

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

Tuesday, March 18, 1969

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

Prayer by the Rev. Mr. J. Wesley Stuart of South Berwick.

The members stood at attention during the playing of the National Anthem by the Marshwood High School Band of Eliot and South Berwick, Maine.

The journal of the previous session was read and approved.

Order Out of Order

Mr. Hichens of Eliot presented the following Order and moved its passage:

WHEREAS, the town of South Berwick has been represented by having Reverend J. Wesley Stuart as House Chaplain for the day, the Marshwood High School Band, comprised of students from Eliot and South Berwick, rendering the National Anthem, and an "Act to Grant a Charter to the town of South Berwick" being heard before Committee this afternoon, be it

ORDERED, that March 18th be designated as South Berwick day in the House of Representatives; and be it further

ORDERED, that a copy of this order be sent to the Town Manager of South Berwick.

The Order received passage.

Papers from the Senate

From the Senate: The following Communication: (S. P. 409)

STATE OF MAINE
JUDICIAL COUNCIL

March 7, 1969

To The Members of The 104th Legislature:

I have the honor to present herewith the Report of the Judicial Council of Maine on the District Courts Pursuant to Legislative Order of June 30, 1967.

Respectfully,

(Signed) BRUCE W. CHANDLER
Executive Secretary

JUDICIAL COUNCIL OF MAINE

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

In the House, the Communication was read and with accom-

panying Report ordered placed on file in concurrence.

Bills from the Senate requiring reference were disposed of in concurrence with the following exceptions:

Tabled and Assigned

Bill "An Act relating to Full-time State's Attorneys" (S. P. 243) (L. D. 1294)

Bill "An Act Providing for Full-Time District Attorneys" (S. P. 384) (L. D. 1291)

Came from the Senate referred to the Committee on Judiciary.

In the House, on motion of Mr. Rideout of Manchester, tabled pending reference in concurrence and specially assigned for Wednesday, March 19.

Senate Reports of Committees**Leave to Withdraw**

Report of the Committee on Liquor Control on Bill "An Act relating to Gratuities for Members and Employees of Liquor Commission" (S. P. 312) (L. D. 1028) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Revise the Architects' Registration Law" (S. P. 280) (L. D. 914)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 56) (L. D. 225) reporting same in a new draft (S. P. 372) (L. D. 1232) under same title and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act to Appropriate Moneys for the Expenditure of State Government for the Fiscal Year Ending June 30, 1969" (S. P. 219) (L. D. 660)

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.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to the Uniform Disposition of Unclaimed Property Act" (S. P. 267) (L. D. 905) reporting "Ought to pass" as amended by Committee Amendment "A" (S-31) submitted therewith.

Report of the Committee on Transportation on Bill "An Act relating to Driver's License Re-examination" (S. P. 232) (L. D. 672) reporting "Ought to pass" as amended by Committee Amendment "A" (S-30) submitted therewith.

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

In the House, the Reports were read and accepted in concurrence and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted and, tomorrow assigned for third reading of the Bills.

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

March 18, 1969

The Honorable Bertha W. Johnson
Clerk of the House of Representatives
104th Legislature
Augusta, Maine

Dear Mrs. Johnson:

I am pleased to transmit to the members of the House of Representatives of the 104th Legislature the finished report of the State Credit Research Committee (Governor's Seed Committee, which was formed to carry out a recommendation of a conference on State credit held on November 26, 1968.

I would like to thank the distinguished Chairman of this Committee, Curtis Hutchins, Chairman of the Dead River Company, for his efforts and I would like also to thank the distinguished members of the Committee. They are: Kenneth Baird, Esq., Jensen and Baird, Portland; H. King Cummings, President, Guilford Industries, Inc., Guilford; John P. Dunfey, President, Sheraton Motor Inn, Hampton, New Hampshire; John F. Grant, President, The Merrill Trust Company, Bangor; Wallace M. Haselton, Chairman of the Board, Depositors Trust Company, Augusta; James K. Keefe, Commissioner, Department of Economic Development, Augusta; Carleton G. Lane, President, Union Mutual Life Insurance Company, Portland; James B. Longley, C. L. U., Longley Associates, Lewiston; John J. Flaherty, Esq., Berman, Berman, Wernick & Flaherty, Portland; George S. Payson, H. M. Payson & Company, Portland; Wendell L. Phillips, President, Northern National Bank, Presque Isle; Halsey Smith, President, Casco Bank and Trust Company, Portland; Dr. Robert E. L. Strider, President, Colby College, Waterville; and H. Alan Timm, President, First National Granite Bank, Augusta.

Assisting the Committee were: Dr. David H. Clark, Associate Professor, University of Maine, Orono; William S. Cohen, Esq., Paine, Cohen & Lynch, Bangor; Dr. John D. Coupe, Professor, University of Maine, Orono; and Dr. Albert Mavrinac, Executive Department, State House, Augusta.

I believe that the State has seldom been privileged to have the services of men so well qualified to deal with questions of the State's credit.

I asked the Committee to consider ways to raise more "seed money" for Maine's economic development. More specifically, I asked them to review existing uses of State credit, the possible extension of these uses, the question of maximum limits of State credit guarantees and State bonding capacity, the possible use of State credit guarantees for construction of higher education and hospital facilities and how State credit can be used to increase housing activity in the State.

I would like to comment on several of the conclusions drawn by the Committee that I feel are of far-reaching significance.

On page 6, the Committee states that "insofar as general obligations of the State are concerned, the ability of the State to market additional debt, or incremental increases in the cost of that debt do not appear to be of overriding significance at this time. The question is whether the public is willing and able to service the debt by raising the necessary funds through legislative or other action."

This means that our credit can be prudently expanded in its use as a valuable source of seed money to stimulate our State's economy.

The Committee indicates that a state's credit rating is based on a variety of factors, only one of which is the total amount of debt. Even if Maine should lose its Triple A rating, the Committee continues, "the impact of its interest cost could well be a minor factor . . ." The Committee also states that "with respect to the State's ability to market a high volume of additional debt, it is unlikely this would be a problem by virtue of the relative size of the State of Maine in comparison with other States."

The ratio of total debt in Maine compared to personal income is approximately 9.8 percent. The national average is almost twice as much at 18.2 percent. It is clear that Maine can do a great deal more borrowing than it has in the past and that the use of our borrowing can be a valuable tool for stimulating the economy of the State.

On page 7, the Committee addresses itself to the question of the expansion of the State's contingent liabilities, i.e., the pledging of the State's credit. Again, the Committee feels that increases are possible.

Further, the Committee recommends that the area of responsibility of the Maine Industrial Building Authority, one of the State's principal agencies for pledging credit, be broadened to include service industries and the preservation of existing industries.

Other recommendations of the Committee are for the use of State bond issues to prefund the Federal share of water pollution abatement projects, the creation of an "ad hoc" committee for further investigation of using State credit to build higher education facilities and hospitals.

The Committee supports the creation of a State Housing Authority, with the power to issue revenue bonds and use the proceeds to purchase mortgages, changing of the foreclosure laws, giving the State Housing Authority the power to guarantee loans to construction firms and the creation of a Housing Approval Board.

In the area of present agencies which guarantee State credit, the Committee recommends the consolidation of the clerical help and office space of MIBA, MRA and MIRFAB, and a broadening of the enabling act of MIRFAB. Legislation to accomplish these objectives has been submitted to the 104th Legislature for consideration during this session.

Respectfully

(Signed)

KENNETH M. CURTIS
Governor

The Communication was read and with accompanying Report ordered placed on file.

Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. CURRAN of Bangor be excused from attendance for the duration of his illness.

On motion of Mrs. Lincoln of Bethel, it was

ORDERED, that Tuesday, April 8, 1969, be designated as "Welcome Back Day" in the House of Representatives;

AND BE IT FURTHER ORDERED, that all former Speakers of the House, all former Members of the House, and all former Officers of the House are hereby extended a cordial invitation to be guests of the House of Representatives of the 104th Legislature in session on that date;

AND BE IT FURTHER ORDERED, that each individual member of the present House be charged with the duty of urging all former House members from his district to avail themselves of the opportunity of returning on "Welcome Back Day" to renew old established friendships;

AND BE IT FURTHER ORDERED, that a Committee consisting of the Speaker and seven members of the House be instructed to further the plans for "Welcome Back Day."

House Reports of Committees

Leave to Withdraw

Mr. Bourgoin from the Committee on Inland Fisheries and Game on Bill "An Act Providing for Pheasant Stamp under Fish and Game Law" (H. P. 727) (L. D. 945) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Hawkens from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Payment of Percentage of Taxes from Town of West Bath to Birch Point Village Corporation" (H. P. 360) (L. D. 468).

Mr. Kelley from the Committee on Inland Fisheries and Game reported same on Resolve relating to Fishing in Howard Pond, Oxford County (H. P. 633) (L. D. 821)

Mr. Lewin from same Committee reported same on Bill "An Act relating to Taking of Fisher in Town of Turner, Androscoggin County" (H. P. 729) (L. D. 947)

Mr. Porter from same Committee reported on Resolve Permitting Taking of Smelts from Townsend Brook, So Called, and

Little Wilson Pond, Androscoggin County (H. P. 732) (L. D. 950).

Mr. Crommett from the Committee on Towns and Counties reported same on Bill "An Act relating to Tax Distribution between Town of West Bath and Birch Point Village Corporation" (H. P. 500) (L. D. 654)

Reports were read and accepted and sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act Revising the Laws Relating to Support at State Institutions" (H. P. 465) (L. D. 602)

Report was signed by the following members:

Messrs. STUART of Cumberland
MINKOWSKY

of Androscoggin
GREELEY of Waldo

— of the Senate.

Messrs. BINNETTE of Old Town
FRASER of Mexico

Mrs. WHITE of Guilford

Mrs. PAYSON of Falmouth

Messrs. SOULAS of Bangor
NOYES of Limestone

— of the House.

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

Report was signed by the following member:
Mr. CARRIER of Westbrook

— of the House.

Reports were read.
(On motion of Mr. Moreshead of Augusta, tabled pending acceptance of either Report and specially assigned for Friday, March 21.)

Divided Report

Majority Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects" (H. P. 497) (L. D. 651)

Report was signed by the following members:

Messrs. PEABODY of Aroostook
MARTIN of Piscataquis

MILLS of Franklin
— of the Senate.

Messrs. HAWKENS of Farmington
DYAR of Strong
HANSON of Vassalboro
LABERGE of Auburn
FORTIER of Waterville
— of the House.

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

Report was signed by the following members:

Messrs. WIGHT of Presque Isle
CROMMETT of Millinocket
— of the House.

Reports were read.

On motion of Mr. MacPhail of Owls Head, the Majority "Ought to pass" Report was accepted.

Thereupon, the Bill was read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act Providing the Maine Insurance Code" (H. P. 201)

Bill "An Act relating to Hunting License for Certain Maine Residents in Armed Forces" (H. P. 384) (L. D. 494)

Bill "An Act relating to In-correctibles at Juvenile Training Centers" (H. P. 409) (L. D. 520)

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

Tabled and Assigned

Bill "An Act relating to the Administration of Aid to the Aged, Blind, Disabled and Medically Indigent" (H. P. 462) (L. D. 599)

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

(On motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and specially assigned for Tuesday, March 25.)

Bill "An Act relating to Discharge from Hospitals for the Mentally Ill" (H. P. 551) (L. D. 730)

Bill "An Act to Amend the Charter of Unity Utilities District" (H. P. 575) (L. D. 757)

Bill "An Act Permitting the Municipalities of Old Orchard Beach and Saco to Form a School Administrative District and Contract for Part of its Students with

Thornton Academy" (H. P. 624) (L. D. 812)

Bill "An Act relating to Confering Degrees by Thomas College" (H. P. 682) (L. D. 881)

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

Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property" (H. P. 757) (L. D. 977)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Those of you who know me at all well realize that I very seldom get angry and certainly never on the Floor of this House. I fight hard for the things that I believe in, but I learned to accept defeat very early in my legislative career. Fourteen years ago, as a freshman, my first important bill was defeated 100 to 11.

Once this body takes a firm and decisive stand I am definitely willing to accept this without the slightest malice, because in the final analysis I respect the ultimate judgement of this House. This body is never frivolous on important matters. The decisions are made in a very responsible manner. This body is made up of conscientious men and women who are responsible to the people of this state.

Now in respect to this matter before us now, if it is the will of the Legislature to close this home of course we in Bath will abide and cooperate; and I want to assure our fellow members that the area legislators will work very diligently with the responsible state agencies to assure that all of the children presently living in this Home will be placed in the best locations possible and we will do everything in our power to assure that family groups are not broken up.

I now move that this bill be passed to be engrossed.

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

Bill "An Act relating to Accepting Gratuities by Liquor Commission Members and Employees" (H. P. 774) (L. D. 1007)

Bill "An Act relating to Penalties for Violations of the For-Hire Carrier Statute" (H. P. 780) (L. D. 1013)

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 Rehabilitative Programs in State Penal and Correctional Institutions" (H. P. 818) (L. D. 1057)

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

Mr. Vincent of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-101) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Amend the Charter of Great Northern Paper Company" (H. P. 1070) (L. D. 1251)

Bill "An Act to Correct Errors and Inconsistencies in the Maine Insurance Code" (H. P. 1071) (L. D. 1252)

Bill "An Act Reactivating the Governor's Committee on Children and Youth and the Governor's Advisory Council on the Status of Women and Continuing Activities of the Committee on Aging" (H. P. 1072) (L. D. 1253)

Resolve Discharging Town of Shapleigh from Part of the Indebtedness to State Board of Education for Preparation of Agreement for Dissolution of School Administrative District No. 57" (H. P. 460) (L. D. 597)

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

Amended Bills

Bill "An Act relating to the Charter of the Van Buren Water District" (S. P. 273) (L. D. 911)

Bill "An Act relating to Reasonable Counsel Fees under Uniform Act on Paternity" (H. P. 635) (L. D. 823)

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

Passed to Be Enacted Emergency Measure

An Act relating to Allocations from the General Highway Fund for Reconstruction of Certain Bridges in Baxter State Park (H. P. 112) (L. D. 128)

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 one 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 the Borrowing Power of Maine Maritime Academy (H. P. 484) (L. D. 638)

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. 134 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.

Constitutional Amendment Tabled and Assigned

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

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

Mr. Donaghy of Lubec moved for indefinite postponement of the Resolve and asked for a roll call.

(On motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Donaghy of Lubec and specially assigned for tomorrow.)

Passed to Be Enacted

An Act relating to Display of Maine Products in State Liquor Stores (S. P. 148) (L. D. 429)

An Act to Authorize the Chief Medical Examiner to Approve Certain Expenses (S. P. 177) (L. D. 579)

An Act relating to Length of Time for Motor Vehicle Instruction Permits (S. P. 183) (L. D. 585)

An Act relating to the Charter of the Van Buren Light and Power District (S. P. 274) (L. D. 912)

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

An Act Providing for Maintenance of a Certain Road Leading to Baxter State Park (H. P. 229) (L. D. 285)

An Act Revising the Construction Safety Law Enforcement (H. P. 335) (L. D. 444)

An Act Changing Name of State Soil and Water Conservation Committee (H. P. 353) (L. D. 461)

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

Enactor

Tabled and Assigned

An Act relating to Definition of Agricultural Societies to Qualify for Stipend (H. P. 365) (L. D. 475)

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

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to take much of your time on this but inasmuch as this is a little known bill I would like to explain a bit why I want to hold it up. Several years ago the Oxford County Fair was interrupted due to eminent domain pro-

cedures for the purpose of taking over the ground fields as a school administrative district area. The Fair had operated for over a hundred years prior to that.

It seems that the people that are aware of these things, there is a small stipend which is available to fairs that are paying out certain prizes and so on in their exhibitions, and of course in the starting of a new fair this would be very helpful. But it is not normally allowed to new fairs that are just starting until they have operated for three years, due to the law. The idea is to encourage them to improve their grounds.

But Oxford County Fair at Norway-Paris have procured new grounds and want to start operating again, and want to have this fund, this stipend available to them for this year when they plan to have their fair. Based on the present law they would not be allowed to have this stipend until they had paid prizes and had improved their fairs for three years. Consequently due to the fact that the cessation of the fairs after over a hundred years of operation was due to no failure on their part, was due to eminent domain, this law would allow those fairs this stipend regardless of that three-year program, providing they were held up due to eminent domain.

All well and good. We had to amend it because the bill will not become effective until the fair has already had its season, which will be the first of September; and normally the bill would become effective probably in October. So it was suggested that we amend it either with an emergency preamble, which we do not favor too much unless it's necessary, or an explanation. It seems that the explanation which several of us agreed on, there's a bit of a question from the Attorney General's Office as to its interpretation.

Consequently I would appreciate it if someone would table this bill for one day.

Thereupon, on motion of Mr. Cote of Lewiston, tabled pending passage to be enacted and specially assigned for tomorrow.

An Act relating to Provisional Motor Vehicle Operator's Licenses (H. P. 617) (L. D. 805)

An Act relating to Definition of Demonstrator under Hairdresser and Beautician Law (H. P. 630) (L. D. 818)

An Act to Classify Certain Minor Tributaries of the Androscoggin River (H. P. 640) (L. D. 828)

An Act to Classify Certain Tidal Waters of Hancock County (H. P. 671) (L. D. 857)

Finally Passed

Resolve Authorizing the Forest Commissioner to Study the Laws, Rules and Regulations Relating to Logs and Lumber (H. P. 480) (L. D. 634)

Resolve to Reimburse Kermit Sanborn of South Portland for Damage by Escapees from Boys Training Center (H. P. 595) (L. D. 776)

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

Orders of the Day

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

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

Tabled—March 12, by Mr. Richardson of Stonington.

Pending — Passage to be engrossed.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House. Through the years we are, at various levels of government, charged with the responsibility of improving our schools — elementary and higher education — and of course, that has many ramifications. One of them is the improvement and advancement to keep up with things of our teaching staff. Through the years a lot of us haven't paid much attention to it, but one of the very valuable accessories to teach a person or personnel improvement is the sabbatical leave for the purpose of

improving the teachers' knowledge. I believe that back along a lot of that was utilized for specialization. Teachers in languages got sabbatical leave and travelled in various countries to absorb those various languages, and, of course, the system in teaching theology, sciences, ancient history, and so on.

I have no quarrel with sabbatical leave as such. The law allows school boards to, at their discretion, pay up to half pay of the teacher or the principal for approved sabbatical leave, which can be accomplished every 7 years.

This bill, L. D. 161, looks harmless, but I would take exception to it. I feel that there should be limitations as to what is considered an area of education for teachers and principals. This bill merely is an amendment to an already existing measure, but it includes service in the legislature and the rules and regulations governing sabbatical leave. Again, I do not want my remarks interpreted as being pro or against educational facilities — against teachers or students serving in the legislature. I think we have some very fine examples of teachers and students serving in our present legislature. My hat is off to them. They're doing a very fine job. I am only stating that it seems to me that we are establishing a precedent here that has not only far reaching repercussions, but is unfair to other professionals who also are serving their State. We do not recognize, as I see it, publicly, subsidization of legislators; never have.

We were told by proponents of this bill that legislators are, have been, and will be subsidized by commerce and industry. That may well be. That is another matter. If we had a board of ethics, a committee of ethics, it would be up to them to consider whether it was ethical for members of this legislature to be subsidized in any way. This bill merely deals with an already existing law permitting the subsidization of school teachers and principals to this body. As I stated before the Committee in opposition to this bill I feel that it not only is unfair, establishes

a bad precedent, but that if it is felt that this body does not pay enough so that dedicated people can serve in this legislature honorably on the pay that we get, that is another matter; there should be something done about paying enough so that they can. Lawyers, in general, are not subsidized; doctors are not subsidized; dentists, druggists, farmers, storekeepers, and even as I, a retired Army man. We are not subsidized. We know what the pay is when we come here.

Now, again, we will be told that the educator, the teacher, will learn a tremendous amount of value in serving the legislature. I agree wholeheartedly. I agree that the lawyer will learn a lot, the dentist, the druggist, the farmer, and the storekeeper, and even retired Army men. We all learn a lot in the legislature. I believe it's probably one of the most educational spots there is. But, nevertheless, it is a job. It is a job which pays a salary.

Now, I wonder if the laws pertaining to sabbatical leave have anywhere allowances for a school teacher to take another job and still pay him half pay while he's doing that other job. That's why I feel that it's a poor precedent. Another thing: our Constitution states that a member of this legislature, when he accepts after election, he more or less takes an oath to serve his term. Under sabbatical leave the teacher is allowed one year. At the end of that time, if he is needed in the following year, he either has to find some way to scrape along and do it, or he has to resign. Now, of course, resignations from the legislature have been done and will be done. For very good reasons, they are acceptable; but it seems to me that the resignations normally to be accepted would be for emergencies and not for the sake of the fact that a sabbatical leave is only good for one year. This legislative process is set up on a 2-year basis. So, under that circumstance, I don't feel that it's right for the teacher to run for this office and to be subsidized and then to resign at the end of his first year.

I hope that everyone, having seen this bill tabled a couple of times, will have checked it over. I do not question the enthusiasm and, probably, the intent of the members of the committee that would like to see this bill passed and I surely do not question the enthusiasm of the proponents of this bill that appeared before the committee. I will say, as near as I can tell, that practically all of the proponents were educators, and I can understand why they would like to see it. Possibly, the group of lawyers that are attending here would like to be subsidized at half pay while they are here. But, again I feel that it is very unfair, and I hope that you will scrutinize it well before the vote is taken, consider it well, and ask yourselves if our constituency back home who are writing us every week about school costs, about property taxes, mainly because of the educational costs which we are trying to take care of, I ask you if you feel that they would be pleased if you voted to have their school tax dollars pay half pay to a school teacher to attend the legislature. I now ask for indefinite postponement and ask for a roll call.

The SPEAKER: The gentleman from Norway, Mr. Henley, now moves the indefinite postponement of L. D. 161.

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

Mr. RICHARDSON: I would certainly hope that everybody in this legislature will consider thoroughly and will not vote for indefinite postponement of this bill. It had a good hearing before the committee. The committee vote was unanimous — Ought to pass. The only opponent to this bill was my very good friend, Mr. Henley. I would point out to him that there are selectmen, assessors, city council members, and so forth, serving in this legislature who are being paid by tax money, and I don't think that we are setting any very serious precedent. Frankly, I think an education in State Government is a very valid reason for a teacher to be here, regardless whether they are in the elementary school or in the

high school. This is my fourth time in this House, and frankly, I learn something every day, I am still being educated; and I would sincerely request that every one vote against a motion to indefinitely postpone.

Mr. Soulas of Bangor presented the following Order and moved its passage:

WHEREAS, it has come to the attention of the House that March 25th will be observed in this State to commemorate Greek Independence Day; and

WHEREAS, the Governor of Maine will issue a proclamation in solemn observance of this special occasion; and

WHEREAS, we are honored to have in our presence today Priests and Presidents representing Greek Churches at Bangor, Lewiston and Portland; now, therefore, be it

ORDERED, that the Members of the House of Representatives of the 104th Legislature of the State of Maine rise to this occasion and issue a warm welcome to Fathers Sitaras, Alexopoulos and Venatos and to Presidents John Cox, Louis M. Kesaris and Peter G. Econ; and be it further

ORDERED, that the Members of this great body extend to our colleagues, our guests and to all Greek citizens, best wishes for the day in honor of the very special significance that it deserves.

The Order received passage.

The SPEAKER: The pending question is the motion of the gentleman from Norway, Mr. Henley, that Item 1, L. D. 161, be indefinitely postponed. The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to point out that L. D. 161 is permissive legislation. The decision rests at the local level with the school boards and school directors of the local administrative units. There is no mandate from the legislature here to give a teacher a leave of absence, or, for that matter, to give him any pay, let alone up to half pay as the bill would allow. A teacher must have 7 years service under this bill before he would be

eligible for this sabbatical leave, and then the question of whether or not he would receive pay would be solely up to the directors and school board at the local level.

The purpose of the sabbatical leave is, according to the law, to increase the knowledge of the teacher by travel and education so that the teacher will be better fitted by education and culture to teach. I don't think anyone will deny—and this has been mentioned—that service in the legislature is an education. It certainly would be as valuable, in my opinion, as a tour of Europe, viewing the paintings of Florence, or statuary of Greece, and Rome.

This bill simply allows teachers to participate and puts the State on record as recognizing their services as valuable. I believe that the service of teachers should be encouraged. Text books don't have all the answers unfortunately. There is a very practical side of politics and government that should be introduced into the classroom. Teachers should be active; should participate. We should encourage them to do so. We say to them "Teach my children, teach them to be politically responsible, teach them what this government of ours is all about." But we also say, "Don't let the teachers get mixed up in it themselves."

We have, I think, discouraged teachers from taking part. They may not serve on city councils. We have not encouraged their service in the legislature. But when teachers criticize our processes of government, we can blame ourselves for, in effect, alienating a large segment of our population, a very important one I might add, considering their roll. Generally, teachers do contribute a great deal to the improvement of governments at all levels. History, I think, shows that they indeed make great contributions.

The question has arisen concerning the use of public funds. May I read to you a letter in this regard from the Office of the Attorney General dated March 11, 1969, addressed to me. It refers to this document L. D. 161. I quote:

"In your capacity as sponsor of the reference Legislative Document, you have requested our opinion on the following question: Whether or not enactment of Legislative Document No. 161 would result in any improper use of public monies by reason of the fact that teachers or principals in the public school system would be receiving, on the one hand, monies as a Legislator, while, on the other hand, receiving half pay while on a leave of absence granted by school officials. We answer the question in the negative.

As the law is presently written, governing school officials are given the authority to first approve leaves of absence at not more than half pay. The conditions and regulations relating to the leave of absence may be determined by the governing school board.

We find no constitutional or statutory prohibition relating to 20 M.R.S.A. § 473, subsection 9, as amended by the proposed Legislative Document.

Respectfully submitted,
JOHN W. BENOIT, JR.
Assistant Attorney General"

Let me just repeat: this is permissive legislation with the decision made where it ought to be made, at the local level. It allows the teacher to bring valuable knowledge to the students in his classroom. It does not deny the teacher the opportunity to serve. There is no misuse of public funds.

President Eisenhower once said, "politics ought to be the part-time profession of every American. Let's encourage our teachers to work from within our established structure of government, not force them to pressure from the outside. The school is the only major social institution man has created to improve society. There are nearly 11,000 teachers in Maine responsible for the education of about 230,000 public school students. Let our teachers learn first hand the problems of government. I can assure you that the rewards will be great in terms of getting the story of practical politics and practical government into the classroom. Let them teach by precept and example, filling positions of leadership as citizens and elected of-

ficials at all levels of government. I urge that you vote against the motion for indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I agree wholeheartedly with the gentleman from Norway. I find it some financial sacrifice to be here as well as some of you may, and I would like to feel that whoever did serve would be serving on the same level, and I wouldn't like to feel that some other person was here being subsidized from public funds. Now, if there is some — there may be — but I don't want to extend it any further, and I don't think you do, and I note that some speakers who speak highly for this measure are teachers and would like to be subsidized, and I don't blame them one bit. But I just don't think that's good business for this legislature, and I hope you will go along with the gentleman from Norway, Mr. Henley, and indefinitely postpone this piece of legislation.

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

Mr. JUTRAS: Again, we must remember that we are here as responsible members of the House, and we must not be governed by emotional subjects to vote either for or against a bill.

The gentleman from Norway is entirely right. He has explained the dangers concerned in allowing teachers to serve in the legislature at half pay and full pay, because, in some instances, depending upon the locality, the teacher may be paid full pay and not only half pay while serving in the legislature. That goes for both parties.

For that reason I make the motion that we go along with the gentleman from Norway's motion to indefinitely postpone this dangerous bill.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen: I rise in opposition to the motion of Mr. Henley, the gentleman from Nor-

way. Probably you all say, "Well, what is this gentleman's interest in seeing teachers serve in the legislature?" Well, first I am one hundred percent against discrimination, and I think this bill, in effect, says that a teacher is not fit to serve in the legislature. This is permissive legislation. It leaves the decision as to whether or not a teacher would get half pay or full pay strictly up to the local authorities in the community, and that is where I feel it should be.

My seatmate says, "What's your interest in teachers?" Well, I slept with one for slightly over thirty years, so some of that has rubbed off on me.

The SPEAKER: The gentleman will be more temperate in his remarks.

Mr. FARNHAM: With her cooperation I have produced three dedicated teachers. So the teacher atmosphere has been quite prevalent in my house, and I would say that my wife teaches in a private school so that she could not under any circumstance benefit from this bill; but in the private school in which she is in, she is entitled to a leave of absence with pay, and she could serve in the legislature.

We are establishing a precedent, but in my books, it's a good precedent because it makes possible for able men and women to represent the State of Maine in the days when legislation is becoming very complicated.

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

Mr. LEVESQUE: Mr. Speaker, I would like to pose a question to the Chair or to any member of the House who may choose to answer. Under our present laws and under the present municipal administrations, does any member of this House know whether there is presently any restrictions disallowing members of the teaching profession the rights and privileges of running for the legislature without this legislation?

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

nizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: I think I can answer to a certain degree this question, and I will try to before I sit down. You may know that I have been in education — I have been a teacher and coach — and I have been involved in this situation for quite a while. I may say too that this is the first time that I have ever taken the floor of this House to speak in behalf of any teachers' bill. When I came up here in '63 for the first time, I was the first teacher from Portland who had ever run for the legislature, and so many questions arose: "Should a teacher be allowed to serve in the legislature? What would be the conditions under which he would serve?" Now, some of you realize and are familiar with a little continued press dissertation on this matter, and after much research and discussion it was settled in the Portland district that the teachers on their sabbatical leave may serve in the legislature.

Now, I think there is misunderstanding about what you are voting on in this particular motion and bill because presently in our law a teacher may run and serve in the legislature without any loss of seniority privileges or of anything else; that the thing that we are trying to decide here on a statewide basis is whether or not you can equate service in the legislature with a course of study, and in our district that has been settled. I have found this to be one of the greatest universities I have ever attended. The longer I stay here the more I learn and the more I find out what I do not know.

Now, the request for sabbatical leave will never inundate any school board. In our district in Portland, where one percent of the teachers may request a sabbatical leave each year—we have about 700 teachers, and that means 7 could have a sabbatical leave — we never have more requests than one or two, and believe me, there are going to be very few who decide on their sabbatical leave to work in the field of politics and

attend ward meetings and city meetings and county meetings and State meetings, spend money to try to get elected. Very few teachers are ever going to do that. The word sabbath comes from the Hebrew Language and the Greek Language, and it means a period of rest. The seven year comes from the seventh day after the creation of the universe, and the Lord thought that there should be a rest day, a seventh day, so the sabbatical year is the sabbath year, a period of rest, and most teachers if they take leave would rather travel. They can travel on this sabbatical leave, it is not a question of subsidy; this question is just whether or not you people in your wisdom think that service in the Legislature is equal to going out to Gorham Normal and taking a couple of courses in education.

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

Mr. MILLS: Mr. Speaker and Members of the House: Not having done my homework on this bill before, it leaves me in somewhat of a doubt now after hearing these speakers. I request that this be tabled until the next legislative day.

The SPEAKER: The Chair would advise the gentleman that his motion is not in order.

The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker and Members of the House: I am not going to take up too much time. I would just like to point out that this was well heard in the Education Committee and had a unanimous report. This is just permissive legislation. It does not require any municipality or school district to pay half pay unless the city or town officials wish to. I hope that the motion to indefinitely postpone does not prevail.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I wish to answer a few of the statements. I will try to make it brief. First it was stated by my good friend

Mr. Richardson that several selectmen and town managers have served in this body and still do and will; I agree. In the 103rd I had a seatmate who was town manager, but I think if the record might show, if they could show, he lost several days which he had to put in and he put in a lot of nights and weekends. He still maintained his job one hundred percent.

As to selectmen, I know of several serving in the Legislature. They do now and then go and attend their meetings. They earn their money at home, there is no question of their doing two full-time jobs. Can a school teacher come down here and teach school at the same time? I think that is the question to be asked. I say they cannot, normally. A school superintendent perhaps can.

Also it has been said that this is permissive legislation. A lot of legislation is permissive, but why do we put it out as permissive? We know very well that if it is permissive legislation it certainly would be taken advantage of. As to the local people having a say, how many times do the local taxpayers have advance information as to sabbatical leave? I think you will find that that is a pretty good answer there.

As to local boards we have our school boards to be sure, but they are becoming less local every year. My school board up there, for instance, embraces eight towns. It is the second largest district in the State of Maine; and I find that the local opinions have very little to do with what the school board does. I am not, as I stated, anti-education; I am just to the point of where I feel that we should curb the seeming expansion of some areas in the educational department.

I feel that we should draw the line somewhere, and as to it's being good education, that's fine, it is; but as far as permissive legislation is concerned it reminds me of the brief story of a gentleman years ago that wanted to sell my father a cow, and he says "What are you asking?" He says, "I'm asking \$50, but I will take 35." To me that's permissive legislation.

If we give them permission they certainly are going to take advantage of it.

My friend from Portland, Mr. Cottrell, states that there wouldn't be many take advantage of this, that there hadn't been very many in the past take advantage of sabbatical leave. Possibly if the plum could be held out to them, that they can get half pay and still come down here and draw their \$2,000 and allowance during the winter in their sabbatical leave, there might be a lot more apply for it. All well and good. If they want to come to the Legislature, I insist let them take their chances along with other professionals and we will welcome them with open arms as we are doing right now. I still hope you will go along on indefinite postponement of 161.

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

A vote of the House was taken.

More than one fifth 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 Norway, Mr. Henley, that House Paper 139, L. D. 161, Bill "An Act relating to Leave of Absence for Teachers and Principals" be indefinitely postponed. If you are in favor of indefinite postponement of this bill you will vote yes; if opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Baker, Barnes, Bedard, Benson, Berman, Binnette, Bourgoin, Bragdon, Burnham, Carey, Carrier, Carter, Casey, Corson, Cote, Cox, Crommett, Crosby, Croteau, Curtis, Cushing, D'Alfonso, Dam, Danton, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Eustis, Fecteau, Fortier, A. J.; Foster, Fraser, Gaudreau, Gauthier, Gilbert, Good, Hall, Hardy, Henley, Hichens, Huber, Hunter, Immonen, J a m e s o n, Jutras, Kelleher, Kelley, K. F.;

Keyte, Laberge, Lawry, Lebel, Lee, Leibowitz, Lund, MacPhail, Marquis, M a r s t a l l e r, McKinnon, McTeague, Meisner, Mills, Mitchell, Moreshoad, M o s h e r, Noyes, Ouellette, Page, Payson, M. W.; Porter, Quimby, Richardson, H. L.; Rocheleau, Sahagian, Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Susi, Trask, Vincent, Wight, Williams, Wood.

NAY—Bernier, Brennan, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Cottrell, Cummings, Farnham, Faucher, Finemore, Fortier, M.; Hanson, Haskell, Hawkens, Heselton, Jalbert, Johnston, Kelley, R. P.; Kilroy, LePage, Levesque, Lewin, Lewis, Lincoln, Martin, Millett, Morgan, Nadeau, Norris, Pratt, Rand, Richardson, G. A.; Rideout, Ross, Santoro, Scott, C. F.; Soulas, Stillings, Tanguay, Temple, Thompson, Tyndale, Watson, Waxman, Wheeler, White.

ABSENT—Allen, Birt, Boudreau, Couture, Curran, Evans, Giroux, Harriman, Hewes, McNally.

Yes, 88; No, 51; Absent, 10.

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

Sent up for concurrence.

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

House MAJORITY REPORT (6)—"Ought to pass" in New Draft—Committee on Election Laws on Bill "An Act relating to Application for and Marking of Absentee Ballots" (H. P. 224) (L. D. 274)—New Draft under title "An Act relating to Delivery of Absentee Ballots" (H. P. 1064) (L. D. 1233) and MINORITY REPORT (4) reporting "Ought not to pass"

Tabled—March 13, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Porter of Lincoln to accept Majority Report.

On motion of Mr. Ross of Bath, tabled pending the motion of Mr. Porter of Lincoln to accept the Majority Report and specially assigned for tomorrow.

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

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

Tabled—March 13, by Mr. Lewin of Augusta.

Pending—Further consideration.

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

Mr. LEWIN: Mr. Speaker, I now move that item number three be recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

The SPEAKER: The Chair would advise the gentleman that this is a non-concurrent matter and the only motions are recede, concur, insist and adhere.

Thereupon, on motion of the same gentleman, tabled pending further consideration and specially assigned for tomorrow.

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

HOUSE REPORT "Leave to Withdraw" Committee on Liquor Control on Bill "An Act relating to Penalty for Illegal Sale of Liquor" (H. P. 738) (L. D. 956)

Tabled—March 14, by Mr. Corson of Madison.

Pending—Acceptance.

On motion of Mr. Noyes of Limestone, the Bill was substituted for the Report.

The Bill was then given its two several readings and assigned for third reading tomorrow.

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

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

Tabled—March 14, by Mr. Rideout of Manchester.

Pending—Passage to be enacted.

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

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

HOUSE MAJORITY REPORT (8)—"Ought not to pass"—Committee on Liquor Control on Bill "An Act relating to Amount of Liquor that may be Imported into State for Personal Use" (H. P. 703) (L. D. 903)—MINORITY REPORT (2)—"Ought to pass"

Tabled—March 14, by Mr. Stillings of Berwick.

Pending—Motion of Mr. Hichens of Eliot to accept Minority Report.

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: Due to the reputation that I have established as a Representative, I may seem out of place arguing in favor of the liquor business. However, I feel that this bill does not increase liquor consumption in the State but rather provides the State with the revenue from these sales instead of letting neighboring states profit from the same.

When this bill was presented to the Liquor Control Committee we had six proponents, the sponsor, two representing the industry, one from the Enforcement Division, one member of the Liquor Commission, and one so-called dry. One opponent was a member of the House. It is a rare occasion when the so-called dries and the industry are in accord, but they are in this case. This bill is in line with federal regulations. Twenty-five states forbid the importation by their own residents and the increased revenue that we can expect by this law would be estimated about \$200,000, as stated by a member of the Liquor Commission. Enforcement would not be an increased problem, according to the speaker for the Enforcement Division, because publicity of such a law would act as a deterrent to those who wanted to fulfill the law. Eighty percent of the residents are estimated would comply with it.

I therefore ask that we accept the Minority Report "Ought to pass."

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the motion made by the gentleman from Eliot, Mr. Hichens. Now as he stated, in the hearing there was one sole opponent to the bill. This was myself. Now I will state briefly and very honestly why I am opposed to this bill.

First of all I think that many of you can remember back some eight or ten years ago when a situation such as this would bring about arose between New Hampshire and Massachusetts, and the so-called battle of the bottle ensued. The authorities in Massachusetts hunted down all the importers of liquor from New Hampshire, they attempted to make them pay the tax, they brought them into court, and there was all sorts of troubles.

Now it is only human nature to seek to buy in the cheapest markets and sell in the dearest. The fact that liquors are considerably cheaper in New Hampshire draw many Maine residents. Now I feel very strongly a bill, a law such as this, is very much unenforceable. When the question was raised in the Committee hearing of the fact that there would be a battle of the bottle — oh, they said no, this will never occur because we don't intend to enforce the law. Merely by having this law on the books will deter people from buying liquors in New Hampshire and bringing them into Maine.

Now I think that none of you are living in a land of make believe. We have seen laws before that were enforced and you know what happens. All the strength of the Federal Government couldn't make prohibition work. How does anyone in the wildest dreams think merely because we put a law on the books in the State of Maine that we don't intend to enforce, that people will abide by it? This whole bill is absolutely ridiculous, it is unenforceable, and if they do attempt to enforce it, it will be selective enforcement and only enforced against a few and not against the many.

I think all of you, without going into further argument, can under-

stand the ramifications of this, the trouble that it would bring. Can you imagine tourists coming into the State of Maine and possibly being searched and the liquor being seized? What would this bring to the name of the State? I don't think any of us want conditions such as this in the State of Maine. We have a way in this State to overcome all this and that is simply by having a price a little bit nearer to what it is in our neighboring states, and then we would have no difficulties, rather than putting on the books laws that we don't intend to enforce. I believe there are enough of those laws on the books of the State of Maine today without adding another. I certainly hope that you will vote no against accepting the Minority "Ought to pass" Report.

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

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: I feel very humble following the gentleman from Kittery, Mr. Dennett, on this Floor. I agree with everything he has said, but there is little more to be said. I believe the first paragraph of this bill says that I can't go to the liquor store and buy ingredients for a mixed drink, I would have to make two trips. You can't transport within the State more than one quart the way I understand it, and I think that's ridiculous.

Mr. Dennett of Kittery asked for a division.

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

Mr. MILLS: Mr. Speaker and Members of the House: I arise in wholehearted support of Mr. Dennett for the very simple reason that I was a police officer in Massachusetts that time and that battle of the bottle was something terrific. It all wound up with a man from Newburyport, who owned a camp in northern New Hampshire, stopping in Derry, New Hampshire, buying four bottles of whiskey and taking them to his camp where he was entertaining relatives and friends. On his re-

turn over the bridge into Newburyport, this man was arrested for buying illegal liquor in New Hampshire.

When the case was finally resolved in the State of Massachusetts, he had an action against the State for illegal arrest. He collected something in the sum of \$15,000 as a final settlement of that case. I resolve this as Mr. Dennett.

The SPEAKER: The Chair recognizes the gentleman from Lime-stone, Mr. Noyes.

Mr. NOYES: Mr. Speaker and Members of the House: There seems to be some confusion existing regarding this bill. This is no attempt to put a fence between Maine and New Hampshire, or Canada for that matter. Federal regulations forbid the importation into the State of more than one quart unless a duty is paid. Twenty-four other states permit importations from one quart to five gallons. Five of these permit only one quart and two states have no importation control provisions. Five of these permit only one quart and two states have no importation control provisions.

I hope we as legislators face this question squarely. This is not to create a so-called battle of the bottle. I think perhaps we are all law-abiding at heart, and would not want to break the law when we know about it. I feel this would be a deterrent. Some might say it cannot be enforced but the ever present law might make us think twice before we break it.

I realize that perhaps those in our border communities near the New Hampshire reap many benefits. Whether we think it wrong or right is not the answer to this, but it must be admitted that not only liquor is purchased but many more commodities, which is an evasion of our Maine taxes.

Let's look at another problem; perhaps we should remove these restrictions. Let's open the door from New Hampshire, wide open. What about these trucks coming into the State unregistered for the load upon those trucks? We have about six State Police, including two sergeants, stationed at our

scales, and in fines alone for violators apprehended by the State Police the District Court collected \$90,000, approximately \$90,000. This does not include the increase in registration fees. This figure I could not get, but just imagine that amount of money. It is said that these trucks damage our roads. Now, these are out-of-state trucks, not our own State registrations, and like those trading at New Hampshire state liquor stores evading our import tax.

At least there are nine New Hampshire store locations which average approximately 45 Maine customers a day, or 2,430 a week, who average at least \$10.50 per customer, or \$25,515 per week. These figures projected to a year's business at a loss of a minimum profit would at least be about \$400,000. This amount is not peanuts. I earnestly request your favorable consideration.

The answer to this is not lower our statutory selling price of 75 percent based on less carload cost F.O.B. I say retain our present price structure and we will realize this profit very easily and with no pain.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Eliot, Mr. Hichens, that the House accept the Minority "Ought to pass" Report on Bill "An Act relating to Amount of Liquor that may be Imported into State for Personal Use," House Paper 703, L. D. 903. A vote has been requested. All in favor of accepting the Minority "Ought to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 22 having voted in the affirmative and 106 having voted in the negative, the motion did not prevail.

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

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

HOUSE MAJORITY REPORT (6)—"Ought to pass" in New Draft

—Committee on Taxation on Bill “An Act Providing for Statement of Taxes and Other Assessments on Real Property” (H. P. 581) (L. D. 766)—New Draft (H. P. 972) (L. D. 1153) and MINORITY REPORT (4) reporting—“Ought not to pass.”

Tabled—March 14, by Mr. Ross of Bath.

Pending—Motion of Mr. Fortier of Rumford to Accept Minority Report.

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

Mr. SUSI: Mr. Speaker and Members of the House: The majority of the Taxation Committee thought that this bill, as it was drafted and as it is before us now, would provide for a service that was needed and worthwhile for the public; namely, that it would provide that an owner or a prospective purchaser of real estate could go to a single source and find out what the outstanding taxes were on a specified piece of property. We recognize that this would entail procedural changes. This Bill doesn't provide for these procedural changes. The problem lies in this, that there are at various times records in three different locations, the collector and treasurer and at the registry, all of which affect the tax status of any particular piece of property.

At one stage here a few days ago, the Attorney General's Office became involved in this and thought that it was unrealistic, apparently, to ask any one of these offices to give a certified statement as to the total tax burden on any particular piece of property. In line with their reasoning, an amendment has been offered—it's on your desk, a copy of it, and this amendment would provide that the tax collector in giving his statement would be certifying only to the portion of the taxes which he at the time was responsible for. It wouldn't, under those circumstances, provide the information, the total information that an owner or a prospective purchaser would be looking for. As an individual I doubt that this bill with the amendment would accomplish sufficient to make it

worthwhile, but this can be your decision.

You have before you now a motion to accept the Minority “Ought not to pass” Report, and if you should take action against that I will offer this amendment. You would then have a bill which would make it possible for you to apply to the tax collector and get a statement from him which would certify that, within the scope of his interest, the amount due on the property would be a specified amount. Thank you.

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

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make a motion to postpone this bill and all accompanying papers, indefinitely, and would like to speak on the motion.

The SPEAKER: The gentleman from Rumford, Mr. Fortier, now moves that both Reports and Bill be indefinitely postponed. The gentleman may proceed.

Mr. FORTIER: I would like to say in the first place that I am totally in accord with the intent and purpose of the proponents of this bill. But as this Susi just stated, this bill as now amended and as now presented, would not accomplish this purpose, and I would like to state a few of the reasons why this would not be done.

The purpose of this bill, as he stated, was to have one common clearing house where an individual could ascertain the tax liability against any particular piece of property. Now in the very first sentence of the amendment, as proposed, it makes this service from the collector available only to the owner and not to others. Consequently, it would place the collector in a position where he would have to ascertain who the owner is. The only place that can legally be established is through the registry of deeds, and that the collector would be expected to do for a fee of one dollar.

The amendment does make the collector responsible only for figures in his position, but that is the very thing which defeats the intent or the purpose of the bill in the first place, because any

interested party would still have to go to the registry of deeds, to the municipal treasurer, and to the collector, so that it defeats its very purpose. But I believe the most objectionable part of this bill is the part which for the first time I believe in the history of this state could place the collector in the position where he could jeopardize the tax equity of the municipality. If the collector, intentionally or otherwise, understated the tax liability in this statement requested for by the owner, the municipality would be liable for the amount understated—in other words, the purchaser or the owner who might have to pay the full amount of the tax assessed, in order to clear the title, would have a clear case against the municipality for the difference between the statement of the collector and the true amount of the tax.

Our municipal officials and our municipalities in general have enough trouble now, it seems to me, without burdening them with a bill which even the proponents admit does not accomplish its purpose, would make a municipality liable for further expense, and would enormously complicate the administration of our taxes. Thank you.

The SPEAKER: The Chair understands, for the record, that the gentleman from Rumford, Mr. Fortier, withdraws his motion to accept the Minority Report and makes a motion of priority that both Reports and Bill be indefinitely postponed.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I won't prolong it too much, but I was very fortunate in getting this amendment before I went home over the weekend. I called on three of my town officers, and they're all very much against this amendment, which I probably shouldn't be speaking about, but this amendment really makes the bill a little worse.

It's possible right now to get this same information through your town office without even spending a dollar, and only thing

the difference would be is the town isn't holden on the information they receive, that the owner receives; and this also I am in agreement with Mr. Fortier from Rumford, this just makes it a little further wrong in trying to ask the tax collector to issue a statement in saying who owns the property. I think this, again, as I said the other day, goes up to the lawyers, and I hope that his motion to indefinitely postpone prevails.

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

Mr. ROSS: Mr. Speaker and Members of the House: As a member of the Taxation Committee, I was one of the four who signed the "Ought not to pass" Report, and I now favor the motion to indefinitely postpone. This definitely is a lawyer's-type bill, and when they first made the presentation it made some sense to me, but now I don't think it really does because I think it would be a hardship to the towns.

Humans, of course, always make mistakes, and in our small towns the tax collectors there are honest and conscientious, but they are not experts or polished executives, and it certainly would be too bad to make the towns liable for their unintentional errors. So I support the motion before the House.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Rumford, Mr. Fortier, that both Reports and Bill "An Act Providing for Statement of Taxes and Other Assessments on Real Property," House Paper 581, L. D. 766, be indefinitely postponed. Those in favor of indefinite postponement will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed.

Sent up for concurrence.

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

HOUSE MAJORITY REPORT (5)—"Ought not to pass"—Committee on Transportation on Bill

“An Act Concerning the Riding of Bicycles” (H. P. 789) (L. D. 1022)—MINORITY REPORT (4)—“Ought to pass”

Tabled—March 14, by Mrs. Payson of Falmouth.

Pending—Acceptance of either Report.

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

Mrs. PAYSON: Mr. Speaker and Members of the House: I have submitted this bill in the full confidence that it will receive considered debate by my thoughtful colleagues in the House.

The law in Maine now requires that the cyclist must go with the traffic on the right hand side of the road. A bicycle is considered a motor vehicle, not a vehicle. According to court cases which I have looked at, a bicycle is defined as a vehicle.

As you and I have often seen, a person on a bicycle, approached from behind by a car, frequently turns to look back. Which way does he turn to look? He looks over his left shoulder, thereby turning his body to the left and his bicycle moves toward the center of the road into the path of the oncoming car. Also we have all seen bicyclists stop, turn around and face a car in order to see where it is going. It is instinctive to watch for danger.

L. D. 1022 is a bill to require bicyclists to ride on the left hand side of the road, facing traffic. A cyclist in this way can easily see what is coming. Perhaps it is suicide to face traffic, but at least he, the bicyclist, can head for the ditch if a car looks as if it will run him down.

I was told that some of those in the Committee who voted “Ought not to pass” based their decision on the Federal Highway Safety Act of 1966. It was their thinking, that if Maine did not comply with this act, that federal funds for highways might be jeopardized. Such is not the truth in the opinion of Mr. Asa Richardson, Chief Counsel for the Maine State Highway Commission. He says, “while the Federal Highway Safety Act of 1966 would certainly

solicit the retention of our present law, it does not constitute a direct prohibition of the proposed point”. In other words, we are free to make our own decision.

One curious twist that has come out in considering this bill results from our present laws concerning bicyclists. If one is going up a hill and must ride on the right hand side of the road, and if he finds the hill is too steep and must stop he dismounts; he therefore becomes a pedestrian, and according to our laws must cross over to the left hand side of the road while he walks his bike. When he then reaches the top of the hill and mounts his bicycle again, he again is a bicyclist and must cross over to the right side of the road.

I hope that you will give this your earnest thought and consider the realities that bicyclists face. I move that we accept the “Ought to pass” Report.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, moves that the House accept the Minority “Ought to pass” Report. Is the House ready for the question?

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

Mr. CAREY: Mr. Speaker and Members of the House: The changing of bicycles from the right hand side of the road to the left hand side of the road would place the pedestrian in a position of dodging on-coming traffic and bicycles approaching him from the rear. And it was the feeling of a majority of the Committee on Transportation that moving mounted traffic should be in the same lane of traffic.

Now bike riders in general, as many of you know, do not hug the extreme right edge of the road, and the Committee in its deliberation felt that they were much better off on the right hand side of the road moving with the traffic rather than against it.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I would like to pose a question to any member of the Committee,

or anyone who cares to answer it. How many states have this type of a law which is proposed before us?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question to any member of the Transportation Committee, who may answer if they choose. The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House; In answer to that question, none, but I am in favor of the bill.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentlewoman from Falmouth, Mrs. Payson, that the House accept the Minority "Ought to pass" Report. All those in favor will say aye, those opposed no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Bill was read twice and tomorrow assigned.

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This morning we have, in our great deliberations we have substituted a bill for a report of Leave to Withdraw concerning legislative document 956, which is to bring back the prohibition days to the State of Maine. So in view of the action of the House this morning I am not going to move that we reconsider our action this morning, but I thought it quite odd that a measure of such significance as this was adopted this morning without a word said.

And to further my comments, and this I would like to make in the form of constructive criticism. I think probably most of you have been faced with the same problem—it is not because I relish having to do this but I think because of the number of inquiries that have been proposed through the office that I represent, or through individual members of the House. But last Friday before we left to go home I noticed that in the document room we had something like

113 documents that were no more available.

Now to me this is serious to a considerable extent, there might have been a few of those documents that were no longer before us, or no longer before the Committee, but might have been enacted into law. And I would like to ask the Majority Party in their endeavor to make sure that the public is being served by this Legislature as well as the members of the Legislature, that as much as can be done.

Now I understand that sometimes it is impossible to keep the legislative documents always complete and available, but there should be a lapse of maybe a day and then it would be available the next day. So I ask the Majority Party, and I in the loyal opposition would support their action, to make sure that these documents are available to the general public, because after all this is a service to the general public. And also the members of the Legislature, I think if you recollect in the beginning of the session hearings were scheduled and heard and the bills not available.

Now we find that the bills are printed but we still find a great number of documents that are not available for the general public if they wish a copy of the document, or if the sponsor of the document does not want to take it out of his folder then he finds himself having to go through the Clerk's office and going to the Xerox machine to get a copy of this bill and if it should be a considerable number of pages then going to a considerable amount of expense.

So I would ask the Majority Party to have a check on that, to make sure that these documents are available, and understanding that there are problems in printing at times that have to be surmounted, I will accept that, but I think we should keep a closer tab on these documents and make them available to the general public, at a reasonable rate, naturally.

Mr. Benson of Southwest Harbor was granted unanimous consent to address the House.

Mr. BENSON: Mr. Speaker and Members of the House: In response to the remarks of the gentleman from Madawaska, Mr. Levesque, it is true that we are out of a number of legislative documents but it is also true that most of the documents which we are out of have already had their hearing and it would be I think a waste of money for us to have these reprinted and just sit in the document room unused. Any bill of state-wide interest that is coming up, the hearing scheduled for sometime in the future, will be reprinted and they are ordered reprinted as fast as we get out of them.

There have been corrective measures taken by the Majority Party as it pertains to the number of legislative documents that are going to the departments throughout the State House. They have been requested to cut down to a reasonable number the number of documents that they are taking in each of the individual departments. It was found that in many cases they were taking many more than we felt were reasonably necessary.

So the Majority Party is aware of the number of documents that we are presently out of, but we would like the membership to know that in any case where there is a bill of state-wide interest and

significance we are having those reprinted. Thank you very much.

Mr. Birt of East Millinocket was granted consent to briefly address the House.

Mr. BIRT: Mr. Speaker, I would move that we reconsider our action whereby we substituted the bill for the report on L. D. 956, Bill "An Act relating to Penalty for Illegal Sale of Liquor."

The SPEAKER: The Chair would advise the gentleman that this would require unanimous consent, because it has been assigned for third reading tomorrow.

Mr. BIRT: I would request to see if I can have unanimous consent and I would speak to the motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, requests unanimous consent that we reconsider item four, L. D. 956, Report of the Committee on Liquor Control reporting Leave to Withdraw, whereby the House substituted the Bill for the Report, had its two several readings, was assigned for third reading tomorrow. Is there objection?

The Chair objects and the gentleman is out of order.

On motion of Mr. Crommett of Millinocket,

Adjourned until nine - thirty o'clock tomorrow morning.