

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, April 22, 1969

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

Prayer by the Rev. Mr. Harold Shepard of Westbrook.

The members stood at attention during the playing of the National Anthem by the Westbrook Junior High School Band.

The journal of the previous session was read and approved.

**Papers from the Senate  
Reports of Committees**

**Ought Not to Pass**

Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Time for Teachers and Pupils for School Lunch" (S. P. 400) (L. D. 1351)

Came from the Senate read and accepted.

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

**Covered by Other Legislation**

Report of the Committee on Education on Bill "An Act Removing Public Law 874 Receipts from the Educational Computation Foundation Program" (S. P. 123) (L. D. 385) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft  
New Draft Printed**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing the State Contingent Account" (S. P. 119) (L. D. 381) reporting same in a new draft (S. P. 435) (L. D. 1454) under same title and that it "Ought to pass"

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

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

**Ought to Pass**

Report of the Committee on Education reporting "Ought to pass"

on Bill "An Act relating to Conferring Degrees by Husson College" (S. P. 417) (L. D. 1392)

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

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

**Messages and Documents**

The following Communication:

THE SENATE OF MAINE

Augusta

April 18, 1969

Honorable Bertha W. Johnson

Clerk of the House

104th Legislature

Augusta, Maine

Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act Exempting Sales to Certain Children Treatment Centers from the Sales Tax." (H. P. 182) (L. D. 221).

The President has appointed the following members of the Senate to the Committee of Conference:

Senators: LOGAN of York

DUNN of Oxford

MARTIN of Piscataquis

Respectfully,

(Signed) JERROLD SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

**Orders**

On motion of Mr. Lewin of Augusta, it was

ORDERED, that Dorothy Davis and John Leet of Augusta be appointed to serve as Honorary Pages for today.

Mr. Dennett of Kittery presented the following Joint Resolution and moved its adoption:

WHEREAS, on April 18, 1969, the State of Maine lost a valued civil servant and faithful friend in the death of Raymond O. Gidney, Jr., of East Vassalboro; and

WHEREAS, he served honorably, faithfully and with a deep sense of dedication as reporter in both the Legislative and Judicial

Branches of State Government; and

WHEREAS, through his unique ability and unrelenting drive the precise spoken word of nine Legislatures has been accurately recorded and preserved for posterity; and

WHEREAS, his untimely passing is a great and tragic loss to his family, his friends and the people of this State; now, therefore, be it

RESOLVED: That the members of the 104th Legislature now assembled tender their deepest sympathy to the bereaved family with assurances of sharing their personal loss; and be it further

RESOLVED: That in token of our lasting affection an engrossed copy of this Joint Resolution be immediately forwarded by the Secretary of State to Nora Ann MacDonald Gidney, wife of the deceased. (H. P. 1141)

The Joint Resolution was adopted and sent up for concurrence.

The SPEAKER: The Chair would request the membership to stand in a moment of silence in tribute to the memory of Raymond O. Gidney, Jr.

Thereupon, the Members stood for a moment of silence.

Mr. Lund of Augusta presented the following Joint Order and moved its passage:

Whereas, modern society is dependent upon efficient communication and modern communication rests largely in the hands of our office secretary; and

Whereas, the secretary has become more and more a key person in the operation of an office and has come to be depended upon not merely for a high level of technical skills in the operation of complex machines and in taking of shorthand, but also has been given responsibility for countless details; and

Whereas, the important role that secretaries play in the economic and governmental life of America has been recognized by establishing the last week in April as secretaries week; and

Whereas, the Governor of the State of Maine, Kenneth M. Curtis, has proclaimed the period from April 21st through April 25th as

SECRETARIES WEEK and Wednesday, April 23, 1969, as SECRETARIES DAY in the State of Maine and has urged that the citizens of Maine pay tribute to the secretaries of our State, and to their constant improvement of the secretarial profession which has made it truly a silent partner in American business; now, therefore, be it

ORDERED, the Senate concurring, that the Maine State Legislature recognize and pay tribute to secretaries everywhere and to the more than 24,500 members of the National Secretaries Association, the largest professional women's association, with chapters throughout the United States and Canada, and affiliate chapters in 11 foreign countries. (H. P. 1142)

The Joint Order received passage and was sent up for concurrence.

#### House Reports of Committees Ought Not to Pass

Mr. Trask from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act to Permit Nonstock Corporations to Engage in Consumer Credit Counseling" (H. P. 799) (L. D. 1039)

Mr. Chick from the Committee on Education reported same on Bill "An Act relating to Conveyance of Secondary Pupils" (H. P. 426) (L. D. 550)

Mr. Richardson from same Committee reported same on Bill "An Act relating to Interest on Ministerial and School Funds" (H. P. 982) (L. D. 1266)

Mr. Rideout from the Committee on State Government reported same on Bill "An Act relating to Legislative Ethics" (H. P. 909) (L. D. 1170)

Reports were read and accepted and sent up for concurrence.

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

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act relating to Maine National Life Insurance Company" (H. P. 851) (L. D. 1093) reported same in a new draft (H. P. 1139) (L. D. 1462) under same title and that it "Ought to pass"

Mrs. Kilroy from the Committee on Education on Bill "An Act Permitting the Maine School Building Authority Member from the Education Committee of the Legislature to Continue in Office until Replaced by a Qualified Successor" (H. P. 987) (L. D. 1271) reported same in a new draft (H. P. 1140) (L. D. 1463) under title of "An Act Pertaining to the Maine School Building Authority" 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. Curtis from the Committee on Claims reported "Ought to pass" on Resolve to Reimburse John P. Kennedy of Vassalboro for Loss of Sika Deer by Dogs (H. P. 801) (L. D. 1040)

Mrs. Kilroy from the Committee on Education reported same on Bill "An Act relating to Closing of Private or Parochial Schools" (H. P. 804) (L. D. 1043)

Mr. Cote from the Committee on Legal Affairs reported same on Bill "An Act relating to Elections in City of Biddeford" (H. P. 988) (L. D. 1272)

Same gentleman from same Committee reported same on Bill "An Act relating to Fiscal Year for City of Biddeford" (H. P. 997) (L. D. 1299)

Mr. Norris from same Committee reported same on Bill "An Act to Amend the Charter of the City of Ellsworth" (H. P. 941) (L. D. 1202)

Mr. D'Alfonso from the Committee on State Government reported same on Bill "An Act relating to Legislative Finance Office as Secretariat for Commission on Intergovernmental Relations" (H. P. 354) (L. D. 462)

Same gentleman from same Committee reported same on Bill "An Act relating to Reorganization and Revision of Public Rehabilitation Services" (H. P. 711) (L. D. 925)

Mr. Starbird from same Committee reported same on Bill "An Act to Allow Interstate Commerce of Rifles and Shotguns between

Contiguous States" (H. P. 1006) (L. D. 1308)

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

#### Ought to Pass with Committee Amendment

Mr. Trask from the Committee on Business Legislation on Bill "An Act Revising the Savings and Loan Laws" (H. P. 314) (L. D. 401) reported "Ought to pass" as amended by Committee Amendment "A" (H-217) submitted therewith.

Mr. Curtis from the Committee on Claims on Resolve to Reimburse George Burns of Cambridge for Well Damage by Highway Maintenance (H. P. 544) (L. D. 723) reported "Ought to pass" as amended by Committee Amendment "A" (H-218) submitted therewith.

Mrs. Cummings from the Committee on Education on Bill "An Act relating to the Education of Blind Children" (H. P. 321) (L. D. 408) reported "Ought to pass" as amended by Committee Amendment "A" (H-219) submitted therewith.

Mr. Richardson from same Committee on Bill "An Act relating to Military Leave of Absence of Teachers" (H. P. 626) (L. D. 814) reported "Ought to pass" as amended by Committee Amendment "A" (H-220) submitted therewith.

Mr. Lewin from the Committee on Veterans and Military Affairs on Bill "An Act relating to Burial of Honorably Discharged Veterans" (H. P. 501) (L. D. 655) reported "Ought to pass" as amended by Committee Amendment "A" (H-221) submitted therewith.

Mr. Shaw from same Committee on Bill "An Act relating to Renewals of Certain Occupational Licenses by Veterans" (H. P. 250) (L. D. 305) reported "Ought to pass" as amended by Committee Amendment "A" (H-222) submitted therewith.

Reports were read and accepted, the Bills read twice and the Resolve read once. Committee Amendment "A" to each was read by the Clerk and adopted,

and tomorrow assigned for third reading of the Bills and second reading of the Resolve.

#### Resolution Out of Order

From the Senate: The following Joint Resolution:

WHEREAS, the dominant issue of our day is the endless struggle for freedom in Southeast Asia; and WHEREAS, Willis G. Johnson, Jr., State House wire editor for the Associated Press, by choice is destined to continue his distinguished career in Vietnam, the center of such conflict; and

WHEREAS, his sensitive and gifted treatment of Maine affairs since May, 1966, have already well marked this courageous correspondent as a great credit to his profession; and

WHEREAS, it is deemed fitting and appropriate on the eve of his departure for the Legislature to recognize and pay tribute not only for his services as a journalist, but as a citizen of the world and a trusted friend; now, therefore, be it

RESOLVED: That the members of the Senate and House of Representatives of the 104th Legislature now assembled, extend to Press Representative Johnson their sincere thanks for a job well done and offer their heartiest good luck and Godspeed on his new assignment; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared and presented to Mr. Johnson as a token of our esteem. (S. P. 440)

Came from the Senate read and adopted.

In the House: The Joint Resolution was adopted in concurrence.

The SPEAKER: The gentleman is in the rear of the Hall of the House, and on behalf of the Members of this body, Mr. Johnson, we also wish you Godspeed and a safe return to this country. (Applause, the Members rising)

#### Divided Report

Majority Report of the Committee on Claims reporting "Ought to pass" on Resolve in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722)

Report was signed by the following members:

Mr. LOGAN of York  
—of the Senate.  
Messrs. SHELTRA of Biddeford  
CURTIS of Bowdoinham  
Mrs. LINCOLN of Bethel  
Mr. QUIMBY of Cambridge  
Mrs. MORGAN

of South Portland  
—of the House.

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

Report was signed by the following members:

Messrs. GORDON of Cumberland  
QUINN of Penobscot  
—of the Senate.

Messrs. CROTEAU of Brunswick  
MARQUIS of Lewiston  
—of the House.

Reports were read.

On motion of Mrs. Lincoln, of Bethel the Majority "Ought to pass" Report was accepted.

The Resolve was read once and tomorrow assigned for second reading.

#### Divided Report

Majority Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse Elmer L. Rogers of Berwick for Well Damage by Highway Construction (H. P. 719) (L. D. 937)

Report was signed by the following members:

Messrs. GORDON of Cumberland  
QUINN of Penobscot  
—of the Senate.

Mr. CURTIS of Bowdoinham  
Mrs. LINCOLN of Bethel  
Mr. QUIMBY of Cambridge  
Mrs. MORGAN

of South Portland  
Messrs. MARQUIS of Lewiston  
SHELTRA of Biddeford  
—of the House.

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

Report was signed by the following members:

Mr. LOGAN of York  
—of the Senate.

Mr. CROTEAU of Brunswick  
—of the House.

Reports were read.

On motion of Mrs. Lincoln of Bethel, the Reports and Resolve



it reads, — “It is the intent of this bill to permit, subject to the annual approval of the Commissioner of Education, the establishment of programs that will use both languages, English and non-English, in the teaching of the various school subjects in the primary grades. In communities where there is a large proportion of English-speaking people, the children, both native speakers of English and non-English speaking pupils, would spend approximately half the day studying academic subjects in English and the other half the day studying academic subjects in French.”

These children, regardless of their native language, would come out of our schools completely bilingual. Experience in Florida schools has shown that such a bilingual program has no deleterious effects upon the achievement of English-speaking children. In Florida, we have a group of people who speak Spanish. They are from another country that had to live under Communism. They had no previous opportunity to learn the English language. It is a different situation from what we have here in Maine.

And it states, such programs would improve the educational opportunities of non-English speaking children, make them literate in English and their native tongue and it proposes that this bilingual education be used in SAD 33 in Auburn and SAD 24, in Madawaska, in Fort Kent, in Biddeford, in Saco, in Old Orchard Beach, in Jackman and in Lewiston. I don't think we want to embark on bilingualism in this state. Canada has had experience with bilingualism and I don't think we want to go down that road. Our teaching language is English and I believe we ought to stay with it.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As was indicated earlier this is one of the documents that I sponsored to try to help in the first two grades of the youngsters that are five and six years old that are going to start school, and not

through any fault of their own, and all indications are not because of the faults of their parents, it was only by nature of their birth either in a foreign country and then having moved into this country, that it is impossible; and I repeat, it is impossible for these youngsters to communicate in any form, shape or manner with the teacher when there is no common understanding of either language by either the student or the teacher.

It is fair to assume that if I were to speak to this House this morning in other than the English language, a very small percentage of the group assembled here in the hall would be able to understand what I was saying. They might catch a word here and there but they would not in fairness understand what the discussion matter was all about. So we find our five-year-old and our six-year-old youngsters that are going to school, that their parents are not able to teach them the English language because by nature of birth in a foreign country or by virtue of being married and returning to this country they are unable to teach their youngsters, to teach the English language.

Now this would only provide for the teaching of other than English for grades one and two, in order to establish a line of communication between the teacher and the students. After the second grade they would revert back to the teaching of English as in all other classes.

I think that this is a very fair bill this morning, that in trying to help the youngsters by having a novel line of communication between the teacher and the students—it will be fair to assume that if a teacher speaks English and a youngster has had no more than half a dozen words of English, and speaks only Spanish or French or Greek or Italian or any other language, it will take relatively months and years before the teacher and his students are able to understand each other.

So how can you expect a youngster that is starting in elementary school to be able to learn anything if he can't understand the teacher



and the discussion matter that they are about to learn? So that is the principal reason for this document that is before you this morning, and I certainly hope that you will vote against the motion for the "Ought not to pass" Report.

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

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: Being an officer of the largest Franco-American society in the United States, I almost feel it a duty to express my feelings concerning this bill.

If someone is trying to give you the impression that the people of French descent in this country are trying to establish a segregationist movement, they are certainly in error. Just the society that I belong to alone has already spent over a million dollars for scholarships, for evening schools, for classes of every sort, trying to make of our people of Canadian or of French descent better American citizens. We try to impress upon them that learning the English language is even more important and more necessary than preserving their heritage and preserving the mother tongue. We really believe that these people in some regions are very severely handicapped by not being able to understand properly the English language in our schools. It is holding them back professionally, industrially and commercially.

I sincerely believe that it would be an injustice to deprive these people of going to a school and learning—yes, learning English, I will say, from the French; learning our American citizenship, learning the functioning of our government, of our industry, of our commerce. I think that it is one of the most important bills probably that will come up before this Legislature as far as these people are concerned and I sincerely hope that you will defend the bill.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think that probably many of you have read the large number of publica-

tions which have been coming out recently, talking about the importance towards school of the attitude that is formed in those first two years. I voted with the "ought to pass" because I feel strongly that the first two years of school that an attitude of discouragement, and of apathy, and of just not wanting to try, can certainly be strengthened by going to a school where you don't understand what is going on.

If in the two years that this bill allows, these students are taught in French, as well as having their recess and classes in English, they will certainly be able to cope with whatever subjects come up and that they have to learn when they get into the third grade.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I attended a bilingual school in the Town of Frenchville where I was born. There was not an English speaking person in the town until a U. S. Customs officer was appointed there. We learned from the French to the English in our first two or three grades and eventually we began to be able to understand and read the English language, about in our third year of school. We practiced the English language as much as possible and at the age of thirteen I entered the Madawaska Training School at Fort Kent and I was able to compete without losing any time at school, which if I hadn't attended the bilingual school I would have been a couple of years longer before I could have graduated from that school. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would certainly hope that no one gets the idea that the minority of the Committee was in favor of discrimination, but one of the factors which was pointed out was the fact that many of these youngsters are from second and third generation parents. We have many other areas in the State of Maine—Richmond down here has second gen-

eration Russians and yet the children are very fluent in their English. Most of the stone cutting communities along the coast of Maine had very heavy populations of Italians, of Portuguese and of Spanish origin; and yet, at the end of the first generation these people were integrated into the local schools and were taught with English.

This is my reason for voting against this bill and I certainly feel that it would be an injustice to these youngsters to continue to instruct them in French if they are going to live in a society which is using the English language.

I would like to pose a question to my good friend Mr. Waxman from Portland—if he would suggest that if we have several ethnic groups in a community, if we should teach school in several languages?

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

Mr. WAXMAN: Mr. Speaker and Members of the House: I think it would depend upon the percentage of population that is made up of each ethnic group.

I would just like to say one thing, as long as I am standing now. I think Mr. Richardson has talked about other ethnic groups which have more rapidly come to the English or are not bilingual. I think that this is a case of point, he has pointed out a special problem. I think it is reasonable to deal with a special problem, with a special piece of legislation, to help alleviate that problem.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: I see nothing in L. D. 551 prohibiting other languages being taught in the lower grades, and I think it is the most appropriate time to speak or to learn a foreign language, in the first, second or third years of a child going to school. So therefore I can't see any objection offered by any member of this House against this bill. It doesn't say that you have to teach French; you can teach Italian, Spanish or any

other language where you have a high concentration of people. So therefore I believe this is a good bill.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: With apologies to my good friend from Stonington, Mr. Richardson, I want you to know that the Richardsons are continuing their disagreement. I think that if you look into this and view it as some sort of separatist's plot you are missing the point. The question is whether or not young people coming into a school system can make the transition from one language to another in a meaningful way.

And it is for this reason that I am going to support what I view a bill to permit the school administration to make a curriculum decision with reference to the make-up of the student body in the first two years of their educational experience. I shall vote against the motion to accept the Minority "Ought not to pass" Report and vote in favor of the Majority "Ought to pass" Report.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Stonington, Mr. Richardson, that the House accept the Minority "Ought not to pass" Report on Bill "An Act Permitting Bilingual Education," House Paper 427, L. D. 551. If you are in favor of this motion you will vote yes; if you are opposed, you will vote no. The Chair opens the vote.

A vote of the House was taken. 45 having voted in the affirmative and 91 having voted in the negative, the motion did not prevail.

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

Committee Amendment "A" (H-223) was read by the Clerk and adopted and tomorrow assigned for third reading of the Bill.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating

to Location of Schools and Size of School Projects" (H. P. 683) (L. D. 882)

Report was signed by the following members:

Messrs. KATZ of Kennebec  
KELLAM of Cumberland  
—of the Senate  
Messrs. RICHARDSON  
—of Stonington  
ALLEN of Caribou  
WAXMAN of Portland  
Mrs. KILROY of Portland  
Mr. MILLETT of Dixmont  
—of the House.

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

Report was signed by the following members:

Mr. STUART of Cumberland  
—of the Senate.  
Mr. CHICK of Monmouth  
Mrs. CUMMINGS of Newport  
—of the House.

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. CHICK: Mr. Speaker, I hope that the motion to accept the Majority Report will not succeed. This bill simply changes—at the present time a municipality can take only 25 acres by eminent domain for school building purposes. When this bill was heard before the Committee we could find no evidence of any other municipality which had been hurt by this restriction. So all this bill is doing is removing the 25 acres, so that any municipality can take unlimited acreage for school purposes.

Now I don't think that is a good principle; I think 25 acres is enough. I think in this particular bill that they intimated that they might want to build another school in that vicinity some years in the future, and so they wanted to be able to take more acreage. I think that if they do build a school in a

few years in that area and want 25 acres more and need it for school purposes, then they should take the land at that time and not at this time have the authority to take unlimited acreage for school purposes.

As I said before, this is the only case that we could find where this has been a problem; so I don't think that this is good legislation and that's why I signed the Minority Report. I would ask for a division.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to point out to the House that a town can take any amount of land for a town dump, and it does seem as though that a school-house lot should not be restricted if we are not going to restrict a dump. A town can also take as much land as is needed for a sewage disposal plant, or an airport, or for any other purpose. So far as I know, this is the only thing that is limited under the present law.

I would further point out that before any land can be condemned in this manner, that the person from whom the land is being taken has recourse to the courts and that the courts, as the attorneys in the House well know, jealously protect the rights of the individual, and that the town would be most hard put to take any land which they could not in good conscience justify.

My good friend Mr. Chick pointed out that there are plans in the future to build another school on this location, and I believe that this was clearly pointed out to the Committee. Under the present law it has been indicated that if the plan is now to build a second school in the future, that this would be interpreted as to be all in one project; and therefore that no additional land in the future could be taken.

I would certainly hope that you would support the Majority "Ought to pass" Report on this bill.

The SPEAKER: The question before the House is on the motion of

the gentleman from Stonington, Mr. Richardson, that the Majority "Ought to pass" Report be accepted. A division has been requested. All those in favor of accepting the Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 77 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

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

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Repealing the City Manager Provisions in the Charter of the City of Hallowell" (H. P. 964) (L. D. 1244)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
CONLEY of Cumberland  
— of the Senate.  
Messrs. NORRIS of Brewer  
CUSHING of Bucksport  
Mrs. WHEELER of Portland  
Mr. SHAW of Chelsea  
Mrs. BAKER of Orrington  
— of the House.

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

Report was signed by the following members:

Mr. KELLAM of Cumberland  
— of the Senate.  
Messrs. COX of Bangor  
COTE of Lewiston  
— of the House.

Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Bill "An Act relating to Retirement of Chief Liquor Inspector" (H. P. 943) (L. D. 1204)

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset  
DUQUETTE of York  
— of the Senate.

Messrs. TEMPLE of Portland  
PRATT of Parsonsfield  
MARQUIS of Lewiston  
SHELTRA of Biddeford  
— of the House.

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

Report was signed by the following members:

Mr. HANSON of Kennebec  
— of the Senate.

Messrs. MEISNER  
of Dover-Foxcroft  
BARNES of Alton  
Mrs. LINCOLN of Bethel  
— of the House.

Reports were read.

(On motion of Mr. Dennett of Kittery, tabled pending acceptance of either Report and specially assigned for Thursday, April 24.)

#### Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (H. P. 355) (L. D. 463)

Report was signed by the following members:

Messrs. WYMAN of Washington  
LETOURNEAU of York  
— of the Senate.  
Messrs. DENNETT of Kittery  
DONAGHY of Lubec  
RIDEOUT of Manchester  
MARSTALLER

of Freeport  
— of the House.

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

Report was signed by the following members:

Mr. BELIVEAU of Oxford  
— of the Senate.

Miss WATSON of Bath  
Messrs. STARBIRD  
of Kingman Township  
D'ALFONSO of Portland  
— of the House.

Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report of the Committee.

Whereupon, on motion of Mr. Starbird of Kingman Township, tabled pending the motion of Mr. Dennett of Kittery to accept the Majority "Ought not to pass" Report and specially assigned for Thursday, April 24.

#### Divided Report

Report "A" of the Committee on Education reporting "Ought to pass" on Bill "An Act Requiring Childhood Education Programs for Five-year-olds" (H. P. 377) (L. D. 486)

Report was signed by the following members:

Messrs. KATZ of Kennebec  
STUART of Cumberland  
KELLAM of Cumberland  
— of the Senate.  
Messrs. MILLETT of Dixmont  
WAXMAN of Portland  
— of the House.

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

Report was signed by the following members:

Mrs. KILROY of Portland  
Messrs. RICHARDSON  
of Stonington  
ALLEN of Caribou  
CHICK of Monmouth  
Mrs. CUMMINGS of Newport  
— of the House.

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I move that the House accept Report "B" "Ought not to pass."

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House accept Report "B" or "Ought not to pass" Report.

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

Mr. MILLETT: Mr. Speaker and Members of the House: I feel that this is a good piece of legislation. It may be somewhat ill timed, realizing that in the title of the bill you see the word "Requiring". The intent of this bill is to make a uniform situation out of a present situation state-wide

in which ninety percent of the eligible kindergarten children are in programs in their own respective units. The other ten percent would be asked to conform by this legislation.

The timing is an issue as I see it. However, I would think that you would make your decision on the basis of whether or not you feel that the kindergarten programs, which do exist in nine out of ten of our municipalities, are providing a valuable service. If you feel this way I would hope that you would vote against the Report "B" acceptance and support Report "A". I do feel that this is basically a financial issue for those who are holding out and refusing to provide a program for five-year-olds.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think that no one would disagree with the gentleman from Dixmont, Mr. Millett, that these programs are very beneficial and certainly something that we would like to see every school put in; and I am glad to agree that there are more children going to these early classes than those that are not. But I think that the systems that do not have these programs, either for financial reasons or because it would mean that the young children would have to be transported great distances with long periods of time on busses in order to get to these programs, which are only half days; and I do not think that it should be mandatory, therefore, for some of these towns which have already made decisions not to have them, that they shouldn't be made to have them.

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

Mr. CAREY: Mr. Speaker and Members of the House: I certainly agree with the gentleman from Dixmont, Mr. Millett, on this program. We have it in the City of Waterville and it has proven quite beneficial to us in the City.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would hope that the House would not get the idea that the members of the Education Committee who signed the "Ought not to pass" Report are opposed to childhood education, because we are not; we are very definitely in favor of it.

It seemed to me that several things were pointed out which have not been brought out on the Floor of the House. Number one, there are not at the present time enough qualified teachers to add to the existing programs, with very excellent teachers, and I would point out that in these early childhood years that outstanding teachers are really needed.

I think the second big stumbling block to the five who signed the "Ought not to pass" Report is the fact that in many of these communities the space requirement is the one which prohibits the installation of an early childhood program. I am aware of one unit which is about to solve its problem by transporting the teacher rather than the pupils; and I think this is an excellent move.

As the number of towns in administrative districts grow, the number of pupils outside of kindergartens will decrease. So I do not feel at this time that this bill is necessary.

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

Mr. WAXMAN: Mr. Speaker and Members of the House: I would just rise briefly to rebut one remark of the gentleman from Stonington, Mr. Richardson. He said that there is a problem in that we do not have a sufficient number of kindergarten teachers and if this bill would pass in essence it would compound the problem. I think it should be pointed out that this bill will not take effect until July 1, 1971. I personally can't make any guarantees as to our picture with regard to teachers at that particular time. But it is over two years away, and I would think that we would be in a fair position to attract qualified teachers for these youngsters.

I will also just add that early childhood education is beginning

to evolve as a very important area for concentration in that it affects the ability of the child to learn later on in school and in essence it could affect his ability to be employed later on in life.

I would hope that the Members of this House would reject Report "B" and pass favorably on Committee Report "A".

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I wish that I had the confidence that Mr. Waxman expresses, that we would be able to turn out as many kindergarten teachers, so to speak, as he is referring to. But I think that the young lady who is in charge of the program at the University of Maine would disagree with him that we are turning out that many kindergarten teachers. I also think that a good many of the school systems, which do not have kindergarten at the present time, are located in areas where it is almost impossible to attract the young, vivacious teacher who is graduating from the University of Maine at the present time in this program. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: The main question here is how important is kindergarten? Now I did a great deal of my graduate work in this area of kindergarten. I attended five institutions of higher learning to find all the information I could on the values of kindergarten. I was rather surprised and as I think some of you will be surprised that of all the studies that have been made in this area it has been discovered that beyond the third grade you are unable to determine whether a youngster has had kindergarten or not. That is, if you were to go into any school above the third grade and test those youngsters you could not separate those who had kindergarten from those who had not. Now that may sound as if I was much opposed to kindergarten. I definitely am not. I think kindergartens are very important. I hope

the time will come when every youngster of the age of five in Maine will be attending a kindergarten, but you will note in the statement of facts that ninety percent of our children are already attending kindergarten. There must be some very good reasons and I know that there are good reasons why that other ten percent are not attending kindergarten.

Personally, I object strenuously to the State telling any town, "you must have a kindergarten."

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to take much time on this but I would like to make a few statements. I recall the other day listening to a very eloquent presentation by my friend, Mr. Kelley, over here on my right relative to the Department of Education and its number system. I am wondering if we are not dealing with five-year-olds as pieces of machinery and numbers and not as individuals. In my area we have a district so large that even a lot of the children now that are hauled to school have to start before six o'clock in the morning.

Now it seems to me that if we make it mandatory that the children of five must all go and attend kindergarten, there are going to be a good many mothers that are going to look with misgivings on sending their child from some of our rural areas off on a bus by himself or herself at a quarter of six in the morning, whether it is a half day or not. Now as my friend Representative Porter just stated, for a lot of areas it is a wonderful thing in two ways; one, possibly the working mother has an opportunity to go to work and her child is managed for half a day; secondly, in a lot of areas the kindergarten is preparing the child for the first grade. All well and good, but just because something works in a lot of urban areas doesn't mean that it is going to work everywhere, and I strenuously object to the State telling everyone and every mother, that your child

must go to school at five years old. I certainly would support "ought not to pass."

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Stonington, Mr. Richardson, that the House accept Report "B" "Ought not to pass." All in favor of that motion will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 99 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Divided Report

Report "A" of the Committee on Education reporting "Ought to pass" on Bill "An Act Repealing Provision for Student Tuition in Coordination of Public Higher Education" (H. P. 408) (L. D. 519)

Report was signed by the following members:

Mr. KELLAM of Cumberland  
— of the Senate.  
Mrs. CUMMINGS of Newport  
Messrs. WAXMAN of Portland  
CHICK of Monmouth  
MILLETT of Dixmont  
— of the House.

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

Report was signed by the following members:

Messrs. STUART of Cumberland  
KATZ of Kennebec  
— of the Senate.  
Mrs. KILROY of Portland  
Messrs. RICHARDSON  
of Stonington  
ALLEN of Caribou  
— of the House.

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would suggest that we accept Report "B" "Ought not to pass."

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House accept the Report "B" "Ought not to pass."

The Chair recognizes the gentleman from Lubeck, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I find no great pleasure in opposing my friend, the gentleman from Stonington, Mr. Richardson. However, I wish to speak briefly opposing his motion to accept Report "B". This bill is simply a deletion from the Statutes that established the greater university and gives the trustees the discretion which they want and deserve. This bill will add strength and freedom of choice to the harassed trustees of the Super University and at the same time provide an opportunity to tap a source of revenue that is presently beyond their reach.

As a matter of history, I have ascertained that this particular little gem which I am asking to have deleted was written into the special laws of 1967 as a compromise so that the Super University would not die aborning. Circumstances and needs change very rapidly these days and no promises need be broken, no consciences need be sullied, because I have assurance from the person who is primarily involved that he can see no good reason why non-resident students at least shouldn't be going to college at the expense of someone other than the taxpayers of the State of Maine. You will note in my bill I am not asking for any specific change, only that the shackles be removed so that the Trustees of the University can set tuition fees at all institutions under their jurisdiction in any amount which they in their good judgment deem appropriate.

My source material indicates that the taxpayers of Maine are subsidizing in-state students at the rate of better than \$2000 a year per student. Since the in-state tuition is \$400, this means an actual cost of \$2400 per student. It follows that at this rate a non-resident student who pays tuition of \$1000 a year is being subsidized by Maine taxpayers in the amount of \$1400. There are a total of 1375 non-resident students at the University of Maine, so no matter how you slice it the good people of Maine are paying close to \$2,000,000 at the University of Maine for the privilege of edu-

cating the sons and daughters of neighboring states, and in most cases so they can go back there to boost the economies of their home states. All this does not take into consideration the plant that is needed to provide this bonanza for non-residents. How charitable can we afford to be? How generous do the trustees want to be? Actually there were no opponents at the public hearing on this bill, but in addition to myself I was pleased to have as fellow proponents the Assistant Chancellor, a former Governor of Maine and a long-time trustee of the University, the President of Gorham State College and the Assistant Secretary of State from Farmington.

I ask that you, ladies and gentlemen of the House, now join with me to oppose the motion before the House and when the vote is taken I would ask for a division.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I dislike arising to oppose my very good friend, Mr. Donaghy, but those of you who were in the House two years ago realize that we made a commitment to students for a period of four years. This was one of the offers which was made by the sponsors of the bill in order to win the support of the State colleges and in order to win the support of some legislators. Out of a sense of respect for the new Chancellor, I withdrew two bills which perhaps were detrimental to the University in the opinion of some people in this House but which would have been exceptionally beneficial to the University system in the opinion of others in this House.

I would point out to my good friend, Mr. Donaghy, that the Trustees never voted on this bill, and this was pointed out by Mr. Haskell, a member of the Board of Trustees who was there. The Chancellor since the bill was heard has talked with me on the 'phone and feels that if a commitment was made two years ago that that commitment should be maintained, and I am absolutely sincere in my be-



lief that a commitment was made and I think that those who were in the House two years ago will agree with me. I would certainly hope that we would not say to a group of students—"you cannot trust us." Thank you.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I was not a member of the last legislature so I am not acquainted with the commitments that were made at that time. However, I do feel that it is important that the House know what is involved in dollars in this decision. I say that the State of Maine is currently over-subsidizing for the two-year period almost a million and a half dollars in the area of the State colleges, so-called, within the Super University system.

Now a statement of this sort certainly has to be justified and I have done very careful research in this area, and I have used the only acceptable standard of judgment that I am aware of; namely the national average of tuition and fees at four-year, public educational institutions throughout the United States, and that figure currently is \$339. If you apply that to the enrollment in the colleges mentioned, you will come up with a two-year figure of \$1,400,000 in round numbers.

I would suggest that as we approach a time when the total educational costs involved in providing quality education in the State of Maine is going to become increasingly a problem, we cannot afford to leave this artificial straight-jacket on the Board of Trustees of the Super University system. In the last analysis, decisions in this area properly belong to the Board of Trustees and I feel that the quality represented on the Board of Trustees, they can be safely trusted with this task, and I feel it would be unwise to continue this artificial requirement of maintaining a relationship in fee structure that is clearly outmoded. And I think that we should be very mindful of the large sum of money that is here represented. I would very strongly

urge the acceptance of the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Members of the House: This bill brings back some rather unpleasant memories of last year. Those of you who were here last year will remember that my good friend, Mr. Richardson from Stonington, and I were the ones that led the fight against the Super University. However, the Legislature did buy the Super University. The editorialists wrote glowing reports about what could happen with the Super University, and now I am supporting thoroughly and completely the university system. However, we did make a commitment last year and we made it for two reasons. My friend, Mr. Richardson mentioned one; in order to get votes to pass the thing we had to do that. But there was another very good reason. There is a shortage of teachers in our State and probably will be for some time, and the thinking back of this amendment that came in last year was that we better make it as easy as possible for those people to get an education so they can become teachers in our State. Therefore, we made that commitment, we made it in good faith. I think we should keep that commitment.

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

Mr. CHICK: Mr. Speaker and Members of the House: I rise to support the "Ought to pass" Report. I wasn't a member of the Legislature last year so I don't feel that I made any commitment and I just don't think it is good business to not allow the Trustees to set the rate of tuition. And they can change the tuition now but it has to be on the same percentage basis between all the institutions, and I can see a situation that might arise that in one or two institutions they might feel that they had to raise the tuition but not raise it in all. So I think it just makes good business to leave the rate of tuition in the hands of the Trustees and for that reason I signed the "Ought to pass" Report, and I

hope that the House will not accept the "Ought not to pass" Report.

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

Mr. WAXMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise briefly to concur with the sentiments of Mr. Donaghy. It seems to me unreasonable that Maine youngsters should be paying two, three and four times as much for tuition when they attend a college out of state, a state university or a state college, as our out-of-state students when they attend the State college here in Maine. This is the only reason I supported the "Ought to pass" Report and it seems to me we ought to have enough confidence in our Trustees to allow their judgment to take hold in this particular case and do what they think is best.

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

Mr. MILLETT: Mr. Speaker and Members of the House: I heartily agree with the previous two speakers in the sense that I feel that this responsibility for adjustments in tuition and room and board rates should properly lie with the Board of Trustees. I think many of you have already heard that the new Board is seeking to use uniform standards of cost estimates for their budgeting purposes throughout the nine various institutions making up the so-called Super University. I would also point out that as the gentleman from Lincoln, Mr. Porter indicated, our goals may be to provide for an answer to our shortage of teachers by allowing them to go to our five teachers' colleges. However, we and no one, we in the House or no one anywhere in the state has any control over those graduates remaining in Maine. We currently have a situation where eighty per cent or more of our graduates from the public institutions are leaving the state. Therefore, I feel that we are really overlooking our own duties if we fail to allow the Trustees to assume the responsibility which is properly theirs and allow them to make the adjustments on a basis of costs and needs.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would point out to my very good friend Mr. Millett, that this bill does not affect the room and board, that this can be taken care of at the present time. I would also point out that one of the big selling arguments to the special session, the one-month special session of the Legislature in 1968, was that this was going to be less expensive, that the university system could be run more efficiently for the same amount of money or not very much difference. Many of us were staggered when we saw the budget this winter although I had predicted that the budget would be a marked increase. I think perhaps we have all seen that the Trustees recommended a \$39,000,000 capital expense budget and the Chancellor now tells us that we should approve of a \$7,500,000 capital expense budget.

This provision in the law would expire in the 1971-1972 year and I feel that we have made a commitment and I would certainly hope that this House would go along with its commitment. Thank you.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I simply rise again to say that many of you folks are parents and some of you as parents were sort of astounded when the Governor spoke of giving free tuition at our colleges. I wonder how many of you realize that in our state teachers colleges today the tuition for resident students is actually only \$100. This is pretty close to being free tuition. I am not against this, and it is true that these schools are set up in order to provide teachers for our own state.

However, I wonder how many of the youngsters that are coming in from out of state and at a tuition of \$200 — now when I spoke first I spoke of the tuition at the University of Maine, but at our state teachers colleges this out of state tuition is only \$200. In other words, these youngsters can come

in here from out of state and for a tuition fee of \$800 get a Bachelors Degree and go back to their home state of Connecticut, New Hampshire, Massachusetts, anywhere, and increase the economy of their state at the expense of the folks here in Maine.

Over in New Hampshire they knew enough to keep the liquor prices down so that they will get some business from the State of Maine, but by the same token they keep the tuition fees up. In their state teachers colleges what we are charging \$200 for is in the neighborhood of \$800.

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Richardson, that the House accept Report "B" "Ought not to pass" on Bill "An Act Repealing Provision for Student Tuition in Co-ordination of Public Higher Education," House Paper 408, L. D. 519. If you are in favor of that motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

33 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

Thereupon, Report "A" "Ought to pass" was accepted, the Bill read twice and tomorrow assigned for third reading.

#### Divided Report

Report "A" of the Committee on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (H. P. 357) (L. D. 465)

Report was signed by the following members:

Messrs. LETOURNEAU of York  
BELIVEAU of Oxford

— of the Senate.

Miss WATSON of Bath

Messrs. STARBIRD

of Kingman Township

D'ALFONSO of Portland

— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Mr. WYMAN of Washington  
— of the Senate.

Messrs. DENNETT of Kittery  
MARSTALLER

of Freeport

DONAGHY of Lubec

RIDEOUT of Manchester

— of the House.

Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of Report "B," the "Ought not to pass" Report of the committee.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion made by the gentleman from Kittery, Mr. Dennett.

My primary purpose in presenting L. D. 465 was to strengthen the role of the Governor. The need for a strong chief executive has long been recognized in American business and in our national government; yet due to weaknesses which can be traced back to Colonial days, we have made our governors chief executives in name only and not in fact. The Committee on Economic Development, which made a study called "Modernizing State Government" reported that only six states give their governors the means for exercising administrative authority commensurate with their responsibility to execute the laws.

Effective coordination of administrative activities is impossible unless the Governor has the power to appoint, control, and remove all major department heads. In the State of Maine there are four department heads whom he has no authority to appoint and the rest of the major department heads are appointed by him only with the advice and consent of the Council. Independent officials often have political ambitions of their own and therefore come in conflict with the Governor rather than work in harmony with him toward common goals. A member of what might be called the Governor's "Cabinet" should have basically the same philosophy of government as the chief executive.

It is becoming increasingly evident that there is no one individual who can be held accountable for the conduct of state government. All administrative agency heads should be directly responsible to the Governor, who, as the only state official elected by all the people, should in turn be answerable to the citizens of the state.

The appointment of the Secretary of State by the Governor is only one step, which along with appointment of the Attorney General by the Governor, abolition of the Executive Council, executive reorganization power, the item veto, and concurrent terms for department heads, would help give the Chief Executive the tools with which to deal efficiently and effectively with the complex and varied problems which face modern day state government.

I would therefore hope that this Legislature will allow those reform measures which require Constitutional amendments to be voted upon by the citizens of the State of Maine.

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

Mr. RIDEOUT: Mr. Speaker, when the vote is taken I request it be taken by the yeas and nays.

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

Mr. DENNETT: Mr. Speaker and Members of the House: In support of my motion, I would first like to point out that this measure has been a perennial. I don't think that I can remember a session of the Legislature, and that goes back a few sessions, that a bill of this type was not introduced into these legislative halls. It has been consistently defeated.

Now having a strong Governor may be fine, but I think that a strong Legislature is also fine, and I would not under any circumstances like to see this body abdicate its powers and its privileges. Long has this body and the other, in joint session, controlled the election of the Secretary of State. The Secretary of State serves all the people as the Governor serves all the people, as the Legislature serves all the people.

Over a great period of years this has worked out very well, and there has been no interference from the Executive with this department of government, and neither can I see where the Legislature has ever offered any great interference. I hope this morning you will go along with my motion to accept Report "B" the "ought not to pass" report of the Committee.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion of the gentleman from Kittery, Mr. Dennett, and I would remind the members of the House that the House and Senate that is our Legislature, enjoys a close relationship with the Secretary of State's office, that there are many instances where his duties are tied very closely to the legislative process, and I see no good reason to change this historic alliance that has proven to work very very nicely.

I would also like to point out, since the gentle lady from Bath, Miss Watson, brought this subject up, that our recent political history show us, in essence, where a Secretary of State was a full-time candidate for Governor. I don't think that we operate under that limitation at the present time. I believe that the present situation is a good one, is one that should continue, and we, the members of the Legislature, should retain this relationship.

I do want to point out that I personally support making the terms of major department heads coterminous with that of the Governor, and I also support, as do other members of leadership, realignment of the responsibilities and duties of the Executive Council. We are talking here about the Secretary of State and nothing else. And I say we should maintain this system which has operated so well for so long.

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

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

House: First you have heard the speaker that was the sponsor of this document this morning, who made some very eloquent remarks, and then you heard the gentleman from Kittery, Mr. Dennett, in opposition to supporting legislation of this nature. All this, as has been indicated, has been before the Legislature a good many sessions, and somehow or other there is very little lines between the Legislature and the Secretary of State, but only five or six months every other year.

Now granted there is no conflict in the Secretary of State's office as far as we are concerned, and there is most likely no conflict between the Chief Executive and the Secretary of State as it is in the office now, but we certainly think that there could be, and there should be, a closer unification of the operation of state government.

If we are going to strengthen the legislative branch of our government, all well and good. If this system is so good as to the Secretary of State and a few other Constitutional offices, then the Legislature, in order to strengthen themselves, we should take the ultimate position of appointing all the department heads in state government. But that is not what we are faced with this morning. Granted there is no conflict of interest between the Legislature and the Secretary of State, but we think there would be a closer and a more unified and control of operation if the Secretary of State was either elected by the general public, or was appointed to serve one master and not 185 masters.

So for these reasons you will find that most of the Secretaries of State of our country are either under the direct supervision and accountable to the Governor, or the Chief Executive or are accountable to the general public, by having to run for office. So this is one of the reasons that we think that this type of reform should be reverted back to the general public and find out what their reactions are, whether the Secretary of State is a person who should be elected by the general public, or whether he should be under the direct and

immediate supervision of the Chief Executive, to make it a better working form of government. And then, by the same token, we could also take the necessary steps to make sure that we strengthen our own hand as a legislative group.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report "B" the "Ought not to pass" Report. 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 Kittery, Mr. Dennett, that the House accept Report "B," the "Ought not to pass" Report on item 30, Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor, House Paper 357, L. D. 465. If you are in favor of accepting Report "B" you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Foster, Good, Hall, Hanson, Hardy, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jameson, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

NAY — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Cottrell, Couture, Cox, Croteau, D'Alfonso, Dam, Danton, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Heselton, Hunter, Jalbert, Jutras, Kelleher, Keyte, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McTeague, Mills, Mitchell, Morgan, N a d e a u, Ouellette, Rocheleau, Sheltra, Starbird, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT — Chandler, Crommett, Curran, Drigotas, Gilbert, Harri-man, Haskell, Kilroy, McKinnon, Moreshead, Richardson, G. A.; Santoro.

Yes, 79; No, 58; Absent, 12.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-eight in the negative, the motion does prevail.

Sent up for concurrence.

### Third Reader Amended

Bill "An Act relating to Solicitation of Eye Services and Appliances" (S. P. 265) (L. D. 869)

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

Mr. Soulas of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-200) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence. (Later Reconsidered)

### Passed to Be Engrossed

Bill "An Act Increasing Borrowing Capacity of School Administrative District No. 14" (S. P. 309) (L. D. 1027)

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

### Third Reader Indefinitely Postponed

Bill "An Act to Create a School Administrative District in the Town of Jay" (H. P. 428) (L. D. 552)

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

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

Mr. CHICK: Mr. Speaker, I move this bill be indefinitely postponed, and I would speak to my motion.

The SPEAKER: The gentleman from Monmouth, Mr. Chick, moves that item 3, L. D. 552, be indefinitely postponed. The gentleman may proceed.

Mr. CHICK: Mr. Speaker and Members of the House: I'd like to point out to the members that the Town of Jay in 1968 made a mill effort of .0158 toward their schools. Now of the 470 municipalities in the state, I don't believe there was over a half dozen, at the most, that made as less an effort to education as the Town of Jay.

Just for the record, I am not going to list many municipalities, but I would like to list just a few in the vicinity of Jay. SAD 9, Farmington, makes a mill effort of 60 as against 15.8 of Jay; Dixfield, 36 mills plus; Livermore, 43.6; Turner, 57.4.

Now, if the Town of Jay wants to get in an SAD District, they could combine with one of the surrounding towns and join a SAD with them, but I think the testimony here last Friday was that they did not want to share their big paper mill, the tax money they recovered from the big paper mill with the surrounding towns, and I don't blame them for that, if they want to operate their own schools under their own setup, but I don't think they should be permitted to form a SAD.

It was pointed out at the committee for instance, that the—I think it was about one third of the employees at the big paper mill come from the Town of Jay, the rest of them come from surrounding towns, and I would like to call the attention of the House to the fact that they wouldn't have the paper mill in the Town of Jay if it wasn't for the help they secured from the surrounding towns, and yet they want to keep all of the tax money in the Town of Jay, and the surrounding towns have a problem of educating the pupils from, as I

say, about two thirds of the employees of the mill.

Now, if the Town of Jay — I think they have a right not to join a SAD if they want to, but I don't believe that the taxpayers of the state should be paying ten percent bonus for SAD if they want to form a district plus subsidizing the building program in the Town of Jay when they are making such a small tax effort, and I would like to make it clear that this small tax effort they're making for education is not on account of their not being interested in education in that community but due to the very favorable tax base that they have from the paper mill. So I hope that the House will join me in indefinitely postponing this bill.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: This matter was very thoroughly debated last Friday, and I appreciate the support that was given to me at that time.

As I pointed out, the only reason for this bill was so that Jay wouldn't be forced into a district which they didn't want to join. I would hope that the House would stand firm in their decision last Friday until the compulsory district bill arises on the Floor of the House and we have a chance to debate that.

What Mr. Chick said about the Town of Jay receiving construction aid and so forth, I am well aware of, and so far as the Town of Jay is concerned, they will be satisfied if they didn't receive this construction aid.

So I would hope that the House would stand with me and not vote to indefinitely postpone this bill. Thank you.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I dislike very much having to speak against the gentleman from Wilton. I did feel at the time we discussed this issue last Friday that a good deal of his vote was definitely vote with respect to his opinion and to him as a

gentleman. At the same time I felt that another segment of that vote was vote in opposition to the State Department of Education.

I don't propose to stand here and defend their purposes or defend the purposes of the Sinclair Law. However, I would hope that all of you, acting in good conscience, could support legislation only when its intent is very positive.

I see this piece of legislation as a bill with a very negative intent, a bill which would seek to allow legislative approval for a situation which the people of Jay really do not want. They are asking for this special consideration only out of fear that they might eventually be forced into something which they basically are in opposition to.

Now the Committee on Education has this matter in committee, which started out as a mandatory district bill. It's in substantially different form at this time. We have given it a great deal of thought and have delayed reporting it out until we felt that we had something which could be acceptable.

It's beginning to get to a point, in my own mind, where I feel that I probably will not be able to support any kind of legislation that would force against any municipality's will, that individual town, to become part of a SAD. I really feel that the purpose of this bill is only to allow for special consideration for a situation which the people of Jay really do not want, and not only does it have the negative overtones but has the very definite positive financial overtones referred to earlier by Mr. Chick.

It seems to me wherein in our present law, our foundation program law, concludes with this phrase: that the state will participate rendering greater financial assistance to the less able administrative units. That phrase in itself is sufficient, in my mind, to convince me that the state, in our present financial situation, certainly does not want to enter into a situation whereby they would be allowing for a greater rendering of financial assistance to a unit which, regardless of its situation,

is certainly not in great need of it.

I would hope you would vote with the motion of Mr. Chick to indefinitely postpone this measure, and I would hope that we could settle this issue right here.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I'd like to clarify one statement that has just been made that the people of Jay are in favor of Mr. Scott's bill, they're not opposed to the bill on the reasoning just given, and I definitely feel, as I stated the other morning, that when we vote on this bill we are voting on the supposition of whether or not the State Department of Education will be ruling what our individual towns will do or whether the individual towns and the citizens of those towns shall have the right to make their own decisions.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: This proposition is quite interesting to me coming from Eastport. We have had this same situation down there where the state auditor, I am told the other day, came in and snowed in the people in the small areas to go SAD. Eastport at that time was waiting for another development and didn't vote that way. Since the mandate was passed by vote of the people Eastport has made four applications for a SAD district, and have been turned down each time. I think it's about time we let some of our small places make their own decisions under home rule.

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 think that at this particular time, on this particular bill, it would be appropriate to attack the whole concept behind school administrative districts; neither do I think it's appropriate to attack the Department of Education as being arbitrary and unfair. If this is your viewpoint,

then you're certainly entitled to have that opinion. But the proposition before us today is simply can this Legislature condone, by endorsing this bill, the type of low school effort being made by Jay, and not only condone it but give a 10% bonus to that community which would in essence encourage it.

I would just echo the sentiments of Mr. Chick in pointing out that the Town of Jay has the lowest effective mill rate — that's on equalized basis throughout Franklin County, of any community except for Sandy River Plantation. Avon is making a 46 mill effort, Carthage 48, Chesterville 56, Kingfield 55, Farmington 54, Phillips 67, these are just a few, while Jay is making effective mill rate effort of 22.

Now I just don't think this Legislature can endorse this type of lax effort when it comes to educating the youngsters in the State of Maine. I'd also point out that the idea behind the SAD, as I understand it, was that towns would join together, and that no town would become a single SAD unless it were geographically isolated. Well this certainly isn't the case in Jay.

Finally I would point out that, it seems to me, we've all overlooked the question of educating the children of Jay in this debate this morning. It seems to me you have to answer in your own mind the question, will we be improving the educational facility, improving the quality of education in Jay, if we pass favorably upon this bill, or will we be discouraging it, and in essence causing the children of that particular municipality to be short-changed educationally? I think we would, and I would hope that you would vote favorably upon the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: Again I rise for the clarification of statements. Several times you've heard reference made to the effort of the Town of Jay towards its education. I'd like to point out that the Town of Jay at the present



time is paying over 70% of the county taxes in Franklin County, which I think is really a high proportion, and I feel we should give consideration to these people down there; their educational facilities are probably the finest in the county, and it's a known fact that the teachers in the other districts in the county and outside the county are striving to get into this educational complex that Jay presently has.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I certainly don't want to get too involved in the committee reports as far as school administrative districts, but I must point this out to you ladies and gentlemen of the House here, that if we should not mandate the school administrative district, and if it's the feeling of this House that we should allow Jay to become a school administrative district, then by all means we should do it for all the other communities that are not in school administrative districts by admitting them into a school administrative district with other communities, or singly as is being done to Jay. Because, certainly, if you are going to allow Jay to become a school administrative district by itself, and with the favorable tax rate that they presently have, completely ignoring all the other communities that are in school unions by themselves, certainly would appreciate also being in a school administrative district and receiving the same favorable 10%.

So if this House is against the mandating of the school district, and they feel that they could support the school administrative district of Jay, they should also do it for all the other communities that are not in school districts. So I hope that the motion of the gentleman from Monmouth, Mr. Chick, will receive favorably passage this morning.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House:

Along the same line that my very good friend from Madawaska, Mr. Levesque, took, I would point out to the House that if we are about to advocate the formation of single town districts in the State of Maine, we had certainly better consider a major monetary addition to the subsidy fund of the State of Maine, because the construction fund and the additional 10% bonus will make a major difference in the amount of money to be spent.

I would certainly hope that the House would go along with the motion of the gentleman from Monmouth, Mr. Chick, in indefinitely postponing this bill.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would mention to the gentleman from Stonington, Mr. Richardson, that last year the Department of Education approached the City of Waterville, through its Board of Education, to form a single school district, and at that time the Board of Education, through its wisdom, saw fit to maintain their problems at the local level and try to keep some control of their education.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I think there is some justification when you have thousands in a school system, such as Waterville has, for the formation of a single town district. We have a bill in here for the City of Portland which has thousands in the school district, and I can certainly see the validity of this argument. On the basis of a few hundred youngsters, I cannot, under any circumstances, see the justification for this type of legislation unless a community is isolated, and this community is surrounded by other communities.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Monmouth, Mr. Chick, that item 3, L. D. 552,

Bill "An Act to Create a School Administrative District in the Town of Jay" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed, you will vote no. The Chair opens the vote.

A vote of the House was taken. 85 having voted in the affirmative and 44 having voted in the negative, the motion to indefinitely postpone did prevail.

Sent up for concurrence.

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

Mr. MILLETT: Mr. Speaker, would I be in order to move the rules be suspended for the purpose of reconsidering an article already discussed here this morning?

The SPEAKER: In what reference does the gentleman refer to?

Mr. MILLETT: I would like to offer an amendment to a bill, Item 1, L. D. 869, which has previously been passed to be engrossed as amended by House Amendment "A".

The SPEAKER: The Chair would advise the gentleman that his proper motion would be to reconsider our action whereby this bill was passed to be engrossed.

Mr. MILLETT: I so move.

The SPEAKER: The gentleman from Dixmont, Mr. Millett, moves that the House reconsider its action whereby item one under Third Readers, Bill "An Act Relating to Solicitation of Eye Services and Appliances," Senate Paper 265, L. D. 869, was passed to be engrossed as amended.

Mr. Soulas of Bangor requested a vote on the motion.

The SPEAKER: A vote has been requested on the motion to reconsider. The gentleman from Dixmont, Mr. Millett, may proceed if he wishes to debate his motion. The gentleman may proceed.

Mr. MILLETT: Mr. Speaker and Members of the House: I would like to offer an amendment, House Amendment "B", which would clear up the language in terms of under what particular situation or

circumstances advertising could be presented on behalf of opticians, and I would hope that you would see fit to suspend the rules for purpose of reconsideration so that I can give this proper introduction.

The SPEAKER: The pending motion is the motion of the gentleman from Dixmont, Mr. Millett, that the House reconsider its action whereby item 1, L. D. 869, was passed to be engrossed as amended. A vote has been requested. All in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 89 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is engrossment of this bill.

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

Mr. MILLETT: Mr. Speaker, I now offer House Amendment "B" to L. D. 869 as amended under filing number H-224, move its adoption, and would speak briefly to the amendment.

The SPEAKER: The gentleman from Dixmont, Mr. Millett, offers House Amendment "B" and moves its adoption.

House Amendment "B" was read by the Clerk.

The SPEAKER: The gentleman may continue.

Mr. MILLETT: Mr. Speaker and Members of the House: This bill causes me a great deal of concern, and my amendment would take care of this concern. The bill, as presently worded, in effect prevents opticians, who are not professional men but are craftsmen, as was brought out here last week, from having the right to advertise. This right to advertise is part of our free enterprise.

Certainly advertising alone cannot affect the public health as was brought out in the article as printed. This bill does not prevent opticians from doing anything but advertising. Under our present law, opticians cannot sell glasses without a prescription. Neither can opticians associate themselves with optometrists, as this kind of con-

duct would be sufficient cause to revoke an optometrist's license.

Therefore, if the evil of this situation is in the type of advertising, then this amendment should remedy that situation. If optometrists wish to engage in the business of selling glasses as well as examining eyes, then let them compete like any other business.

Without this amendment, I see the bill as being somewhat discriminatory and unwarranted. I urge you to support the amendment, House Amendment "B".

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: Once again I rise to support the action of my committee and those other 91 Representatives who favored the bill last Friday.

This amendment, as written, changes the entire bill. It eliminates the words "visual services." This is what the bill was written for in the first place. What other services are provided for by the optometrists or the opticians? If they do not perform these services, then how could they be tried for fraudulent practices? It's like saying to a teacher, you can teach but not in a school. This is a deliberate attempt to destroy this bill. Both the optometrists and all the opticians but one agree this is a bad amendment.

This amendment further changes the entire bill. Not only does it affect the entire concept of advertising, but it eliminates the average working man, or woman, or child, from buying ordinary glasses, such as sunglasses, industrial eye glasses used in his or her work, etcetera.

If you would check your L. D. 869, the entire bottom section has been eliminated, and for the purpose of time I won't read it. So you can see instead of helping the small and average person, this amendment is so restrictive that you must go to an optometrist or an optician to buy magnifying lenses, welders' goggles, safety glasses, sun glasses, etcetera. You can well imagine what they would cost you to buy if only a small monop-

oly were selling them. For these reasons I move the indefinite postponement of House Amendment "B" and when the vote is taken I request a division.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, now moves the indefinite postponement of House Amendment "B".

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

Mr. MARQUIS: Mr. Speaker and Ladies and Gentlemen of the House: Over the weekend I received a call from an optician in Lewiston who has been in business for fifty years this year. He informed me that this piece of legislation would undoubtedly put him out of business.

Under this bill he cannot even advertise in the yellow pages of the telephone directory. He is not a professional man; he only sells glasses by prescription. He also does a great deal of repair work such as broken frames, adjustments, and etcetera. If the general public is not informed of the repair service he offers, they would be forced to go to an optometrist. The optometrist would send the glasses to an optician to be repaired. When that happens both the optometrist and the optician would be making a charge.

Without the amendment, this bill seems to be only in the interest of the optometrist and completely ignores the public. I hope you will vote in favor of House Amendment "B".

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Bangor, Mr. Soulas, that House Amendment "B" to Bill "An Act relating to Solicitation of Eye Services and Appliances," Senate Paper 265, L. D. 869 be indefinitely postponed. If you are in favor of House Amendment "B" being indefinitely postponed, you will vote yes; if you are opposed, you will vote no. The Chair opens the vote.

A vote of the House was taken. 59 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

House Amendment "B" was adopted and the Bill was passed to

be engrossed as amended by House Amendments "A" and "B" in non-concurrence and sent up for concurrence.

Bill "An Act Creating the Harrison Water District" (H. P. 867) (L. D. 1109)

Bill "An Act Increasing Certain Fees for the Secretary of State's Office" (H. P. 910) (L. D. 1171)

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

### Third Reader Amended

Bill "An Act relating to Hunting and Fishing Licenses for Certain Maine Residents in Armed Forces" (H. P. 947) (L. D. 1125)

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

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

Mr. LEWIN: Mr. Speaker, I offer House Amendment "A" to L. D. 1125; it's under filing H-195, and I would speak briefly to it.

The SPEAKER: The gentleman from Augusta, Mr. Lewin, offers House Amendment "A" and moves its adoption.

House Amendment "A" (H-195) was read by the Clerk.

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

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House: Just a few words in explanation of this amendment. First of all, I would like to mention a few words to clear up a misunderstanding that seems to be prevalent in the House.

This is with reference to sale of fishing licenses to Maine residents in the Armed Forces. The law permitting this sale became effective in October of 1967. As you know, the fiscal year 1968 begins in July of 1967. Therefore, there are eight months only in the fiscal year in which to sell the licenses. It so happens that 644 licenses were sold in that eight months. Later on the records show that in the calendar year January 1, 1968 to December of 1968 shows 1,924 sold.

And now to the amendment. At the present time we have a law permitting the Maine servicemen on furlough or leave to buy a fishing license for one dollar. This is good for the duration of a one-time furlough. Therefore, if he should be home two or three times during that year he, each time, would pay one dollar. House Amendment "A", of L. D. 1125, if accepted, will permit the serviceman to buy a combination fishing-hunting license at a greatly reduced amount. The regular license cost is \$7.25.

Now, this amendment goes a step further. Whereas the present serviceman's fishing license is good for one furlough only, the new combination license will permit that serviceman to fish and/or hunt as many times as he might desire during the year of purchase. This amendment, I believe, is a gesture in good faith to our service people. I hope that you will give it your wholehearted support. I move the adoption.

The SPEAKER: The pending question is the adoption of House Amendment "A". The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: Last Friday, on the second reading of this bill, many people looked at me and wondered why I didn't talk as usual on the bill. Well, to your surprise today, I will say exactly seventy-five words on the bill and the amendment.

After a brief time in this House and attending this session, I soon noticed and recognized that the members of the Inland Fisheries and Game Committee were gifted with unusual talents and abilities. Today, I am very pleased to see that they contribute to sound, constructive legislation in the form of the amendment as presented. I am sure that the members of the Armed Forces will be grateful for this token of appreciation.

So, therefore, I highly endorse the amendment and move its passage.

Thereupon, House Amendment "A" was adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act Setting off a Portion of the Town of Perry to the State of Maine for the Pleasant Point Reservation" (H. P. 1058) (L. D. 1389)

Bill "An Act relating to Approval of Appointment of Assistant County Attorneys for Hancock and Washington Counties" (H. P. 1137) (L. D. 1459)

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

#### Assigned Later in Today's Session

Bill "An Act Increasing the Sales Tax and the Cigarette Tax, Removing the Sales Tax Exemption on Trade-in Credit for Vehicles and Providing for a Tax on Soft Drinks" (H. P. 1138) (L. D. 1458)

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

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

Mr. RICHARDSON: Mr. Speaker, I ask unanimous consent that this L. D. 1458 be tabled specially assigned to follow item five on page ten of tabled and today assigned items.

Thereupon, tabled pending passage to be engrossed and specially assigned to be considered prior to item six under tabled and today assigned matters.

Resolve Changing the Name of Mud Pond in Oxford County to Twilight Pond (H. P. 968) (L. D. 1250)

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

### Amended Bills

Bill "An Act relating to the Wearing of Fluorescent Clothing when Hunting in the Southern Zone for Two Years" (H. P. 61) (L. D. 63)

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

The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, I wish to move for the indefinite postponement of this bill and wish to speak to the motion.

The SPEAKER: The gentleman from West Paris, Mr. Immonen, moves the indefinite postponement of L. D. 63 and the gentleman may proceed.

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: I want to express due respect to the members of the Fish and Game Committee in weighing so much information from so-called expert witnesses. In reading the report of the committee concerning fluorescent clothing, I find the majority of the membership live outside the southwestern section as described in the amendment.

I recall a similar bill was on weak legs two years ago, but with the plea of a former member of this committee, Mr. Gaudreau, now a member of the Fish and Game Commission, the test period of two years was approved in the interests of safety for the southwestern zone.

I was against this bill two years ago because it would put woods workers under a cloud. So many of them go to work in the woods during hunting season and carry a gun and probably wouldn't hunt for more than a half an hour, and I thought they would hate to wear this, and I must admit that I was wrong, that there was a general acceptance by the woodsmen of this temporary law.

Whether the original bill for state applications is not acceptable, I do not know. Instead of a nearly one hundred percent by hunters, there was nearly a hundred percent acceptance also by the woods workers. This means double the acceptance that we generally supposed at the time. Why should we need a continuance of this educational effort in the southwestern area? I hope that there is no implication against the hunters and woodsmen of the area.

Apparently they do not want this original bill to apply to many areas of the state, and I do not believe this amendment is neces-

sary for the southwestern part of the state. I move for the indefinite postponement of both the bill and the amendment.

The SPEAKER: The gentleman from West Paris, Mr. Immonen, moves the indefinite postponement of L. D. 63 as amended.

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

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

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, the 103rd Legislature passed a law that fluorescent clothing would be required by hunters in a portion of the southern zone west of the Kennebec River during the hunting season and this was for a trial basis for two years only. Many sportsmen showed up at the hearing on this bill and they seemed to be in favor of it. A full discussion of L. D. 63 was held in our committee. It was felt that another two year, that is a trial period, in the same area should be undertaken for two more years, and consideration then after further study of whether or not it should be done throughout the state. I trust that you will not support the motion to indefinitely postpone.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I would feel that I had let a constituent down if I did not quote to you from a letter which I have received and I quote—"My grandson, age two, was playing outside while his mother worked around the yard. Realizing that she hadn't seen him for ten or fifteen minutes and being unable to find him, she called some neighbors, sent word to his father, and a search was organized. When located, he had wandered a quarter of a mile back into the woods, accompanied by one of the family Golden Retrievers. He was unharmed and it is beside the point that the dog might have tried to lead him back. The point is that they were in country frequently by hunters, and needless to say neither of them had on blaze orange."

The SPEAKER: The pending question is on the motion of the gentleman from West Paris, Mr. Immonen, that L. D. 63 be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

46 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act Increasing Borrowing Capacity of Waldoboro Sewer District" (H. P. 535) (L. D. 706)

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.

### Third Reader Amended

Bill "An Act relating to Guarantees by Corporations" (H. P. 592) (L. D. 773)

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

On motion of Mr. Scott of Presque Isle the House reconsidered its action of yesterday whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-226) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted, and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Give the Commissioner of Veterans Services Power to Acquire Land by Eminent Domain" (H. P. 634) (L. D. 822)

Bill "An Act Concerning the Training of Barbers" (H. P. 661) (L. D. 848)

Bill "An Act to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage" (H. P. 705) (L. D. 919)

Bill "An Act to Reappropriate Balance of Appropriation for Vocational Building at the Men's Correctional Center" (H. P. 795) (L. D. 1036)

Bill "An Act Providing for State Contribution to the Cooperative Soil Survey" (H. P. 904) (L. D. 1165)

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 Reader Amended

Bill "An Act relating to School Attendance of Pupils over Sixteen Years of Age" (H. P. 985) (L. D. 1269)

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

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

House Amendment "A" (H-201) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

#### Engrossed in Non-Concurrence

Resolve Permitting Ice Fishing on Second Chase Lake, Aroostook County (S. P. 296) (L. D. 1001)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Committee Amendment "A" in non-concurrence and sent up for concurrence.

Mr. Fortier of Waterville moved that the House reconsider its action of earlier in the day whereby it accepted the "Ought not to pass" Committee Report on Bill "An Act relating to Legislative Ethics," House Paper 909, L. D. 1170.

Whereupon, on motion of Mr. Rideout of Manchester, tabled

pending the motion of Mr. Fortier of Waterville to reconsider and specially assigned for Thursday, April 24.

#### Passed to Be Enacted

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

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

An Act Establishing an Occupational Safety Rules and Regulations Board (H. P. 338) (L. D. 447)

An Act relating to Secondary School Tuition (H. P. 373) (L. D. 482)

An Act to Improve the Management of the Indian Township Forest Resources and Passamaquoddy Trust Funds (H. P. 394) (L. D. 504)

An Act Increasing Tax on Milk Producers for Promotional Purposes (H. P. 401) (L. D. 512)

An Act relating to Safety Devices for Railroad Utilities (H. P. 440) (L. D. 564)

An Act Increasing and Relating to Disposition of Fees Payable to Maine Milk Commission (H. P. 503) (L. D. 674)

An Act relating to Appropriating Money by Municipalities for Ambulance Service (H. P. 534) (L. D. 705)

An Act relating to Taking Possession of Animals Unlawfully Detained (H. P. 538) (L. D. 717)

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

#### Enactor Tabled and Assigned

An Act relating to County Inventory of Property and Bids (H. P. 650) (L. D. 838)

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Thursday, April 24.)

An Act relating to Political Committees and Political Advertising (H. P. 684) (L. D. 883)

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

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**Enactor  
Tabled and Assigned**

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

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

(On motion of Mr. Pratt of Parsonsfield, tabled pending passage to be enacted and specially assigned for tomorrow.)

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An Act Permitting the Establishment of an Indian Township Passamaquoddy School Committee (H. P. 1119) (L. D. 1439)

**Finally Passed**

Resolve in Favor of Rodrigue J. Albert, M.D. of Fort Kent and

Peoples Benevolent Hospital of Fort Kent (H. P. 456) (L. D. 593)

Resolve Authorizing Forest Commissioner to Convey Certain State Lots in Franklin County (H. P. 945) (L. D. 1206)

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

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On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Reasonable Counsel Fees under Uniform Act on Paternity (H. P. 635) (L. D. 823) the Speaker appointed the following Conferees on the part of the House:

Messrs. MORESHEAD of Augusta  
BERMAN of Houlton  
BRENNAN of Portland

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On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.