temporary Notes by Hospital Administrative District No. 1 in Penobscot County (H. P. 342) (L. D. 450)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 135 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Providing Funds for the Official Observance of the 150th Anniversary of the Formation of the State of Maine (H. P. 590) (L. D. 732)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

The SPEAKER: One hundred and three having voted in the affirmative and twenty-nine in the negative—

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

Mr. LEVESQUE: Mr. Speaker, because of the importance of this document, I would now request a roll call.

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

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

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

Mr. JALBERT: Mr. Speaker, merely by reason of explanation I might state that this bill like any other measure calling for money will wind its way on the Appropriations Table in the other branch.

The SPEAKER: All of those in favor of this matter being passed as an emergency measure will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Barnes, Bedard, Benson, Birt, Boudreau, Bragdon, Brown, Buckley, Bunker, Burnham, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Couture, Crosby, Cummings, Curtis, Cushing, Danton, Donaghy, Drigotas, Durgin, Dyar, Evans, Farnham, Finemore, Foster, Gauthier, Gilbert, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Leibowitz, LePage, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, McNally, Meisner, Millett, Mills, Moreshead, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, M. W.; Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Stillings, Temple, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

NAY — Berman, Bernier, Binnette, Bourgoin, Carey, Carrier, Carter, Cox, Crommett, Croteau, Curran, D'Alfonso, Dam, Dudley, Emery, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gaudreau, Giroux, Hewes, Kilroy, Laberge, Lawry, Lebel, Levesque, Martin, McKinnon, McTeague, Mitchell, Morgan, Rand, Rochelleau, Starbird, Vincent, Watson, Waxman, Wheeler.

ABSENT—Allen, Brennan, Casey, Coffey, Dennett, Eustis, Susi, Tangay.

Yes, 101; No, 40; Absent, 8.

The SPEAKER: The Chair will announce the vote. One hundred and one having voted in the affirmative and forty in the negative, the Bill is passed to be enacted as an emergency measure. It will be signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Changing the Time and Manner of Election of the Trustees of Orrington Water District (H. P. 641) (L. D. 829)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 137 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and by unanimous consent ordered sent forthwith to the Senate.

Finally Passed

Emergency Measure

Resolve Providing Funds for Conservation Education (S. P. 164) (L. D. 539)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 129 voted in favor of same and 3 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Amortization Requirements of Bond Issue for State College Dormitories (H. P. 115) (L. D. 131)

An Act relating to Duties of Sheriffs in Enforcement of Dog Laws (H. P. 204) (L. D. 254)

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

An Act relating to Taking of Alewives in Dyer River, Town of Jefferson, Lincoln County (H. P. 243) (L. D. 298)

An Act relating to Membership of Joint School Committee when Administrative Units have no Approved Secondary School (H. P. 266) (L. D. 342)

An Act Reclassifying Taylor Brook in Auburn (H. P. 281) (L. D. 357)

An Act Repealing Ganeston Park Game Preserve (H. P. 329) (L. D. 438)

An Act relating to the Second Injury Fund (H. P. 333) (L. D. 442)

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

Orders of the Day

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

Bill "An Act relating to Presidential Electors at Large and from Districts" (H. P. 755) (L. D. 887)

Tabled — February 26, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Starbird of Kingman Township, passed to be engrossed and sent to the Senate.

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

HOUSE MAJORITY REPORT (8)—Ought to pass—Committee on Labor on Bill "An Act Revising the Construction Safety Law Enforcement" (H. P. 335) (L. D. 444)—MINORITY REPORT (2)—Ought not to pass.

Tabled—February 27, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Durgin of Raymond to Indefinitely Postpone Reports and Bill.

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

Mr. McTEAGUE: Mr. Speaker, I move that the Majority Report be accepted.

The SPEAKER: The Chair would advise the gentleman that the pending motion is the motion of the gentleman from Raymond, Mr. Durgin, to indefinitely postpone Reports and Bill. The gentleman may speak against the motion.

Mr. McTEAGUE: Thank you, Mr. Speaker. Mr. Speaker and Members of the House: This bill deals with construction safety, that is the safety supervision by the Commissioner of Labor and Industry in the field of construction. A bill which is L. D. 444 amounts to the addition of four words to the Statute. As the law stands now

the Commissioner can take action for the protection of the employees only if the situation on the construction site is in violation of a rule or regulation previously passed by the Commission.

The Commission feels that this is inadequate because if certain standards change in the construction industry, and as new devices and techniques of operating and constructing buildings come about, the rules cannot always keep up with safety hazards that can arise. Under Section 373 of the Title governing that labor such rules and regulations must—it takes at least ninety days to promulgate such rules and regulations. So we might possibly have a delay of ninety days between the time the hazard is discovered and the Commission can pass a rule prohibiting the regulating of that hazard, and then the Commission can take effective steps to eliminate the hazard.

This in the opinion of the Commission results in a situation where they are without adequate power to deal with safety hazards. Certainly ninety days is much too long to wait for the correction of a hazard. I think it is rather easy to imagine that it's very difficult, particularly in a changing industry, to prescribe — Proscribe in advance by rule and regulation all the hazards which might arise.

These were the considerations which prompted a majority of the Labor Committee to report this bill "ought to pass."

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

Mr. DURGIN: Mr. Speaker and Members of the House: I am sorry the word didn't get back to Mr. McTeague that—I arise at this time to withdraw my motion for indefinite postponement, permission to withdraw my motion for indefinite postponement.

The SPEAKER: The gentleman withdraws his motion for indefinite postponement. The pending motion of the gentleman from Brunswick, Mr. McTeague, is that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed and the Bill was given its two several readings and assigned for third reading the next legislative day.

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

HOUSE MAJORITY REPORT (6)—Ought to pass as amended by Committee Amendment "A" (H-79)—Committee on Election Laws on Bill "An Act Prohibiting Political Solicitation by County Employees" (H. P. 277) (L. D. 353)—**MINORITY REPORT** (4)—Ought not to pass.

Tabled—March 4, by Mr. Henley of Norway.

Pending — Acceptance of either Report.

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

Mr. HENLEY: Mr. Speaker, I move the House accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Norway, Mr. Henley moves the acceptance of the Majority Ought to pass Report.

The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: If you vote for the passage of L. D. 353, you are putting county employees in the category of classified employees. Under Title 5, Section 679, these employees are prohibited from participating in any form of political activity. This includes solicitation, contributing or giving of their time or services. In my own county this would include over one hundred full time employees. This covers clerks, secretaries and many others holding very minor jobs. These people have no job security and I feel they should be permitted to do as they wish on their own time. If we have abuses in the present system, let's handle it individually. This legislation would only force the people who now might be abusing this system to work underground doing more harm than good.

This legislation would create a little Hatch Act taking rights away from the employees and giving them nothing in return. Therefore,

I ask you to vote against the motion to accept the Majority "Ought to pass" Report and when the vote is taken, I ask for a roll call.

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

Mr. RICHARDSON: Mr. Speaker, in support of the Majority "Ought to pass" Report, I can only say that the gentlewoman from Portland, Mrs. Boudreau is absolutely correct when she says that this extends the little Hatch Act to county employees. I believe that one of the significant vices of county government is the inordinate amount of participation in political activities by county employees whose first responsibility is to serve the citizens of the county by whom they are employed. I think this is good legislation deserving of our support because I think it will ultimately upgrade the quality of county service through its county employees. Thank you.

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

Mr. HENLEY: Mr. Speaker, I would just briefly, as House Chairman, speak again on this and corroborate and back up what the gentleman, my friend Mr. Richardson has stated. It is a little Hatch Act and it does apply. I feel that a lot of the difficulty were taken out of the bill with this amendment. The original bill stated county officers or employees, and it was pointed out to us in committee that it would deprive a lot of the rural areas of the political assistance of someone who might have quite a bit of political influence in an area and get an honorary appointment as a deputy sheriff or something like that, so we amended it to read full time employees.

I fail to see where county employees should have any political advantage over state and federal employees. It seems to me as though there is a lot of room for well, not exactly shady activities, but the employees can perhaps do a lot to assure themselves of a job which might be detrimental to the political picture, and it seems to me that what employees are in-

volved, it not only would be a help to those same employees to not have to involve themselves in political activity, but I had a Sheriff tell me one time that he wished he wasn't on the hook to so many people, that he felt that he had to do favors by appointing sometimes deputies that he otherwise would not appoint. Consequently, it was felt by the committee, the majority, that this was a good bill and should be passed, so I hope you join me in adopting the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. FRASER.

Mr. FRASER: Mr. Speaker, I go along with the gentlewoman from Portland, Mrs. Boudreau. I believe this will take away from county employees their constitutional right.

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

More than one fifth having voted in the affirmative, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Norway, Mr. Henley, that the House accept the Majority "Ought to pass" Report on Bill "An Act Prohibiting Political Solicitation by County Employees," H. P. 277, L. D. 353. If you are in favor of accepting the Majority "Ought to pass" Report, you will vote yes; if you are opposed, you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Carter, Chandler, Chick, Clark, C. H.; Corson, Crommett, Crosby, Croteau, Cummings, Curtis, Cushing, Dudley, Durgin, Farnham, Finemore, Fortier, M.; Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jameson, Johnston, Kelleher, Lawry, Lincoln, MacPhail,

Meisner, Millett, Mosher, Page, Payson, M. W.; Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Sheltra, Stillings, Susi, Trask, Tyndale, White.

NAY — Baker, Bedard, Bernier, Binnette, Boudreau, B o u r g o i n, Burnham, Carey, Carrier, Casey, Clark, H. G.; Cote, Cottrell, Couture, Cox, Curran, D'Alfonso, Dam, Danton, Donaghy, Drigotas, Dyar, Emery, Evans, Faucher, Fecteau, Fortier, A. J.; Foster, Fraser, Gaudreau, Gauthier, Gilbert, Heselton, Hunter, Jalbert, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Mills, Mitchell, Moreshead, M o r g a n, Nadeau, Norris, Ouellette, Rand, Rocheleau, Santoro, Shaw, Snow, Soulas, Starbird, Temple, Thompson, Vincent, Watson, Waxman, Wheeler, Wight, Williams, Wood.

ABSENT — Allen, Brennan, Coffey, Dennett, Eustis, Giroux, Lewis, Lund, Noyes, Tanguay.

Yes, 63; No, 76; Absent, 10.

The SPEAKER: The Chair will announce the vote. Sixty-three having voted in the affirmative and 76 in the negative, the motion does not prevail.

Is it now the pleasure of the House to accept the Minority "Ought not to pass" Report?

The motion prevailed. Sent up for concurrence.

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

Bill "An Act Increasing Compensation of School Directors of School Administrative Districts" (H. P. 318) (L. D. 405) (Committee Amendment "A" (H-76) adopted)

Tabled — March 5, by Mr. Fraser of Mexico.

Pending — Passage to be engrossed.

On motion of Mr. Frazer of Mexico, under suspension of the rules, the House reconsidered its action of March 4 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-85) was read by the Clerk.

On motion of Mr. Richardson of Stonington, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and specially assigned for Friday, March 14.

The Chair laid before the House the fifth 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" (H-44) adopted)

Tabled—March 5, by Mr. Carter of Winslow.

Pending — Passage to be engrossed.

On motion of Mrs. Baker of Orrington, retabled pending passage to be engrossed and specially assigned for Wednesday, March 12.

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

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

Tabled—March 5, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Binnette of Old Town to reconsider indefinite postponement.

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

Mr. BERMAN: Members of the House: At this moment, I'll be very brief. We have gone around and around on this matter, we have covered the ground very carefully; I hope that we will not reconsider this matter, and when the vote is taken, I would request a roll call.

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

Mr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: I am rising to oppose the passage of this bill. First, because as a man of religious belief and faith, I do not believe in divorce under any circumstances. What-

ever God has united in matrimony should remain until death. No one has the right to interfere with any legislation which has to do with the religious believers commandments and the precepts of the church or orders of the sacraments which some religions approve.

As a doctor, I do not quite believe in this seven year period as a yardstick for considering a mental illness either cured or not. There are many cases of manic depressions, involution melancholia and a small group, very small I would say, of schizophrenics who will recover after seven years with due care and with the modern progress of psychiatric treatments. Modern medication is progressing all the time and the diseases that we were unable to cure today that will be cured later are the diseases that were not curable twenty years ago but are curable now. I do not want to take too much time to mention some of these conditions that are curable now and they weren't before. I believe that one must have faith and hope in the future, and without hope and faith, there is no charity. Without hope and faith we lose ourselves in our way somewhere and beyond all, let us use charity in our determination of this matter.

The bill seems to me somewhat discriminatory. We have many other conditions in the line of disease that are incurable, such as arteriosclerosis, cerebral arteriosclerosis, vascular disease, diabetes, leukemia, neurological disorders and so forth. These diseases are chronic, last many years, and some of them are crippling. If we are to get divorces for mental illness, some day we are going to get divorces for these conditions too. If this bill should pass, they will in the future probably create other grounds for divorce that we don't have now. I strongly believe as a doctor and as a member of this assembly, that this bill should not be passed.

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

Mr. VINCENT: Mr. Speaker, there has been a lot of discussion the last couple of days on this bill and one phrase keeps coming to

the forefront, 'til death do us part. A marriage is a physical, it's a spiritual and it's a mental union between two people. When the spiritual, mental and physical union of these two people has died, is this not death do us part with the two spouses alive?

Mr. Jalbert of Lewiston moved the previous question.

The SPEAKER: The gentleman from Lewiston moves the previous question. For the Chair to order the previous question, it must have the consent of one third of the members present. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no. The Chair opens the vote.

95 having voted in the affirmative and 35 having voted in the negative, the previous question was ordered.

The SPEAKER: The question now before the House is shall the main question be put now. This question is debatable for no more than five minutes by any member. As many as are in favor of the main question being put now will say aye; those opposed, no.

The main question was ordered on a viva voce vote.

The SPEAKER: The main question is the motion for reconsideration. 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 those in favor of a roll call will vote yes, those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is the motion of the gentleman from Old Town, Mr. Binnette, to reconsider indefinite postponement of Bill "An Act relating to Mental Illness as a Ground for Divorce," H. P. 471, L. D. 625. If you are in favor of reconsideration you will vote yes, if you are opposed to reconsideration, you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley,

Bunker, Carey, Chandler, Chick, Clark, C. H.; Corson, Cote, Cox, Crosby, Cummings, Cushing, Dyar, Evans, Foster, Gilbert, Hardy, Haskell, Huber, Jameson, Johnston, Kelley, K. F.; Lawry, Lincoln, Lund, Marstaller, Norris, Noyes, Ouellette, Payson, M. W.; Porter, Quimby, Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Susi, Thompson, Vincent, Watson, Waxman, Wheeler, Wight.

NAY — Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Burnham, Carrier, Carter, Casey, Clark, H. G.; Cottrell, Couture, Crommett, Croteau, Curran, Curtis, D'Alfonso, Dam, Danton, Donaghy, Drigotas, Dudley, Durgin, Emery, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gaudreau, Gauthier, Giroux, Hall, Hanson, Harriman, Hawkens, Henley, Heselton, Hewes, Hichens, Hunter, Jalbert, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, MacPhail, Marquis, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Page, Pratt, Rand, Richardson, G. A.; Rocheleau, Sahagian, Santoro, Sheltra, Starbird, Stillings, Temple, Trask, Tyndale, White, Williams, Wood.

ABSENT — Allen, Brennan, Coffey, Dennett, Eustis, Good, Immonen, Tanguay.

Yes, 53; No, 88; Absent, 8.

The SPEAKER: The Chair will announce the vote. Fifty-three having voted in the affirmative and eighty-eight having voted in the negative, the motion for reconsideration does not prevail.

The Chair laid before the House the seventh 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 — March 5, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

