

# 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 17, 1969

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

Prayer by the Rev. Mr. George W. Goudreau of Hampden.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Leave to Withdraw**

Report of the Committee on Education on Bill "An Act relating to the Borrowing Capacity of School Administrative District No. 14" (S. P. 203) (L. D. 612) 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 Natural Resources reporting "Ought not to pass" on Bill "An Act relating to Discharges from Thermal Electric Power Plants" (S. P. 381) (L. D. 1295)

Came from the Senate read and accepted.

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

**Ought to Pass  
Printed Bills**

Report of the Committee on Retirements and Pensions reporting "Ought to pass" on Bill "An Act relating to Death Benefits before Retirement under State Retirement System" (S. P. 175) (L. D. 576)

Report of same Committee reporting same on Bill "An Act relating to Retirement Allowance for Participating Local District Employees and Prior Service Credit for Municipal Employees" (S. P. 382) (L. D. 1296)

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.

**Tabled and Assigned**

Report of the Committee on Sea and Shore Fisheries reporting "Ought to pass" on Bill "An Act relating to Closed Season and Minimum Size of Atlantic Salmon" (S. P. 278) (L. D. 873)

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

In the House, the Report was read.

(On motion of Mr. Jutras of Sanford, tabled pending acceptance in concurrence and specially assigned for Tuesday, April 22.)

**Non-Concurrent Matter**

Bill "An Act Establishing an Occupational Safety Rules and Regulations Board" (H. P. 338) (L. D. 447) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 8.

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

In the House: On motion of Mr. Huber of Rockland, the House voted to recede and concur with the Senate.

**Non-Concurrent Matter**

Bill "An Act relating to Secondary School Tuition" (H. P. 373) (L. D. 482) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 2.

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: On motion of Mr. Chick of Monmouth, the House voted to recede and concur with the Senate.

**Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act Adding Services to Alcoholics and Drug Addicts to the Responsibilities of the Bureau of Mental Health" (H. P. 629) (L. D. 817) on which the House accepted the Majority Report of the Committee on Health and Institu-

tional Services reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Bill to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto on April 15.

Came from the Senate with the Minority "Ought not to pass" Report accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, I would ask that this be tabled until April 23, next Wednesday.

Thereupon, Mr. Benson of Southwest Harbor asked for a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. For what purpose does the gentleman rise?

Mr. SOULAS of Bangor: Mr. Speaker, which takes precedence, the longer tabling motion or the shorter tabling motion?

The SPEAKER: The longer tabling motion has precedence, and if the gentleman wishes to debate the time he may do so.

Mr. SOULAS: Mr. Speaker, if the gentleman from Westbrook, Mr. Carrier, would withdraw his motion I would move that this bill be tabled two legislative days.

Whereupon, Mr. Carrier of Westbrook withdrew his tabling motion.

(On motion of Mr. Benson of Southwest Harbor, tabled pending the motion of Mr. Norris of Brewer to recede and concur and specially assigned for Tuesday, April 22.)

#### Non-Concurrent Matter

Bill "An Act relating to Political Committees and Political Advertising" (H. P. 684) (L. D. 883) which was passed to be engrossed in the House on March 13.

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

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

#### Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta

April 16, 1969

Honorable Bertha W. Johnson

Clerk of the House

104th Legislature

Augusta, Maine

Dear Madam Clerk:

Senator Severin M. Beliveau today resigned from the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Compensation of the Panel of Mediators." (H. P. 691) (L. D. 891). The President today appointed Senator Gordon of Cumberland to fill the vacancy.

The President today appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 1) (L. D. 15):

Senators:

BERRY of Cumberland

KATZ of Kennebec

BELIVEAU of Oxford

The President today appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Amend the Eating Place Licensing Law." (S. P. 220) (L. D. 668):

Senators:

STUART of Cumberland

GREELEY of Waldo

MINKOWSKY of Andros-

coggin

Respectfully,

(Signed) JERROLD SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

On the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment

to the Constitution Providing for Annual Legislative Sessions ( S. P. 1) (L. D. 15) the Speaker appointed the following Conferees on the part of the House:

Messrs. DENNETT of Kittery  
RIDEOUT of Manchester  
DONAGHY of Lubec

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

**Public Utilities**

Bill "An Act relating to Contracts between University of Maine and Town of Orono for Sewer Charges" (H. P. 1134) (Presented by Mr. Richardson of Stonington)

(Ordered Printed)

Sent up for concurrence.

**Orders**

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I would ask if House Paper 415, L. D. 526, An Act relating to Biennial Elections of Penobscot Indians, is in the possession of the House?

The SPEAKER: The answer is in the affirmative.

On motion of Mr. Rideout of Manchester, under suspension of the rules, the House reconsidered its action of April 10 whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of April 3 whereby the Bill was passed to be engrossed as amended by House Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of April 2 whereby House Amendment "A" was adopted.

On further motion of the same gentleman, House Amendment "A" was indefinitely postponed.

Thereupon, the Bill was passed to be engrossed in non-concurrence and sent up for concurrence.

On motion of Mr. Pratt of Parsonsfield, it was

ORDERED, that Jamie and Jay Chandler of Orono be appointed to serve as Honorary Pages for today.

On motion of Mr. Cox of Bangor, it was

ORDERED, that Heath Norris of Brewer be appointed to serve as Honorary Page for today.

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

Mr. LEVESQUE: Mr. Speaker, I present an order this morning which gives me a very great amount of pleasure to present to the House for its final action.

Thereupon, the following Order was read by the Clerk:

ORDERED, that Janet, Harrison and James Richardson of Cumberland and William Benson of Southwest Harbor be appointed to serve as Honorary Pages for today.

The Order received passage.

On motion of Mrs. Morgan of South Portland, it was

ORDERED, that Kenneth, Karin and Kim Merrithew of South Portland be appointed to serve as Honorary Pages for today.

Mr. Fecteau of Biddeford was granted unanimous consent to address the House.

Mr. FECTEAU: Mr. Speaker and Members of the House: Seventy-nine years ago this State had the good fortune of a man being born who since that day has continually made contributions to our State and his community. What could be more fitting for me than to rise today and say Happy Birthday to our good friend and colleague, Napoleon Nadeau of Biddeford? (Applause. the members rising)

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker and Members of the House: I wasn't trying to hide my age, I was only trying to hide the day of my birth, that's all. So I would like to thank all the members of this House for the applause they gave me and I thank Mr. Fecteau for his nice words. Thank you. (Applause)

The SPEAKER: The Chair did not put the question to the House, giving Mr. Nadeau unanimous consent, because the acclamation that was accorded him on the date of his birthday I knew that it was not necessary.

#### House Reports of Committees Leave to Withdraw

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act to Amend the Home Repair Financing Act" (H. P. 852) (L. D. 1094) reported Leave to Withdraw.

Mr. Trask from same Committee reported same on Bill "An Act Establishing a Joint Underwriting Association for Fire and Extended Coverage Insurance" (H. P. 887) (L. D. 1146)

Mr. Hichens from the Committee on Liquor Control reported same on Bill "An Act relating to Sunday Sale of Liquor" (H. P. 901) (L. D. 1162)

Mr. Leibowitz from same Committee reported same on Bill "An Act relating to Special License for Sale of Liquors at Special Events" (H. P. 825) (L. D. 1064)

Mr. Fortier from the Committee on Taxation reported same on Bill "An Act relating to Motor Fuel Tax on Fuels Sold to or Used by Jet and Turbo Jet Aircraft" (H. P. 645) (L. D. 833)

Same gentleman from same Committee reported same on Bill "An Act Exempting Jet and Turbo Fuels from the Sales and Use Tax" (H. P. 713) (L. D. 927)

Reports were read and accepted and sent up for concurrence

#### Ought Not to Pass

Mr. Chick from the Committee on Education reported "Ought not to pass" on Bill "An Act to Provide for Distribution of School Administrative District Budgets" (H. P. 1024) (L. D. 1333)

Mr. Hichens from the Committee on Liquor Control reported same on Bill "An Act Placing Liquor Law Enforcement in Maine Courts" (H. P. 824) (L. D. 1063)

Mr. Cottrell from the Committee on Taxation reported same on Bill "An Act to Extend the Sales Tax

to Barber and Beauty Shop Services" (H. P. 1125) (L. D. 1446)

Reports were read and accepted and sent up for concurrence.

#### Tabled and Assigned

Mr. Fortier from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Reimbursement by State to Municipalities in Lieu of Taxes on State-Owned Property" (H. P. 970) (L. D. 1258)

Report was read.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending acceptance of the Report and specially assigned for Tuesday, April 22.)

Mr. Susi from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Severely Handicapped Persons from Certain Real Estate Taxes" (H. P. 491) (L. D. 645)

Same gentleman from same Committee reported same on Bill "An Act to Extend the Sales Tax to Laundry and Dry Cleaning Services" (H. P. 1126) (L. D. 1447)

Reports were read and accepted and sent up for concurrence.

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

Mr. Faucher from the Committee on Liquor Control on Bill "An Act relating to Mandatory Fines on Minors who Purchase Liquor" (H. P. 903) (L. D. 1164) reported same in a new draft (H. P. 1135) (L. D. 1455) under title of "An Act relating to Mandatory Fines on Minors who Violate Certain Liquor Laws" and that it "Ought to pass"

Mr. Drigotas from the Committee on Taxation on Bill "An Act relating to the Jet Fuel Tax" (H. P. 1054) (L. D. 1386) reported same in a new draft (H. P. 1136) (L. D. 1456) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

#### Ought to Pass Printed Bills

Mr. Benson from the Committee on Appropriations and Financial Affairs reported "Ought to pass"

on Resolve Authorizing a Study of the Operational Aspects of the Superior and Supreme Courts (H. P. 404) (L. D. 515)

Mr. Fortier from the Committee on Taxation reported same on Bill "An Act Defining the Term Just Value for Purposes of Property Assessment" (H. P. 877) (L. D. 1120)

Reports were read and accepted, the Bill read twice, the Resolve read once, and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act relating to Special Stores to Sell Liquor" (H. P. 771) (L. D. 1004)

Report was signed by the following members:

Messrs. BERRY of Cumberland  
BOISVERT of Androscoggin  
CONLEY of Cumberland  
— of the Senate.

Messrs. CHANDLER of Orono  
LEIBOWITZ of Portland  
STILLINGS of Berwick  
— of the House.

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

Report was signed by the following members:

Messrs. HICHENS of Eliot  
TANGUAY of Lewiston  
FAUCHER of Solon  
COUTURE of Lewiston  
— of the House.

Reports were read.

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

Mr. HICHENS: Mr. Speaker, I move that we accept the Minority "Ought not to pass" Report.

The SPEAKER: The gentleman from Eliot, Mr. Hichens, moves that the House accept the Minority "Ought not to pass" Report.

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

Mr. CHANDLER: Mr. Speaker and Members of the House: I would ask that the House join with me in opposing the motion of Mr. Hichens of Eliot. L. D. 1004 is my bill. As sponsor, I would take just

a moment of your time to discuss it with you.

L. D. 1004 permits the State Liquor Commission to establish what are commonly known as agency stores. Agency stores have worked very well in the State of Vermont; they have saved the Vermont taxpayers literally thousands of dollars in money. In effect, an agency store is established in a community in those towns either not having a state liquor store but requesting one, or in those communities in which it is financially unfeasible for the State to run a liquor store. I see this as no measure to liberalize the liquor laws of the State of Maine; I see it as a benefit to the taxpayer of the State of Maine. I can foresee no problem whatsoever as far as graft or corruption is concerned. I think the taxpayer of the State of Maine is an alert individual who can well judge when this sort of thing is about to occur.

I would point to the record of Vermont. I would point to the Majority Report of the Liquor Control Committee and ask that you join with me in defeating the motion of Mr. Hichens. When the vote is taken, I would request a division. Thank you.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I arise in support of the motion made by the gentleman from Eliot, Mr. Hichens. I think that you all will recall that the 103rd session of the Legislature had referred to the Legislative Research Committee a study of the Liquor Commission. I had the privilege of chairing the subcommittee that studied the operation of the Commission. I think that I can say that we actually worked long and hard on the many problems that confronted the Legislature pertaining to this Commission.

This same subject was brought before us, that of permitting agency stores, and the subcommittee would not take any action on it; in other words, they refused to recommend it. Now I believe we held principally to the

fact that Maine is a controlled state and it is working well. Despite the fact that I have on many occasions been accused of consorting with the denizens of darkness, I assure you that I have an open mind on all questions pertaining to the sale of liquor. I feel very strongly that in this instance a bill such as this does not allude to the control of liquor but rather the promotion of it and I don't think we should find ourselves in this position. I have no objections whatsoever to the State stores where the sale and control is strictly in the hands of the State.

Now despite the fact it is set forth that we will control it, these are agency stores and as agency stores operated by individuals they can possibly be subject to some question. I certainly hope that no occasion would ever arise in the State of Maine where the sale of liquor could be questioned as going beyond the scope of state control and I certainly hope that you in your good judgment will see fit to go along with the motion made by the gentleman from Eliot. When the vote is taken I ask for a division.

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

Mr. HICHENS: Mr. Speaker, Ladies and Gentlemen of the House: I would not want the Members of the House this morning to misconstrue these actions as a "love-in," but I certainly appreciate the fact that my seat-mate Mr. Dennett and I can rise and speak together on a bill.

I would refute some of the statements made by the gentleman from Orono this morning because I feel that these agency stores will cause trouble throughout our state. I believe that as some of these stores are opened to individual merchants that they will take it upon themselves to advertise and to make sales promotions out of the merchandise, it will be hard to control as was explained by the enforcement officer, Mr. Murphy, and it will also generate much jealousy in these towns where one store has the addition of liquor to be sold; people will go to that store

and not only buy liquor but will buy other commodities and will take the business away from some of the merchants in that community and in other communities thereabouts.

So I would urge you to accept the Minority Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I too, with Mr. Dennett, was a member of the committee that studied this problem. I would go along with the gentleman from Kittery, Mr. Dennett. I don't know as this involves necessarily a "love-in" but when you look at the names, Hichens of Eliot, Tanguay of Lewiston, Faucher of Solon, and Couture of Lewiston, it sure as Hell looks to me like a cook-out. I think this is a bad bill and I'm going along with the motion of the gentleman from Eliot, Mr. Hichens, and I would like to also withdraw the four-letter word.

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

Mr. CHANDLER: Mr. Speaker and Members of the House: I have been advised as a freshman not to get bloody on issues. I don't intend to this morning. However, I think it is most important that the people of the State of Maine and certainly the Members of this House know one or two simple facts.

A state agency store can be operated for less than one third the cost of a regulation store grossing under \$150,000 per year, according to a report from the State Liquor Commission. Our Limestone store is a good case in point to dramatically illustrate the financial advantage of agency stores. Limestone grossed \$124,351 for the year ending June 30, 1968. The Commission's cost was 15.3 per cent of this gross or \$19,030. Had this been an agency operation, the Commission's cost would have been only 4 per cent or \$4,974.

I submit to you one further fact that most of the opponents of this bill, most of the vocal opposition for this bill has come from those



border towns in the State of Maine in which employees of the Maine State Liquor Commission might stand to lose their jobs if this bill were passed.

The SPEAKER: The pending question is on the motion of the gentleman from Eliot, Mr. Hichens, that the House accept the Minority "Ought not to pass" Report on Bill "An Act relating to Special Stores to Sell Liquor," House Paper 771, L. D. 1004. All of those in favor of accepting the Minority "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

98 having voted in the affirmative and 33 having voted in the negative, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act relating to Sunday Sale of Liquor if January 1st Falls on Sunday or Monday" (H. P. 775) (L. D. 1008)

Report was signed by the following members:

- Messrs. BERRY of Cumberland
- BOISVERT of Androscoggin
- CONLEY of Cumberland
- of the Senate.
- Messrs. FAUCHER of Solon
- LEIBOWITZ of Portland
- STILLINGS of Berwick
- TANGUAY of Lewiston
- COUTURE of Lewiston
- CHANDLER of Orono
- of the House.

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

Report was signed by the following member:

- Mr. HICHENS of Eliot
- of the House.

Reports were read.

On motion of Mr. Tanguay of Lewiston, the Majority "Ought to pass" Report was accepted.

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

**Divided Report**

Majority Report of the Committee on Taxation reporting

"Ought not to pass" on Bill "An Act Granting Veterans a Property Tax Credit in Lieu of an Exemption" (H. P. 743) (L. D. 961)

Report was signed by the following members:

- Messrs. WYMAN of Washington
- HANSON of Kennebec
- of the Senate.
- Messrs. HARRIMAN of Hollis
- SUSI of Pittsfield
- DRIGOTAS of Auburn
- Mrs. WHITE of Guilford
- Messrs. ROSS of Bath
- COTTRELL of Portland
- of the House.

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

Report was signed by the following members:

- Mr. MARTIN of Piscataquis
- of the Senate.
- Mr. FORTIER of Rumford
- of the House.

Reports were read.

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

Mr. FORTIER: Mr. Speaker, I would move the acceptance of the Minority "Ought to pass" Report and would like to speak on the motion.

The SPEAKER: The gentleman from Rumford, Mr. Fortier, moves that the House accept the Minority "Ought to pass" Report. The gentleman may proceed.

Mr. FORTIER: Mr. Speaker and Members of the House: I did not feel that we should go by this morning without this House being made aware of the possible advantages of this bill. Since the beginning of this session we have heard of the inefficiencies and inequities of our local tax assessors, our tax assessment boards. The intent of the State Legislature in the past I believe has been very clear. It was the intent to help the veterans, to give them some note of recognition for their past services. It was not to cause inequities which cause properties valued at anywhere from \$3500 in one community to be exempt as against another community a property worth \$35,000.

This is what is happening under the present system of unequal assessments. We have towns

assessing for 10 per cent of their values which would mean that a property worth \$35,000 would be totally exempt. We have other towns that try to adhere to the admonition of our State Bureau of Taxation who assess close to 100 per cent value which is recommended. In these cases they are exempt on a strictly legal basis of \$3500. This would remove the \$3500 exemption and would make an equal exemption throughout the state of \$100.

The only opposition to this bill was in these few towns where the local assessors have not seen fit to come up to the recommendation of the Bureau of Taxation and have a fair assessment. This would correct that and I strongly urge the passage of the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Burnham.

Mr. BURNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the gentleman from Rumford, Mr. Fortier. This is my bill. I believe it is a fair and just bill. I won't repeat what Mr. Fortier has mentioned, but those are the facts. I think this is a fair bill to all concerned, both the veterans and the different towns. Thank you very much.

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

Mr. SUSI: Mr. Speaker and Members of the House: The present exemption under our laws is \$3500 of assessed valuation on local property taxes. Now if in a community the percentage or assessment ratio were 35 per cent then a veteran in that community would be exempt on \$10,000 of actual value, and as has been pointed out by a previous speaker as the percentage assessment ratio changes from community to community the amount of actual value that the veteran is eligible to take advantage of changes. On balance the considerable number of veterans who appeared in opposition to this bill felt that they would be hurt if this bill were to be enacted, and it was pointed out in the hearing that communities when they set up their assessment

ratios at a low percentage recognize that this will have the effect which has been mentioned on the veterans' exemption.

This is not a complicated issue. It would in effect provide through the State a uniform veteran exemption in all the communities regardless of what local assessment ratio is adopted by that community. So I think it is clearly a choice of the Members of this House whether they prefer to continue on an assessed value exemption or a straight dollar exemption, which in this bill provides for the amount of \$100 in taxes. Thank you.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Susi. I will grant that there is an inequity in assessed value. The veterans appeared en masse against this bill. The proponents tried to convince them that they would be better off if they had the flat \$100, but they couldn't convince them and they couldn't convince me and I hope you vote against the motion.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, I would like to ask a question of Mr. Susi if he could answer it. At present if there are a number of veterans in a town over and above a certain percent, the amount of exemption that they get is a burden on the town and the State reimburses the town. Under this bill would they lose the reimbursement or would they continue to keep it?

The SPEAKER: The gentleman from Chelsea, Mr. Shaw poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi, who may answer if he chooses and the Chair recognizes that gentleman.

Mr. SUSI: Mr. Speaker, I think the sponsor, Mr. Burnham, could answer this better than I, but I believe that the refund from the State continues to exist under this bill. I think if the exemptions exceed 3 per cent of the total local tax commitment, whatever that excess is is refunded by the State

to the community. I believe that is the situation.

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Burnham.

Mr. BURNHAM: Mr. Speaker and Members of the House: I would like to clarify that. Under this proposed bill the towns would be reimbursed one hundred per cent for all tax abatements to veterans. The present bill is quite a — it is a different formula there, and when they reach three per cent of their commitment for the year in abatements then they are reimbursed ninety per cent of their abatements by the state. But under this bill they would be reimbursed one hundred per cent.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I merely want to say that I feel this is a good solution for what is becoming a very difficult problem in our communities, and I shall find myself voting with the Minority Report of the Committee.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I would like to clarify one misunderstanding that apparently seems to creep in. This is definitely not a bill against veterans — or to jeopardize veterans. It was said that there were a number of veterans that opposed it, but we heard absolutely nothing from the thousands of veterans throughout the state who would get more under this bill than they would under the present law.

For example, in my home town last year the veterans got an adjustment of \$73.50 on their tax bills. This is typical of a large number of municipalities and throughout the state I would gamble that the veterans would gain more under this bill than they would under the present law. Consequently, the only veterans that oppose this were those that lived in the municipalities who had assessments that are way way out of line with present values.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I still will stick along with the Majority Report for this reason. I think the World War I veterans are used to the present setup, and the World War I veterans are in the greatest need it seems to me.

I was in favor of having this bill passed exempting World War I veterans, but we didn't get around to that amendment. So I have got to stick with this, because I think that it would be a great injustice to the World War I veterans.

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Burnham.

Mr. BURNHAM: Mr. Speaker, in reply to the gentleman from Portland, Mr. Cottrell, it won't be any injustice to the World War I veterans. I think as far as exemptions are concerned, I think one veteran is as good as another. Now under this bill—I would like to quote a—not quote but, in my home town at the present time a veteran is only getting exempt \$42.00. Now I happen to live in a high valuation town. Now he is getting exempt for \$42.00. Another town in my district, he could own a piece of property valued at \$18,000 and not pay any tax.

Now I maintain that one veteran is as good as another and they should be treated equally, which they would be under this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Fortier, that the House accept Minority "Ought to pass" Report on Bill "An Act Granting Veterans a Property Tax Credit in Lieu of an Exemption," House Paper 743, L. D. 961. 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.

74 having voted in the affirmative and 47 having voted in the negative, the motion prevailed.

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

### Order Out of Order

On motion of Mr. Corson of Madison, it was

ORDERED, that Deborah Clough, Joan Peterson and Susan Kandupa of Madison be appointed to serve as Honorary Pages for today.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Southwest Harbor, Mr. Benson, to preside temporarily as pro tem Speaker.

Thereupon, Mr. Benson assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

### Passed to Be Engrossed

Bill "An Act relating to Expenses of State Liquor Commission" (S. P. 152) (L. D. 433)

Bill "An Act Revising the Form of New Bonds and the Procedure for Cremation of Old Bonds" (S. P. 362) (L. D. 1226)

Bill "An Act relating to Apportionment of Cost of Construction of State Aid Bridges" (H. P. 1129) (L. D. 1451)

Bill "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles" (H. P. 1131) (L. D. 1453)

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

Resolve to Authorize the Grant of Flowage Rights to the Auburn Water District (H. P. 839) (L. D. 1077)

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

(On motion of Mr. Emery of Auburn, tabled pending passage to be engrossed and specially assigned for Tuesday, April 22.)

### Amended Bills

Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park" (H. P. 230) (L. D. 286)

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

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

At this point, Speaker Kennedy returned to the rostrum.

Mr. KENNEDY: The Chair thanks the gentleman from Southwest Harbor, Mr. Benson, for relieving the Speaker and serving as Speaker pro tem.

### Third Reader Indefinitely Postponed

Bill "An Act relating to Approval of Secondary Schools" (H. P. 275) (L. D. 351)

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

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning in opposition to this bill. I would ask for the indefinite postponement of this bill and all of its accompanying papers, and I would speak briefly to this motion.

The SPEAKER: The gentleman from Machias, Mr. Kelley, now moves the indefinite postponement of L. D. 351. The gentleman may proceed.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this bill with mixed emotions. The sponsor, the Honorable gentleman from Stonington, was one of the first friends whom I acquired during my tenure of office here with the 103rd Legislature. But this morning he and I seem to be at opposite ends of the spectrum, he for one reason and I for another.

In its original draft, this Bill would have phased out high schools of less than 300 pupils by 1971. And this bill has been a sword of Damocles over the head of every small Maine community which, through its already overburdened taxpayers, has been struggling to meet its educational obligations to its young people.

Few states have made such gigantic strides in providing better education than has the State of Maine over the past twelve years. I would remind you that in 1957

our total State Budget was \$55 million. The last Legislature spent over \$100 million on education alone.

Now one would think that in the face of such gigantic effort that the almost insatiable appetite of the establishment would be satisfied—at least temporarily. As I say, you and I might think so. But the bureaucratic mind works in strange ways its wonders to perform, and isn't always sympathetic to the needs, or the wishes, of taxpayers. Now generally, when a bill is of doubtful value, the sponsor may say, somewhat defensively—"This bill had a good hearing before the committee," the implication being of course, that if the Bill had a good hearing, then the Legislature should, of course, offer its blessing.

But I would submit to you ladies and gentlemen that this bill did not have a good hearing. Besides the sponsor, there was only one other person who spoke in favor of it, and he was from the department, of course. Arrayed against it were at least a dozen opponents, including the principals of two of our best known and most respected academies. And of course there were others — taxpayers, concerned parents, and people who did not want their little high schools arbitrarily yanked out of their communities simply because the Department of Education indulges itself in a numbers game.

Now for those of you who may be intrigued by sheer logic, let me say this. At the hearing, the proponents of this bill told us, very solemnly, that 300 high school students was the absolute minimum permissible if we are to provide quality education. Anything less than that was impractical and inefficient. Yet today we are told, by implication at least, that 150 is the absolute minimum if we are to provide quality education. Now—I'm not going to remind you that consistency is supposed to be a virtue. I will only say this, the present law provides for a minimum of 100 pupils. The proponents of this bill asked for a raise to 300 pupils but they now are willing to settle for 150.

I feel that this bill is unnecessary and would work an additional hardship on small communities which already are doing the best they can do to provide adequate facilities for their young people. And I speak not only for the small towns in Washington County, I speak for every small Maine community which wonders when, if ever, the Department of Education will allow them to pursue their educational program unhampered by the almost psychopathic obsession of the Department with numbers.

For instance, the little town of Jonesport, which is within my district, joined with Beals Island — that is, Beals Island closed its little high school and their students now attend Jonesport High School. Jonesport would not qualify under this bill in percentage. I asked the sponsor of this bill if a leeway of five or ten percent would be allowed. He said no. It is not 149 or 145, it is 150. Which means if this bill is enacted then Jonesport will have to close its high school and either go to Machias, or to CAD Narraguagus, which in either case is some twenty-five miles. In other words, they would add to the already impressive fleet of school busses which dominate our highways twice a day.

There is in my opinion, no good reason whatever for supporting such an arbitrary proposal. Let's do our best to cure the Department of Education of its obsessive interest in the numbers game. Let's remind them that quantity doesn't necessarily bring quality. Mr. Speaker, as I say, I move the indefinite postponement of this bill and all of its accompanying papers, and I would respectfully ask for a roll call.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I arise a little bit bruised and bloodied after the overhauling that my very good friend has just given me. I do think the bill had a good hearing. The majority of the opponents were from the towns of Jonesport and Beals. Washington

County was very well represented at that hearing, I can assure you.

In a spirit of compromise and an attempt to come to a meeting of the minds with my very good friend, I suggested to the Education Committee that we amend this bill from 300 to 150. Frankly, the only thing that was mentioned at the hearing was the fact that it would mean more transportation, that it would mean more cost in taxation. Unfortunately the children were not mentioned.

The fact that these schools in this area were spending thousands of dollars in excess of the minimum foundation program on their high schools and thousands of dollars under the minimum foundation program on their elementary schools made not one whit of difference. I would submit to you that when we cheat our elementary pupils we cannot have good high school pupils.

One of the principals to whom my good friend, Mr. Kelley referred, from the private academy, made the statement to me after the hearing that numbers did not mean a good school, and I could not agree more wholeheartedly. On the other hand, he did temper his statement by saying that he did not and could not conceive of a school system being able to offer a reasonable, economical, efficient education to less than a two hundred pupil high school; and with this I could not agree more. But I did, in an effort to conciliate this group who had appeared in opposition to the bill, recommend that we amend the bill to one hundred and fifty.

I would point out to the Members of the House that the last paragraph or the last sentence of the bill does spell out that if the board, the State Board of Education finds that a school is geographically isolated that it may grant approval for a period of not more than three years contingent upon compliance with all other provisions of the education law. I would certainly hope when the vote is taken that you would vote against the motion to indefinitely postpone.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: This bill in my mind is one of those things that turn up every once in awhile that is in a sense a form of dictatorship. Some State department tries to thrust something down people's throats that they don't want, and probably is not good for them, because I think most people after they evaluate things long enough and get all the facts, I think they can pretty well determine what is good for them and what is not.

I don't think that a school's right to exist should depend on numbers anyway. I think it should depend on merit. I think it should depend on the quality of the students that it turns out.

The principal of Lee Academy, a school in one of my towns, was at the hearing and made an excellent presentation. He did not need to be there because this bill says "Public Schools", and in any event his school is now over the minimum of 300, just barely over, it's 315. But he was there in defense of the small schools, and he was there in defense of the right of the little fellow to exist, provided he has a good reason to exist.

The small school has turned out a good quality of student in the past in this State. I think probably many of them are here in this room today. I am not saying that the gentleman is wrong in stating that a school of under 200 would have difficulty in providing a good education, but I can say this: that for a hundred and twenty - four years Lee Academy has existed most of that time with less than a hundred pupils, less than a hundred students, and it is generally recognized as one of the best schools of secondary education in this State. Well, I attended that school over twenty years ago. It had between 115 to 180 students and at that time it was reckoned as one of the best schools in the State, secondary schools for its size; I will put that qualification on. It

had good instructors, it had a good curriculum, it still does.

I repeat again, I don't think numbers should be any qualification. It should be the quality of the education, the quality of the student it turns out.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: I rise reluctantly to rebut the gentleman from Stonington, Mr. Richardson, who states that the children were not thought of at the hearing and implied that no one was there but the people from Jonesport and Beals. I assure the ladies and gentlemen of the House that there were people there from outside of Washington County, although probably they were the most numerous.

I want to assure you that the folks there and myself are interested in seeing that the children of this State get quality education. I know that also that we are interested in the health and well-being of these children. And certainly, as taxpayers, we are interested in the cost of this education, and because of this I would ask that you support the motion of the gentleman from Machias.

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

Mr. LEWIS: I rise today to concur with the gentleman from Machias, Mr. Kelley. I have firsthand knowledge what these edicts will do to a small town. We lived with it in my town for six years. Due to the mandates of the Department of Education and the State Board of Education, we lived with an axe over our heads for six years. We are closed up now but I wish you could see the havoc that it has wrought in our town. I go along with Mr. Kelley one hundred percent.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: A few sessions ago this body in its wisdom created an S.A.D. district in the southern part of my district, and included the Town of Weston and the Town of Danforth.

At that time it had around a hundred students and it closed a high school in Vanceboro and one in the Township of Reed, a place they call Wyopitlock. All right, they have fallen back until the last year they had about 82, which fell lower than the hundred, so the State Department set out to close Danforth High School, or S.A.D. I'm not able to tell the exact number. Well they applied to the State Board of Education. All I am trying to do is illustrate what you have to do. The axe had been over their head for a considerable number of years.

Well, I attended a board meeting of the State Board of Education here in Augusta along with Senator Wyman from Washington County, and there was considerable discussion about Davenport High School. Well now, there just isn't pupils enough down there; they had practically every one. The people in Vanceboro have to go to Danforth High School. There is no transportation, too far to transport. When you come to transport students sixty miles, it just seems to be impossible to take them back and forth, but anyway the decision of the State Board of Education was that Danforth High School should continue.

Okay, they are all right for a year or two, but the axe is still over their head. If this bill should go through they would be automatically dead. Well then you are up against transporting students probably to Houlton or Hodgdon or Lee Academy, which are the only other available places, and some of them you would be transporting over a hundred miles. Well that isn't education, that's riding around over the roads in my estimation, so I would go along with Mr. Kelley in killing this bill.

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

Mr. MILLS: I have been sitting here, Mr. Speaker, doing some rough calculation on what this is going to do to Eastport and that area down there. It used to be School Union 104. The State Board of Education went down there and snowed the small towns into forming an S.A.D. 69. The next thing that happened was that they came

through with this reevaluation of the property. The Town of Perry has jumped \$250,000 in their evaluation there. This is taking place all over that S.A.D. District and these people are committed to an S.A.D. form.

Now each one of these towns that has been snowed into an S.A.D. hasn't got one smokestack in their town that is industrial taxable base. In Eastport, we'll have a population in the school there of pretty close to a hundred pupils with this split coming through which is mandated now.

There is no question down there. In the council we had to raise pretty near to \$46,000 to offset the reevaluation and the cost of increased salaries to school teachers. Now, if this thing goes through here at 150 pupils, we are forced by mandate of this legislative body to close the high school. I would say to the members here today that there are three people here in the Department of Education who graduated from that school when it had a graduation class set up of less than a hundred pupils.

Now I don't see where this is going to be of any benefit to the outlying areas whatsoever to set a figure of 150 pupils. Mr. Williams has spoken on the Danforth area. That is also part of my district, and they had some pretty tough going and they have just lost another building up there, and that has been for a grant for some aid to set up the addition to a gymnasium for that Danforth district.

Now those people up there are traveling from Vanceboro Route 6 and Route 1 to Danforth. If you have been over those roads you know what they are in the winter-time to take a bus load of kids. This thing is going to create a hardship that this state can't afford to face. There is no question but what Mr. Kelley's bill deserves merited support from the entire body.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: One of the towns that I represent, the Town of Richmond, has slightly under 150 pupils. This town has tried twice to get into a district and has failed

both times. They are still working to get into a district, and I hate the thought of having an axe over their heads and forcing them into some district that they would not want to get into, and so I would like to support the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker and Ladies and Gentlemen of the House: They don't seem to have given much thought to the high schools which are on islands, and I am referring now particularly to Knox County—they have Matinicus, North Haven, Vinalhaven, Islesboro—with less population in school than the 150 proposed, and it would be certainly difficult to close those schools and transport them somewhere else. I agree with the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Ladies and Gentlemen of the House: In a way I am kind of sorry this is the first time I have spoken in the House this year, but I don't know that I would dare to go back this week and listen to the telephone calls when they would say, "Why didn't you get up and say one or two words that we asked you to say, that the people who elected you hoped that the bill would not pass to set up a high school according to numbers and not according to its quality." I can assure that there is a good many people in Hancock County that are thinking along the same lines as Mr. Kelley.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Machias, Mr. Kelley, that L. D. 351 be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.



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 Machias, Mr. Kelley, that House Paper 275, L. D. 351, Bill "An Act relating to Approval of Secondary Schools," be indefinitely postponed. All who are in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Baker, Barnes, Bedard, Benson, Berman, Binnette, Birt, Boudreau, Bourgoin, B r a g d o n, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Cummings, Curtis, Cushing, D'Alfonso, Dam, Danton, Dennett, Donaghy, Dudley, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Foster, Fraser, Giroux, Good, Hall, Hanson, H a r d y, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, LePage, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marstaller, Martin, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, T h o m p s o n, Trask, Tyndale, Watson, Wheeler, White, Wight, Williams, Wood.

NAY — Allen, Bernier, Chick, Corson, Drigotas, Gilbert, Lebel, Leibowitz, Levesque, Lund, Richardson, G. A.; Vincent, Waxman.

ABSENT — Brennan, Brown, Curran, Fortier, M.; Gauthier, Harriman, Laberge, McKinnon, Richardson, H. L.; Rocheleau, Santoro.

Yes, 125; No, 13; Absent, 11.

The SPEAKER: One hundred and twenty-five having voted in the affirmative and thirteen in the negative, the motion does prevail.

Sent up for concurrence.

Bill "An Act relating to Horse Racing during Certain Weeks in the Months of June and July" (H. P. 452) (L. D. 589)

Bill "An Act relating to Penalty for Sale of Diseased Horses" (H. P. 537) (L. D. 716)

Bill "An Act relating to Sick Leave for Teachers" (H. P. 759) (L. D. 979)

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.

#### Third Reading

##### Tabled and Assigned

Bill "An Act relating to Membership on the Board of School Directors" (H. P. 981) (L. D. 1265)

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

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

On motion of Mr. Millett of Dixmont, the House reconsidered its action of yesterday whereby it adopted Committee Amendment "A".

The same gentleman then moved indefinite postponement of Committee Amendment "A".

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

Mr. RICHARDSON: Mr. Speaker, I would oppose the motion to indefinitely postpone Committee Amendment "A" and I would request a division.

The SPEAKER: The pending motion is the indefinite postponement of Committee Amendment "A" and a vote has been requested.

The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I would just like to briefly explain my reason for so doing. Namely, yesterday I pointed out that there were certain inconsistencies in the legislation we had before us, and I point out that this relates to the title which is inconsistent with the attempt of the bill. Secondly I wanted to correct a situation which might provide or present a

problem of a full-time teacher as opposed to an occasional substitute teacher being employed. And thirdly, I wanted to point out the inconsistencies between the two paragraphs.

In order to do this, I was advised that the proper way would be to indefinitely postpone Committee Amendment "A" and attack the bill at one time. And for this purpose I would hope that you would go along with the indefinite postponement of the Committee Amendment which was adopted yesterday.

Whereupon, on motion of Mr. Waxman of Portland, tabled pending the motion of Mr. Millett of Dixmont that Committee Amendment "A" be indefinitely postponed and specially assigned for Tuesday, April 22.

Bill "An Act relating to Agreements between Municipalities and State Highway Commission in Laying Out Certain Highways" (H. P. 1029) (L. D. 1338)

Bill "An Act Creating a Sewer District in the Town of Jackman" (H. P. 1095) (L. D. 1412)

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.

#### **Emergency Measure Tabled and Assigned**

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. 372) (L. D. 1232)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: It certainly is not my intention to be an obstructionist. I'm trying to figure in my own mind whether or not I should make a motion.

This bill is Part I of the current services budget. I have lived in the Legislature with a budget that

was only in one part. Over the last few years, and I agree with the philosophy, the Part I current services budget, which is known commonly as the "keep the store open" budget, has been separated from the Part II current services budget. In this particular instance, Part I or this measure, the current services budget, which calls for \$27,000,000, mandatorily calls for additional taxation.

I have seen the time when the Part I budget could easily be financed with existing surpluses, or even raising of the estimates. That era is long gone. To our knowledge we will probably end the fiscal year with a paltry few hundred thousand dollars, and certainly any thought of raising estimates any appreciable amount has long long gone out of the window.

Over the years, also, I have lived to see several of us—and looking back upon the many years that I have served in this body, I do not necessarily look proudly upon the fact that it used to be the hue and cry to "let George do it". I know that over the many years, and I recall that as many, many years ago, I remember once particularly that I enjoyed the pleasantries of voting for all spending bills and no tax bills. I also over the years have lived with some finding their ways back home and saying I voted for a lot of welfare programs; I voted for a lot of health-education programs, but when it comes to taxes, let Louie do it. I have suffered with that little philosophy over the years, and this is the major reason why I am on my feet this morning.

Now there seems to be a lot of thinking and feeling as to where we are heading. There seems to be a lot of conversation wherein it concerns itself with what we are going to do as far as Part II is concerned, what we are going to do insofar as taxation is concerned. And certainly while I am on my feet, indeed I want to clarify my own position. I have done it privately; I will do it now publicly. I am not speaking only necessarily for myself; I am

speaking for the people that I represent and those are the people that I should speak for, those are the people that sent me here. And the people I represent want no part of the six percent sales tax and they want no part of the personal income tax at this session; so that I want no part of it myself.

I am sure that I am speaking for a great vast majority, not speaking for them, but am speaking for the thinking of a great vast majority of the members here present. It might be, therefore, for the leadership of both parties, including the Chief Executive, to reassess their thinking even if they have to consult the ways and byways of our state, and finally come to the conclusion that I speak the words and the thinking of the people throughout the state.

I know that we have other avenues and other areas that we will have to tax. At least two of the areas that I shall probably vote for involving taxation, one in particular, I have been the champion here in attempting to defeat it, and not champion in defeating it but at least being part and parcel in helping not to put this form of taxation on the books. This may come under the area of one changing his mind but, in my opinion, it is in order to change your thinking and change your mind.

I do not intend to vote for spending and not meet the obligation by taxation. I am this morning only giving you my opinion—my honest thinking opinion. There are those who sometimes feel that I am either showing my age, or I like to say that I've been here a long time. I have been here a long time. I have served in the Appropriations and Financial Affairs Committee a long time. I have made it a point to study budgetary matters. I've made it a point to study how we pay for spending. And I say right here and now, that letting this bill out of this branch for the last time, without any coming back to this body, is the worst thing that this body could do.

Now, I have all the respect in the world for the leadership of

both branches. It is only natural that I would lean toward the philosophy of the leadership on my left, he being a member of my party. It is only fitting, also, that I would respect the leadership on my right, even though it is of the opposition party. Because, certainly, a party difference does not make a party philosophy all wrong or thinking all wrong. In this instance, however, I am giving of my vast experience that necessarily I would have to accrue after having served on these important committees for years. It is only fitting that I could say that I have had that vast experience because I have been here, because I have been blessed at least with one thing, and that's the greatest ingredient of them all, and that is time.

I say truthful words when I say that I have three homes—one on Elm Street in Lewiston, one at St. Mary's, and one here. I don't say it for sympathy; I don't say it because I want anybody to know this or that or the other about me. I say it because these are the facts. I beseech the membership of either party to retable this measure; I beseech the membership of this party, regardless of what arguments are given, to retable this measure, and not let this measure out of this body which has a price tag of \$27,000,000, without funding. If we do, in my opinion, it is complete and total irresponsibility.

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

Mr. ROSS: Mr. Speaker and Members of the House: I think it is a very good thing to say a few words about this this morning because we are talking about \$277,000,000 over the next two years, and this along with the school subsidies for the first year does show a deficit of some \$33,000,000. But I for one can vote for this in good conscience this morning, and remain fiscally responsible, because as a member of the Taxation Committee, the day before yesterday I was one of the signers of a bill which will raise slightly in excess of \$33,000,000.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In view of the remarks made by the gentleman from Lewiston, Mr. Jalbert, I think that it would be appropriate that the House understood very clearly exactly what is at stake.

This is, as has been pointed out, the Part I budget, and I'm sure that the gentleman from Lewiston, Mr. Jalbert, is a signer of the unanimous "ought to pass" report, which cut four and a half million dollars out of the Governor's budget. It's not suggesting to you that we are going to go back, either now or at any point later, and reopen the Part I budget.

It's a very simplistic approach to this to say that you shouldn't pass this now, and put the funding on at a later time. It was our original intention, an idea which I certainly supported, that we should place the taxation of the revenue amendments on this bill and send it along. It really doesn't make any difference. You're going to have to raise these revenues; you're going to have to raise the revenues through the measures that are being reported out of the Taxation Committee. They are not now before us. In order to move this session along, we therefore ask you at this time to give your vote to the passage of the Part I budget, the budget necessary to operate state government at existing levels.

I sympathize with the gentleman from Lewiston, Mr. Jalbert; this bill has been around here for a long time. He feels, as I do, that we shouldn't expose this thing to the danger of having it reopened. It's simply that the good gentleman and I disagree on proper handling of this bill. I believe that we should send this to the Senate. There's no thought of enacting this legislation finally in the Senate and sending it in to the Governor until it does, in fact, have the necessary money attached to it to pay for these services or the money going along with it.

Now, we have had repeated meetings between the Democratic

and Republican leadership throughout this session. And I know that every one of you is aware, as I am aware, that the leadership of both parties is making a sincere and conscientious effort to avoid the kind of bickering and partisanship that marred the last session. In that spirit, we ask you to vote to pass the Part I budget today, and you will have before you, either Friday or next Tuesday, the necessary revenue measures to fund this proposition. And I can assure you that the Part I budget will not be finally enacted in the other branch and put on the Governor's desk unless and until the necessary tax revenues are there to pay for it. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think before you, the current services budget, this morning, that we feel should receive enactment in the House for the simple reason that it may not be totally acceptable to everybody, in the sense that there are some reductions that are being made in some areas that may have to be included in Part II of the budget.

Although we see no reason why it should be delayed any longer, as was indicated by the majority Floor leader, that before this bill is disposed of in the Senate and presented to the Chief Executive for his approval, there will be adequate funding of this document. It is just a matter of procedures that this could receive enactment in the House this morning without interfering with any of the legislative processes. And again, I assure the Democratic members of the House, as well as the Republican members of the House, that they have our assurance that this measure will not be out of the other branch and on the Governor's desk before adequate and complete funding is made.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In substance, the gentleman from Madawaska, Mr. Levesque and the

gentleman from Cumberland, Mr. Richardson, agree with what I am saying. Once this measure is enacted and out of here, it doesn't make any difference what anybody else says, it's not coming back here. We have lost complete control of this measure.

I could ask how we're going to fund it; I'm not going to. I'm fully aware of the fact that the Taxation Committee has reported out some measures, with a five to four report, I understand, or a six to four report. I even have been told about pretty much where the areas are and how the members are voting on it. I also have been one who has said, for the last few weeks—that this measure has been kicking around here—I'm one of those, as the gentleman from Cumberland, Mr. Richardson says, who voted to cut four and a half million dollars from the Governor's current services budget. And I assure you that I am one of those that's going to vote to make some very drastic cuts into the Part II program, and I repeat myself, very drastic cuts into the Part II program, without telling any tales out of school.

I think that the time has come, now, when we are all going around Robin Hood's barn, talking about these programs, that we go along and start assessing what we are going to do, and we cannot know what we are going to do if we let out of here a budget of \$277,000,000, which is \$27,000,000 more than we've got. Isn't it fair for anyone to call a little bit of irresponsibility when we are going to enact a measure here short of \$27,000,000 that we've got. We are enacting it; we are passing it finally. So, in my opinion, if the words irresponsibility, fiscally irresponsible, are too harsh, certainly I can honestly say that we are not doing what we should do.

Now, I'm not going to make a motion. However, I assure you of one thing, that I shall not vote to enact a measure that is \$27,000,000 short of what we've got in this House, if I am alone voting, because I'm going to pay for what I buy, yesterday, today, and tomorrow. And if I vote today to enact this measure, I am not paying for what I owe.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Granted there is, and there was, some reservation on my part as to whether we should split the Part I budget away from Part II budget. There was some serious reservations because on very very seldom occasions had this procedure been done.

In view of the fact that the committee report was unanimous, in view of the fact that the agreement had been made that we could, in good conscience, accept the budget as it was, and purely as a matter of procedure, that this budget was separated from Part II. I feel very certain that the gentleman from Lewiston, Mr. Jalbert, will want to make sure that every dollar that's in the current services will be funded as we also see that it will and shall be funded.

The matter of holding on to this document for another couple of days, or another week or so, pending the outcome of the tax measure, is purely a point of personal contentment. I think, at this time, the House would be wise in its action in making sure that this document receives its proper passage to go before the other branch and then we would work on the proper taxing procedures that will be necessary to fund it. This we don't know what it is yet, although we find that the Taxation Committee is working very hard towards some kind of an agreement as to what the tax package is going to be, and when that comes out I hope that we can join forces and pass the proper tax measures that will be acceptable; again, I repeat, that will be acceptable to the members of this House, to pay for the current services budget.

It is an all-time high budget of \$277,000,000 of which the gentleman from Lewiston, Mr. Jalbert, has pointed out, we need to raise an additional \$27,000,000 in additional new revenues to pay for it, and I hope that the indulgence of this House this morning will support the action taken that this will be enacted and held in the other

branch until such time as money is provided to pay for it.

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

Mr. COTE: Mr. Speaker and Members of the House: It isn't very often that I rise on my feet to speak on a bill. But I feel compelled this morning to speak against the passing of this package. I, for one, would like to know just what type of taxation will pay for this package, and that's my reason for opposing it here this morning.

Now, I've heard several things mentioned about packages of taxation, but every one up until now has been repugnant to me and repugnant to the people whom I represent. Now, I don't know how others have gotten to the solution of the taxation program in their communities, but I also have spoken to many, and many of my constituents, not only in the City of Lewiston, but in the City of Biddeford; yesterday I was in Waterville and discussed the same thing. It seems to me I have heard no objection to a six per cent sales tax; in fact, everybody expects to pay a six per cent sales tax, but they are against patchwork taxation. And until I know, and know for a fact, what kind of taxation that this body will pass, I cannot vote for this package here this morning.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: Not too long ago, from your rostrum, we heard the following words: "Help us as individuals, and as a legislative body, as responsible citizens of the state, and as responsible citizens of the nation, to realize that our particular responsibilities are to bring to all the people of Maine, and to all the people of this nation, all the gifts that God has given to us—gifts that have to do with our physical, moral, and our spiritual well-being, that may it be our major concern to fulfill these responsibilities insofar as they rest on legislative matters.

We have before us today, a legislative matter that will test our responsibilities toward the people of the State of Maine. For that reason, I will support Mr. Jalbert's motion.

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

Mr. RICHARDSON: Mr. Speaker, I move that this matter lie on the table until later in today's session.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that this matter be tabled until later in today's session. Is this the pleasure of the House?

(Cries of "No")

The Chair will order a vote. All those in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

63 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Mr. BENSON of Southwest Harbor: Mr. Speaker, I move that this matter be taken by roll call.

The SPEAKER: The gentleman now requests that this be taken by roll call, but the vote having been announced the motion is not in order.

Mr. Jalbert of Lewiston then moved that the matter be tabled until Tuesday, April 22.

Whereupon, Mr. Ross of Bath asked for a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until Tuesday next will vote yes; those opposed will vote no.

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

Mr. RICHARDSON: Mr. Speaker, I request that the vote be taken by the yeas and nays.

The SPEAKER: 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 on the tabling motion 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 the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman for Lewiston, Mr. Jalbert, that this matter be tabled until Tuesday next pending passage to be enacted. All of those in favor of this matter being tabled until Tuesday, April 22, will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Baker, Barnes, Binnette, Boudreau, Carey, Casey, Crommett, Crosby, Curtis, D'Alfonso, Dam, Dennett, Dyar, Emery, Eustis, Fecteau, Foster, Fraser, Gauthier, Hanson, Henley, Heselson, Hunter, Jalbert, Jameson, Jutras, Keyte, Kilroy, Lawry, Leibowitz, LePage, Marquis, McNally, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Noyes, Ouellette, Rand, Sheltra, Tanguay, Temple, Thompson, Wheeler, Wight, Wood.

NAY — Allen, Bedard, Benson, Berman, Bernier, Birt, Bourgoin, Bragdon, Buckley, Bunker, Burnham, Carrier, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Couture, Cox, Croteau, Cummings, Cushing, Danton, Drigotas, Dudley, Durgin, Erickson, Evans, Farnham, Faucher, Finemore, Fortier, A. J.; Gilbert, Giroux, Good, Hall, Hardy, Haskell, Hawkens, Hewes, Hichens, Huber, Immonen, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Lebel, Lee, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McTeague, Meisner, Millett, Norris, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Starbird, Stillings, Susi, Trask, Tyndale, Vincent, Watson, Waxman, White, Williams.

ABSENT—Brennan, Brown, Curran, Donaghy, Fortier, M.; Harri-man, Laberge, McKinnon, Mills, Santoro.

Yes, 48; No, 91; Absent, 10.

The SPEAKER: Forty-eight having voted in the affirmative and ninety-one in the negative, the motion does not prevail.

#### (Off Record Remarks)

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

Mr. RICHARDSON: Mr. Speaker, I move that the House be in recess for ten minutes or until the sounding of the gong.

Whereupon, the House recessed for ten minutes.

#### After Recess

Called to order by the Speaker.

The SPEAKER: The pending question is the enactment of 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, Senate Paper 372, L. D. 1232.

Under the Constitution it requires for enactment a two-thirds affirmative vote of the entire elected membership of the House.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: The item under consideration as we indicated earlier is the Part I budget of the State of Maine. The Appropriations and Financial Affairs Committee reported out unanimous this piece of legislation which effects some reasonable and I believe well thought out reductions in the proposed Part I budget. If we leave this budget here and if we continue to delay, to stall, we may break the very unenviable record of the last session when we were here until July.

Now every one of you today can vote for the Part I budget, knowing full well that it is not going to be enacted and passed to the Governor for his signature until the necessary revenues are raised to pay for it. It is for this reason that I urge every member of the House to vote in favor of the enactment of this Part I budget in order that we can move on to the other items of business that we have and in order that we not leave

this bill here and subject it to be reopened and to subject it to having all of the good work that has been done by the Appropriations Committee undone. When the vote is taken, Mr. Speaker, I request that it be taken by roll call, and as I say, I ask every member of the House to vote yes on enactment of this bill in order that we can get this item of our very important business disposed of.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I wholeheartedly concur with some of the remarks of the gentleman from Cumberland, Mr. Richardson this morning that this is possibly the best package that we can put together, and I would hold one hundred percent behind the remarks of the gentleman that this tax package should not be reopened for the possibility of introducing amendments either to increase it, to decrease it, or to split it in any form or shape. However, this morning by action of the opposition party at caucus, it is the feeling of our membership that they see relatively no harm in holding on to the document in the House for a while longer until some of the members have some reasonable assurance as to what the tax measures are going to be to pay for the package, and again I repeat, it is the intentions of the loyal opposition in this hall that we will not under any conditions allow this document to be opened and subjected to amendments of any forms either to increase or decrease this current services budget.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As a member of the Appropriations and Financial Affairs Committee who voted for this package, I voted for it with the steadfast thought that I wanted to see it funded. I still feel the same way. When the package to fund is before us, I assure you of one thing; that I will be one of those who will pay for the funding of this program. In

the meantime I shall vote against the enactment of this measure until such time as it is funded.

The SPEAKER: 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 vote 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 the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the enactment of L. D. 1232. All in favor of this matter being enacted as an emergency measure will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cummings, Curtis, Cushing, Dennett, Donaghy, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Good, Hall, Hanson, Hardy, Haskell, Hawkins, Henley, Hesleton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marsteller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Noyes, Page, P a y s o n, Porter, Pratt, Quimby, Richardson, G. A.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Williams, Wood, the Speaker.

NAY — Bedard, Bernier, Binnette, Bourdeau, Bourgoin, Burnham, Carey, Carrier, C a r t e r, Casey, C o f f e y, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, D'Alfonso, Dam, Danton, Drigotas, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Gilbert, Giroux, Hunter, Jalbert, Jameson, Jutras, Kelleher, Keyte, Kilroy, Lawry, Lebel, Leibowitz, L e P a g e, Levesque, Marquis, Martin, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Rand, Richardson, H. L.; Rocheleau, Sheltra, Starbird, Tan-



guay, Temple, Vincent, Watson, Waxman, Wheeler.

**ABSENT** — Brennan, Brown, Curran, Dudley, Fortier, M.; Foster, Harriman, Laberge, McKinnon, Santoro, Wight.

Yes, 77; No, 62; Absent, 11.

The **SPEAKER**: Seventy-seven having voted in the affirmative and sixty-two in the negative, the Bill fails of final enactment.

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

Mr. **RICHARDSON**: Mr. Speaker, I move that the House reconsider its action in failing to enact L. D. 1232.

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

Mr. **BENSON**: Mr. Speaker, I move that this item lie upon the table until next Tuesday pending reconsideration.

The **SPEAKER**: The gentleman from Southwest Harbor, Mr. Benson, now moves that this matter be tabled until Tuesday, April 22, pending the motion of the gentleman from Cumberland, Mr. Richardson, that the House reconsider its action whereby this bill failed of enactment. Is this the pleasure of the House?

The motion prevailed.

#### **Passed to Be Enacted**

An Act Increasing Salaries of Official Court Reporters (S. P. 62) (L. D. 185)

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

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.

The Chair recognizes the gentleman from Gouldsboro, Mr. Bunker.

Mr. **BUNKER**: Mr. Speaker, is the House in possession of House Paper 1096, L. D. 1414, An Act Reclassifying Waters of the St. John River Basin?

The **SPEAKER**: The answer is in the affirmative, the bill is in the possession of the House.

Mr. **BUNKER**: I move that we reconsider our action of yesterday whereby this bill was recommitted to the Committee on Natural Resources.

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

Mr. **BENSON**: Mr. Speaker, I move that we table this bill until next Tuesday pending the reconsideration motion.

Whereupon, Mrs. Coffey of Topsham asked for a vote on the tabling motion.

The **SPEAKER**: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until Tuesday, April 22, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken,

120 having voted in the affirmative and 9 having voted in the negative, the tabling motion did prevail.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.