

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, April 10, 1969

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

Prayer by Brigadier Alfred C. Davey of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Indefinitely Postponed**

From the Senate: The following Order:

WHEREAS, there is presently located on the campus of the University of Maine in Portland, a wooden structure formerly used as a barn in connection with a farm on said premises; and

WHEREAS, said building is presently on its original site and is centered between Falmouth Street, Bedford Street, Hudson Street and Brighton Avenue; and

WHEREAS, this barn structure was part of the Deering Estate, so called and later remodeled into an auditorium when the area was converted for school purposes; and

WHEREAS, the barn is estimated to have been built around the year 1800, utilizing large hand-pegged timbers all of which may be of lasting architectural value; and

WHEREAS, this structure is being replaced, a study should be made prior to any alterations or other use of said building; now, therefore, be it

ORDERED, the House concurring, that a committee be established consisting of 3 Senators to be appointed by the President of the Senate and 3 Representatives to be appointed by the Speaker of the House to study the advisability of preserving this building or any portion thereof; and be it further

ORDERED, that this committee report its findings and recommendations forthwith to the 104th Legislature (S. P. 423)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to see the 104th Legislature embark on a series of architectural explorations. I believe that this building in Portland — for a fact I know that it is located on the campus of the University of Maine at Portland. I believe that the trustees of the University are quite capable of operating the University and the Chancellor or the Provost at that campus, Dr. Fink, is quite capable of operating the University.

It is for this reason that I don't like to see this sort of order introduced in the House or introduced in the Senate and sent over here for concurrence. It is for that reason that I am going to move to indefinitely postpone it.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that this Order be indefinitely postponed.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: I don't know if anyone can specifically define the exact extent of the Legislators domain, but I think we ought to give this Order serious consideration this morning. The building to which this Order refers was constructed in 1804 as the original site of the capitol of the State of Maine. There are many people down in the Portland area who are concerned that this particular building, if it is not saved at least portions of it will not be saved, or if there is a chance for it to be relocated, it will not be relocated.

I think, in light of the historical significance of this particular building, in light of the fact that so many people in the Portland area are concerned about it, in light of the fact there is an organization called Landmarks, Inc., who has shown a distinct and abiding interest in this particular edifice, and in light of the fact there is now federal money available to preserve landmarks, I think that we can use the auspices of the Legislature by appointing a six-man committee, three from this body and three from the Sen-

ate, to look into this matter and report back.

This does not involve any expenditure of funds and I think in light of the historical significance of this particular building that I would hope that the Members of this House would oppose the motion of the gentleman from Cumberland to indefinitely postpone and would pass favorably upon this Order. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I also will have to oppose the motion of the gentleman from Cumberland, and to add to what Representative Waxman has said, if this could be taken over by Landmarks or some such other group, it would also save about \$3,000 from the Department of Education that they would have to spend to tear this building down.

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

Mr. RICHARDSON: So that there will be no mistake, ladies and gentlemen, the building to which this Order refers is located right smack in the middle of the campus at the University of Maine in Portland. That is point number one. Point number two, having been actively involved with the Landmarks effort I know they are doing a fine job and I'm quite sure they are capable of working out an arrangement with the University of Maine trustees without six Legislators down there on some sort of antique hunt. I just don't think it makes sense. It is thus the reason I've asked that the matter be indefinitely postponed and when the vote is taken I request it be by the yeas and nays.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: May I inquire of any member of the House if there is any money involved for these three Senators and the Speaker and Members of the House of Representatives as far as looking into this matter, either with the trustees

of the University of Maine or the City of Portland or what other factors, is there any actual money being involved here?

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 recognizes the gentleman from Portland, Mr. Waxman.

Mr. WAXMAN: To answer the question of Mr. Levesque, to my knowledge it will not involve any expenditures of funds from this body. I'm sure there are many members who are interested enough to serve and if they incur any expense they would be apt to take care of it out of their own pocket. I would just add that this matter comes to this body after many months and many attempts at the local level to resolve this particular issue. It is not being referred lightly to the Legislature and I think it's only as a sort of court of last resort that we would be called in. I would hope that we would consent to give this our fair consideration.

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

Mr. LUND: Having arrived at my seat late this morning, I haven't really had an opportunity to become acquainted in detail with what lies behind this Order. However, as I listen to the debate unfold, particularly the last remarks by the gentleman from Portland, Mr. Waxman, I become more and more convinced that this Order ought not to pass, that it certainly ought not to pass today. Contrary to the suggestion of an earlier speaker, this is not a Department of Education matter, this is primarily a matter of the University of Maine, and I do not think that the Legislature ought to be in the position of second guessing or involving itself at this point with negotiations that are apparently—discussions going on between the City of Portland and the University. And it seems to me that we have not only a question of a building involved here but a matter of precedent. If the University is going to find that the Legislature begins to involve itself in minor mat-

ters such as this, minor at least as far as the problems of the State of Maine today are concerned, I would think it would be an unfortunate precedent.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, that this Joint Order be indefinitely postponed. The gentleman has requested the yeas and nays. 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 and more than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, that this Joint Order be indefinitely postponed, Senate Paper 423. All those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Carey, Clark, H. G.; Cox, Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Durgin, Dyar, Erickson, Evans, Fine-more, Fortier, A. J.; Fortier, M.; Good, Hall, Hanson, Hardy, Haskell, Hawkens, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelleher, Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Martin, McNally, Meisner, Millet, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, G. W.; Shaw, Snow, Soulas, Susi, Trask, Tyndale, White, Williams, Wood.

NAY—Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Burnham, Carrier, Carter, Casey, Chandler, Clark, C. H.; Corson, Cote, Cottrell, Couture, Crommett, Croteau, Danton, Drigotas, Dudley, Emery, Eustis, Farnham, Fecteau, Fraser, Gauthier, Giroux, Hunter, Jalbert, Kelley, K. F.; Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Mar-

quis, Marsteller, McKinnon, McTeague, Mitchell, Morgan, Mosher, Nadeau, Ouellette, Rand, Sheltra, Temple, Thompson, Vincent, Waxman, Wheeler.

ABSENT—Brennan, Chick, Coffey, Curran, D'Alfonso, Dam, Faucher, Foster, Gilbert, Harriman, Henley, Jameson, Jutras, Lawry, Mills, Moreshead, Richardson, G. A.; Rocheleau, Santoro, Scott, C. F.; Starbird, Stillings, Tanguay, Watson, Wight.

Yes, 70; No, 54; Absent, 25.

The SPEAKER: Seventy having voted in the affirmative and fifty-four in the negative, the motion to indefinitely postpone does prevail. It will be sent up in non-concurrence.

Reports of Committees Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Setting Off Part of Standish to Raymond, Cumberland County" (S. P. 172) (L. D. 575)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act Repealing Supreme Judicial Court Messenger in Cumberland County" (S. P. 286) (L. D. 932)

Report of same Committee reporting same on Bill "An Act relating to Annual Meeting of Farmington Village Corporation" (S. P. 339) (L. D. 1137)

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 tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act Creating the Uniform Anatomical Gift Act" (S. P. 349) (L. D. 1215) 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-68) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Filing of Payroll Reports under Employment Security Law" (S. P. 226) (L. D. 666)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
PEABODY of Aroostook
—of the Senate.
Messrs. HUBER of Rockland
DURGIN of Raymond
HASKELL of Houlton
GOOD of Westfield
BEDARD of Saco
CASEY of Baileyville
—of the House.

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

Report was signed by the following members:

Mr. BELIVEAU of Oxford
—of the Senate.
Mr. McTEAGUE of Brunswick
—of the House.

Came from the Senate with the Majority Report accepted.

In the House: The Reports were read.

On motion of Mr. Huber of Rockland, the Majority "Ought not to pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act relating to Trailers Being Securely Fastened" (H. P. 51) (L. D. 52) which was passed to be engrossed as amended by Committee Amendment "B" in the House on April 4.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" as

amended by Senate Amendment "A" thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Grant Certain Changes in the Government of the Town of Sanford" (H. P. 194) (L. D. 248) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 27.

Came from the Senate with Committee Amendment "A" indefinitely postponed and the Bill 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 Tabled and Assigned

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Hunting License for Certain Maine Residents in Armed Forces" (H. P. 384) (L. D. 494) reporting same in a new draft (H. P. 947) (L. D. 1125) under title of "An Act relating to Hunting and Fishing Licenses for Certain Maine Residents in Armed Forces" and that it "Ought to pass" on which the House substituted the Bill for the Report and passed the Bill to be engrossed on March 18.

Came from the Senate with the Report accepted and the new draft passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Porter of Lincoln, tabled pending further consideration and specially assigned for Tuesday, April 15.

Non-Concurrent Matter Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act Reclassifying Prestile Stream of the Meduxnekeag River Basin" (H. P. 478) (L. D. 632) reporting same in a new draft (H. P. 1096) (L. D. 1414) under title of "An Act Reclassifying Waters of the St. John River Basin" and that it "Ought to pass", and Minority Report reporting

“Ought not to pass” which Reports and Bill were indefinitely postponed in the House on April 2.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. CAREY: Mr. Speaker, I would now move that we adhere and I would like to speak to my motion.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House adhere to its former action. The gentleman may proceed.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: Now this bill does nothing that the current law doesn't already do. Mr. Vahlsing has until 1976 to clear up the Prestile Stream. He has currently a C classification. If we were to change this to B and B-1 he would still have until 1976. I would contend that the problem is current and cannot wait seven years for a solution.

Now as was pointed out in the other body yesterday, the 102nd more or less rushed into this thing. It was an emergency, they had a deadline to meet. It probably was not heard as clearly as it should have. I spent the weekend researching the records for 1965, which covered the 102nd Legislature. It was considerably debated; I would certainly urge each and every one of you to read the same record.

I don't fish and I don't hunt, but I happen to live in Maine. And I could support a bill which would reclassify international waters, which this body is, by 1972, probably interstate waters by 1974. I think all we're trying to attempt to do by this bill is show our contempt for Mr. Vahlsing; some of us I believe have it to varying degrees. I think we can do this by order and I would certainly ask that you support my motion to adhere.

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

Mr. FINEMORE: Mr. Speaker, I would like to move that we re-

cede and concur and I would like to speak very briefly on the motion.

The SPEAKER: The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Members of the House: The only reason we ask to recede and concur, we are preparing an amendment in the Attorney General's office and we hope to have an amendment that probably would be agreeable in the House and it probably would be agreeable with the industry, to straighten this item out. Thank you.

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

Mr. RICHARDSON: A parliamentary inquiry, Mr. Speaker. If the House now recedes and concurs, will it then still be in a non-concurrent status with the Senate and will there be any necessity for a Committee of Conference?

The SPEAKER: The Chair would advise the gentleman that if the House votes to recede and concur we will accept the Report and read the Bill.

Mr. Carey of Waterville then asked for a vote on the motion to recede and concur.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to belabor this question here, I think it was fairly well debated last week when it was before the House. It is my sincere hope this morning that the motion to recede and concur will not receive passage. We gave this document its third go around in the House last week, and the vote of 120 to 30 was a vote of confidence in the House that this was not the vehicle to take care of the problems involved on the Prestile Stream. So therefore I hope that every member of the House has the same sentiment as they had last week and vote against the motion to recede and concur.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: This is the day of recant-

ment; this is the day to cleanse my soul for a sin against Mother Nature, the pollution of a stream for industrial progress for the sake of industrial growth, which I have committed in a previous legislature. The sugar refining industry in Easton has not kept faith in expediting the upgrading as soon as possible of the lowered classification of that stream that it was given in 1965, and for that reason I move that we recede and concur with the Senate.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: For those of us who were here when this stream was classified as D, would still like to see it maintained as D, at least that, and I don't believe perhaps it is being kept up to D, and we should insist that it be kept up to D classification. But let me tell you members of this House that I remember the then Governor Reed felt very strongly for the classification of this as D, so that this industry could come into Maine and spend millions of dollars; and I was one of those on the committee at that time that went along with this and there was some of these members still here, and I for one would feel like an Indian give this morning if we made a proposition with people—I don't do this in my own business, my word is good, and I want to keep it good here. When I promise somebody something, I want to live up to it. I feel very strongly that this is wrong, not the right vehicle, that we should insist on this being D classification, but this is not the vehicle to do it.

It seems that this man went there in good faith and even with the support of the then Governor Reed, and this House by quite a large majority if you read the records. Now this morning we are turning around after he has spent these millions of dollars and said—get out if you can't come up with this such and such a plan. I don't think this is good business; I wouldn't want to be a part of it. I hope this House will join with me in not receding and concurring.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: All I want to say is that we are not trying to hold this bill as it is in its present—drawn up, the way it's drawn up; we just want to place an amendment. And there is a lot of things in this bill even if it's—you will have to amend out the B-1 and B-2 that the Water Commission is interested in, it's changing the classification of some streams, and now they're under the Meduxnekeag Basin and on the law they're really under the St. John River Basin.

We would appreciate it if we could get this opportunity to work on it.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I think that my problem is a question, a parliamentary question. To recede and concur with an amendment is something that I could support; to recede and concur with the bill the way it is I could not. Now the proposed amendment, as I understand it, is approaching this problem from another angle. I believe that I'm right in assuming that the amendment in question is to accelerate the time period within which this industry will have to meet the classification. It is my understanding that this is being checked out by the Attorney General to see if this approach is feasible.

This amendment in my judgment would be acceptable to this body, and my question I believe boils down to—in this vote to recede and concur, would this be a vote to recede and concur with a proposed amendment?

The SPEAKER: The Chair would advise the gentleman and the House that if the House votes to recede and concur, this puts the bill in the same position that an original bill might be in. We will accept the "ought to pass" report, give it two several readings, and assign it for third reading tomorrow at which time amendments could be adopted. I will not delve

into the merits of the amendment or its germaneness, but this could be done.

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

Mr. JALBERT: Mr. Speaker, I am wondering whether or not, in order to simplify the matter, would be for the gentleman from Bridgewater, Mr. Finemore, to withdraw his motion so that a motion could be made to insist and ask for a Committee of Conference, and then both parties could get together and come up with a proper bill.

Whereupon, on motion of Mr. Ross of Bath, the matter was tabled pending the motion of Mr. Finemore of Bridgewater that the House recede and concur and specially assigned for Tuesday, April 15.

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (S. P. 1) (L. D. 15) which failed final passage in the House on April 1, and on which a motion to recede and concur in final passage was lost on April 8 and the Resolve was ordered placed on file.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was finally passed and asking for a Committee of Conference.

In the House: On motion of Mr. Dennett of Kittery, the House voted to insist and join in a Committee of Conference.

Non-Concurrent Matter 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) which was finally passed in the House on March 25 and passed to be engrossed on February 29.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Ladies and Gentlemen of the

House: This morning I am at a loss to understand the action taken yesterday by the other branch, whereby they reversed their previous action to enact the bill which would have allowed the State Treasury office to be incorporated into the Accounts and Control Department.

I can tell you that, as a member of the Appropriations Committee, the whole committee has worked hard and long to effect efficiency in the state budget and provide savings.

We all know the great and very real problems that we face in financing state government this session, we full well know the feeling of the people of Maine when they are now more than ever before demanding that we build more efficiency into our state government operations; make better use of all tax dollars. And yet, in my opinion, the action taken yesterday in regards to this bill seems to be directly opposite to the public demand. As I have said before, this bill is directed not against any individual, but rather toward savings and efficiency in state government.

Ladies and gentlemen, I am still convinced that this is a good bill and will accomplish just what I have described. However, we have got to have courage as legislators this session more than ever before, we have got to act responsibly, we cannot afford to continue practices of the past, instead, we have got to initiate improved practices and laws for the future.

Yes, it is hard to change tradition but what we must determine is, will this change benefit the operation of state government and the people rather than be allowed to continue because of tradition or politics.

Ladies and gentlemen, I need your help in reaffirming our previous vote and insisting on the passage of this bill. Let's keep faith with the people and give them a chance to decide this issue. Thank you.

Whereupon, on motion of Mr. Shaw of Chelsea, tabled pending the motion of Mr. Sahagian of Belgrade to insist and specially assigned for tomorrow.

Orders

On motion of Mr. Bedard of Saco, it was

ORDERED, that Gail Linscott and Diane Dubois of Saco appointed to serve as Honorary Pages for today.

On motion of Mr. Benson of Southwest Harbor, it was

ORDERED, that William Johnson and Stephen Welton of Augusta be appointed to serve as Honorary Pages for today.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, is the House in possession of House Paper 686, Legislative Document 885, An Act relating to Tuberculosis Sanatoriums?

The SPEAKER: The answer is in the affirmative, and it is in the possession of the House.

Whereupon, on motion of the same gentleman, the House reconsidered its action of yesterday whereby the Bill was recommitted to the Committee on Health and Institutional Services in non-concurrence.

On further motion of the same gentleman, the Bill was recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Thompson from the Committee on Inland Fisheries and Game on Bill "An Act relating to Open Season for Fishing" (H. P. 664) (L. D. 851) reported Leave to Withdraw.

Mr. Drigotas from the Committee on Taxation reported same on Bill "An Act relating to Abatement of Real Estate Taxes on Housing for the Aged and Low Income Housing" (H. P. 582) (L. D. 767)

Mr. Susi from same Committee reported same on Bill "An Act Providing for a Head Tax" (H. P. 969) (L. D. 1257)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Mr. Porter from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act Providing for Adequate Fishways in Dams and other Obstructions" (H. P. 857) (L. D. 1099)

Report was read.

(On motion of Mr. Carter of Winslow, tabled pending acceptance and specially assigned for Friday, April 11.)

Mr. Rocheleau from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Hunting Migratory Game Birds on Sunday East of U. S. Route No. 1" (H. P. 859) (L. D. 1101)

Mr. Thompson from same Committee reported same on Bill "An Act relating to Hunting on Sunday" (H. P. 432) (L. D. 556)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Wood from the Committee on Highways on Bill "An Act relating to Relocation Assistance in State Highway Projects" (H. P. 91) (L. D. 100) reported same in a new draft (H. P. 1118) (L. D. 1438) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bill

Mr. Nadeau from the Committee on Highways reported "Ought to pass" on Bill "An Act to Study Desirability of Extending Route 161 from St. Francis to Canada" (H. P. 928) (L. D. 1189)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Rocheleau from the Committee on Inland Fisheries and Game on Bill "An Act relating to the Camp Trip Leader's Permit under Fish and Game Laws" (H. P. 814) (L. D. 1053) reported "Ought to pass" as amended by

Committee Amendment "A" (H-160) submitted therewith.

Mr. Hardy from the Committee on Natural Resources on Bill "An Act Establishing a Scenic Highway Board" (H. P. 837) (L. D. 1075) reported "Ought to pass" as amended by Committee Amendment "A" (H-161) submitted therewith.

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

Passed to Be Engrossed

Bill "An Act relating to Law Clerks for the Judiciary" (S. P. 63) (L. D. 184)

Bill "An Act Appropriating Funds for Union River Anadromous Fish Restoration Program" (S. P. 427) (L. D. 1425)

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 Amending the Liability of Landowners Law" (H. P. 735) (L. D. 953)

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

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

Mr. McTEAGUE: Mr. Speaker, I would pose a question to any member of the House in regard to section 3004 of L. D. 953. What would be the result in the case of a family that goes to a resort hotel like Squaw Mountain Inn and engages in snowmobiling on the premises, which is a common thing, at least it was before the fire. They pay for their room and pay for their food, but they do not pay a separate price for the privilege of using the land for snowmobiling. An accident occurs, and this is based on an actual case, an accident occurs due to the fact there is a wire cable stretched across the land and there is no warning about the cable and it is entirely disguised, and the father of the family is riding with his son on the snowmobile and the cable catches him

in the head and does considerable damage to him. He has paid for a hotel room but he has not paid specifically for the privilege of operating a snowmobile on the premises. Does he have any claim as the result of his injury?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to any member who may care to answer.

Thereupon, on motion of Mr. Hardy of Hope, tabled pending passage to be engrossed and specially assigned for Friday, April 11.

Third Reader

Tabled and Assigned

Bill "An Act Amending the Charter of Portland Relating to Title of Chairman of the City Council" (H. P. 998) (L. D. 1300)

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for Friday, April 11.)

Bill "An Act to Revise Ballot Inspection and Recount Procedures under the Maine Election Laws" (H. P. 1114) (L. D. 1433)

Bill "An Act relating to Sick Leave under Lewiston City Charter" (H. P. 1116) (L. D. 1435)

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 Providing for the Observance of Certain Legal Holidays on Monday" (H. P. 1117) (L. D. 1436)

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

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed and specially assigned for Tuesday, April 15.)

Amended Bill

Bill "An Act relating to Duties of the Employment Security Commission" (S. P. 229) (L. D. 669)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be en-

grossed as amended by Committee Amendment "A" and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Clarify School Construction Aid for Certain Units (S. P. 288) (L. D. 930)

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 Increasing Maine Forestry District Taxes (H. P. 875) (L. D. 1118)

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.

Passed to Be Enacted

An Act Providing for a Seven Member Council for the City of Westbrook (S. P. 217) (L. D. 673)

An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements (S. P. 307) (L. D. 1000)

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.

An Act relating to Sunday Sale of Liquor (H. P. 289) (L. D. 365)

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

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: As a final rebuttal to the arguments presented in favor of

the Sunday Liquor Bill, I would like once more to mention four important facts and then hold my peace, for the time being at least.

Number one, Sunday sales will not bring more tourists into the State of Maine. Two, Sunday sales will not bring increased revenue but will add to the cost we already bear. Three, Sunday sales were voted down by the people of Maine, and by the letters you have received you are well aware that they have not changed their minds. Four, Sunday sales will add to the traffic problems and enforcement problems in the State.

Ladies and gentlemen of the House, some time ago on a New Hampshire highway, not far from my home, a family of five from Massachusetts were driving along that highway on a Sunday afternoon enjoying the scenery of the fall countryside, when suddenly a car veered across the highway and smashed into them head-on. Three members of that family were killed, one crippled for life, and the driver hospitalized for several months. The driver of the other car received minor injuries. He was convicted of drunken driving and a manslaughter charge of sorts. But the price he paid was as naught compared to the price paid by the innocent family.

I cannot help but wonder, ladies and gentlemen of this House, if that family were friends of yours here in the State of Maine, just what your reaction would be after Sunday sales were allowed within our State. When you visited the bereaved relatives and offered your condolences, you would have the choice of saying, I tried to prevent something like this from happening by my vote against Sunday sales; or else you may instead say, I'm awfully sorry, but just think of the money Maine makes on the drinks sold on Sunday. This instance, ladies and gentlemen, may be an extreme, but most instances are extremes until they happen to us.

Ladies and gentlemen of the House, we have an amendment before us in an attempt to transfer the guilt by means of a local option referendum. We have just observed Holy Week, and the ac-

counts of the trial and crucifixion of Christ are vivid in our minds. As you remember, in the account of the trial, that Pontius Pilate washed his hands in an attempt to cover his guilt in allowing the people to make the decision he was responsible for making. This morning you have the opportunity to stand on your own two feet and prevent the liberalization of liquor sales in the State of Maine and the possible subsequent results. I now move that this bill and all accompanying papers be indefinitely postponed, and when the vote is taken I ask for a roll call.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise this morning, standing on my own two feet, and I have not a guilty conscience. This bill has withstood all the assaults and the attacks and onslaughts that could be made upon it. It has now reached the stage of enactment.

You have heard stated a very grievous accident that happened allegedly as the result of a driver drinking too much liquor. No doubt this happened, but I'm very certain that no purchases were made in any restaurants, hotels or private clubs in this particular case, because we have not yet permitted the sale. No doubt any liquor obtained was obtained on a week day, so I cannot see much difference in this individual case.

Unfortunately, and grievously, we will always have automobile accidents. I am fully aware that some accidents are caused by the consumption of too much liquor. I am also aware that automobile accidents occur as a result of mechanical defects, of blown out tires, of drivers going to sleep at the wheel. We have all sorts of things unfortunately happen with automobiles.

Now every effort has been made to make this bill palatable to the minority which have opposed it. As you well know, it presently has attached a local option amendment. If you feel that the residents, the voters in your individual communities, are opposed to

the sale on Sunday in these communities, they have every right to vote against it and not permit it. But I am certain, I am positive that in many communities, in many resort places throughout the State of Maine, the people wish to have this permitted within their individual towns and will vote for it. Why should those who do not wish it sold in their individual towns attempt to impose the will upon others?

Now I am very much aware also that in a state-wide referendum a certain Sunday Liquor Bill was turned down. But I assure you, ladies and gentlemen, it was not the same bill as you have presently before you. I think that you are all aware that this bill only permits the sale of liquors by the glass in Class A restaurants, hotels and private clubs. It does not permit the off-sale of beer nor does it permit ordinary restaurants, so-called, and taverns to be open on that day. I certainly do not want to beat on this one too much, but when the vote is taken, I certainly hope that you will vote against the motion made by the gentleman from Eliot, Mr. Hichens.

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

Mr. COX: Mr. Speaker, I move the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the expressed desire of one third of the members present and voting. All of those desiring the Chair to entertain the motion for the previous question will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken and a sufficient number voted for the previous question.

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 one member.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the

House: I voted against the motion for the previous question for these reasons. I feel that certain members in this House might have something to say that have not had an opportunity to say it at this time or at the previous time that it was debated in the House. And certainly such an important issue should be worthy of the remarks of any gentleman in this body that might have something to say. So that's why I feel that the motion for the previous question could be delayed until such time as the people have made their voices heard if they have an expression. So that's why I voted for the motion against the previous question at this time, to give an opportunity so those that have something to say will be afforded that opportunity.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: With reference to the pending question, which as I understand is shall the main question be put now, I think that we as legislators, have a responsibility to listen to the views of every one of our members, even though we may disagree with them, and even though these views may be expressed in terms that we may find unsatisfactory, or may be long and drawn out and all the rest of it. That is the reason that I concur so very strongly with the remarks made by the gentleman from Madawaska, Mr. Levesque. I have personally never voted in favor of moving the question, I think there's no real reason to limit debate in this House; and I would hope that we would not move the previous question every time we simply become a little disgruntled with our opposition.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I'm happy to see the leadership on both sides of the aisle unified again, on their feet.

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

Mr. DENNETT: Mr. Speaker and Members of the House: While I fully appreciate the efforts of my friend from Bangor, Mr. Cox, and no doubt understand his feelings on it, yet I would hate very much to see my seatmate shut off from any further elucidation on this point. Thank you.

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

Mr. COX: Mr. Speaker and Ladies and Gentlemen of the House: We have heard this question debated, and debated, and debated. Personally, and I am sure that many of the people here in the House are sick to the teeth of the arguments on both sides. We have already made up our minds, we're not going to change them, and I think we should get along with the business which we do have a question on, and that's the only reason that I made the motion that I did. I certainly didn't want to shut off the gentleman, Mr. Hichens.

The SPEAKER: The question before the House is, shall the main question be put now? The Chair will order a vote. All those in favor of the main question being put now will vote yes; and those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

38 having voted in the affirmative and 87 having voted in the negative, the main question was not ordered.

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

Mr. HICHENS: Mr. Speaker and Members of the House: May I first thank the ladies and gentlemen of the House for this privilege. I merely rise to correct the inference made by the gentleman from Kittery, that this liquor might have been purchased in the State of Maine. I think I very clearly said that "some time ago on a New Hampshire highway," and I inferred that this liquor had been purchased in New Hampshire where Sunday sales were permitted at the time.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Eliot,

Mr. Hichens, that item five, L. D. 365, be indefinitely postponed, and 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 and more than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Eliot, Mr. Hichens, that House Paper 289, L. D. 365, "An Act relating to Sunday Sale of Liquor" be indefinitely postponed. If you are in favor of the indefinite postponement motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Birt, Bragdon, Buckley, Bunker, Carrier, Chick, Clark, H. G.; Crommett, Curtis, Donaghy, Dudley, Erickson, Eustis, Evans, Farnham, Finemore, Good, Hall, Hanson, Haskell, Hichens, Hunter, Immonen, Kelley, K. F.; Lawry, Lee, Lewin, Lewis, Lincoln, Marstaller, McNally, Meisner, Millett, Mitchell, Morgan, Mosher, Porter, Quimby, Richardson, G. A.; Sahagian, Shaw, Snow, Starbird, Stillings, Susi, Temple, Trask, White, Wight, Williams, Wood.

NAY — Bedard, Benson, Bernier, Binnette, Boudreau, B o u r g o i n , Brennan, Brown, Burnham, Carey, Carter, Casey, Chandler, Clark, C. H.; Coffey, Corson, Cotz, Cottrell, Couture, Cox, Crosby, Croteau, Cummings, Cushing, D'Alfonso, Danton, Dennett, Drigotas, Durgin, Dyar, Emery, F e c t e a u , Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hardy, Hawkens, Heselton, Hewes, Huber, Jalbert, Jameson, J o h n s t o n , Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, L e v e s q u e , Lund, MacPhail, Marquis, Martin, McKinnon, McTeague, Mills, Morehead, Nadeau, Norris, Noyes, Ouellette, Page, Pratt, Rand, Richardson, H. L.; Rideout, Rocheleau, Ross, Scott, C. F.; Scott, G. W.;

Sheltra, Soulas, Tanguay, Thompson, Tyndale, Vincent, Waxman, Wheeler.

ABSENT — Curran, Dam, Faucher, Foster, Harriman, Henley, Payson, Santoro, Watson.

Yes, 55; No, 85; Absent, 9.

The SPEAKER: The Chair will announce the vote. 55 having voted in the affirmative and 85 in the negative, the motion to indefinitely postpone does not prevail.

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

An Act relating to Biennial Elections of Penobscot Indians (H. P. 415) (L. D. 526)

An Act to Exempt Seamen from the Payment of Overtime Wages (H. P. 693) (L. D. 893)

An Act Revising the State Board of Pesticides Control Law (H. P. 1097) (L. D. 1415)

Finally Passed

Resolve in favor of Dan S. Webb of Wilton (H. P. 57) (L. D. 59)

Resolve in favor of Robert Huntington and Floyd Richardson of Turner for Damage by Bears (H. P. 717) (L. D. 935)

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.

On motion of Mr. Jalbert of Lewiston,

Recessed for one minute.

After Recess

Called to order by the Speaker.

(Off Record Remarks)

Orders of the Day

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

HOUSE MAJORITY REPORT (6)—"Ought to pass"—Committee on State Government on Resolve Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years (H. P. 614) (L. D. 802) and MINORITY REPORT (4) reporting "Ought not to pass"

Tabled—April 4, by Mr. Starbird of Kingman Township.

Pending—Acceptance of either Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have discussed this matter with the parties that are interested. There is some language that I have which might change the context of this measure, and for that reason and the fact that we have another measure that might be before us on Tuesday, for that reason, I would ask that someone table this bill until Wednesday next, the 16th.

Thereupon, on motion of Mr. Starbird of Kingman Township, tabled pending acceptance of either Report and specially assigned for Wednesday, April 16.

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

SENATE REPORT—"Ought to pass"—Committee on Health and Institutional Services on Bill "An Act Revising the Laws Relating to the Practice of Dentistry" (S. P. 264) (L. D. 868)

Tabled—April 8, by Mr. Noyes of Limestone.

Pending—Acceptance in concurrence.

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

Mr. SOULAS: Mr. Speaker, parliamentary inquiry. The gentleman that tables the bill, does he have a right to speak on this bill before acceptance?

The SPEAKER. There is no traditional position that the Chair takes relative to this, and the pending question is the acceptance of the "ought to pass" report in concurrence. The gentleman may proceed if he wishes to debate.

Thereupon, on motion of Mr. Noyes of Limestone, tabled pending acceptance in concurrence and specially assigned for Tuesday, April 15.

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

HOUSE REPORT — "Ought to pass" as amended by Committee Amendment "A" (H-156) — Committee on Natural Resources on Bill "An Act relating to Outdoor Advertising" (H. P. 670) (L. D. 861)

Tabled—April 8, by Mr. Corson of Madison.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Corson.

Mr. CORSON: Mr. Speaker, I move we accept the "Ought to pass" Report.

The SPEAKER: The gentleman from Madison, Mr. Corson, moves that the House accept the "Ought to pass" Report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't believe that many of the members of the House are aware of the cost and implications of this bill which its proponents claim will remove eighty percent of the signs in the state without compensation to their owners.

Now the Federal Highway Beautification Act provides that if controls are enacted by the State which fit the Federal Act, then the State will receive from the Federal Government seventy-five percent of the cost of removing the signs. On the other hand, if the State fails to pass legislation which complies with the Federal Act, then the State is penalized with the loss of ten percent in its Federal revenue from its highway Federal revenue.

This bill, L. D. 861, fails to comply with the Federal Act since it states in 2719 of the Federal Act that all of the signs will be taken down without a dime of compensation to the people who have invested signs for their business or to the farmer who leases his right to the land for the signs to these people. Now the passage of this bill provides for no compensation, means that Maine will be subject to a Federal penalty of ten percent of its Federal highway funds which now totals 35 millions of dollars, so the penalty would be \$3,500,000, and this is a pretty big

piece of change where I come from.

So let's face up to it. If we want to take down these signs and avoid the penalty and secure seventy-five percent Federal matching funds, we must appropriate twenty-five percent for our share. The State's cost will be approximately three millions of dollars in the twenty-five percent cost, but if we do this, we will come up with a net gain; if we must pass this bill, we will come up with a net gain of about \$500,000 and this also is a pretty good thing.

Now I had distributed just a few minutes ago to your desk a telegram sent to the Honorable Senator Kenneth MacLeod expressing the Federal Act as set forth on your desk I suspect by now, and for this reason I now offer House Amendment "A" — just a minute, I think I have it before me here.

The SPEAKER: The Chair would advise the gentleman that amendments are not to be introduced until third reading of the bill.

Mr. DUDLEY: All right, for this reason I will introduce the amendment later. Thank you. I move that this bill be indefinitely postponed. If it is passed I would offer this amendment, so it is either in my opinion to — if you want to take down the signs we pass the bill with this amendment, and I will go along with it.

The SPEAKER: Does the gentleman from Enfield, Mr. Dudley, make the motion to indefinitely postpone the report and bill?

Mr. DUDLEY: No, not at this time because I want to wait and see if the amendment is accepted.

Thereupon, the "Ought to pass" Report was accepted and the Bill read twice.

Committee Amendment "A" (H-156) was read by the Clerk and adopted.

The SPEAKER: For what purpose does the gentleman arise?

Mr. FORTIER: For the purpose of offering an amendment.

The SPEAKER: The Chair would advise the gentleman that the amendment can be offered tomorrow morning at its third reading. Under the Joint Rules this is the only time it can be offered.

Thereupon, the Bill was assigned for third reading tomorrow.

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

Bill "An Act relating to the Certification of Operators of Water Treatment Plants and Water Distribution Systems" (S. P. 317) (L. D. 1031) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-58)

Tabled—April 8, by Mr. Snow of Caribou.

Pending — Passage to be engrossed.

On motion of Mr. Snow of Caribou, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Dyar of Strong, Adjourned until nine o'clock tomorrow morning.