

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

Wednesday, April 23, 1969

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

Prayer by the Rev. Mr. Lawrence Merckens of Hallowell.

The journal of yesterday was read and approved.

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

Report of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Reducing the Voting Age to Nineteen Years (S. P. 33) (L. D. 91) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Dealers in Antiques" (S. P. 393) (L. D. 1317)

Came from the Senate with the Report and Bill recommitted to the Committee on Business Legislation.

In the House, the Report was read and the Report and Bill recommitted to the Committee on Business Legislation in concurrence.

Covered by Other Legislation

Report of the Committee on Education on Bill "An Act relating to the Payment of Subsidy for the New Programs of Special Education for Handicapped Children" (S. P. 235) (L. D. 710) 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**

Tabled Until Later in the Day

Report of the Committee on State Government on Bill "An Act relating to Electrician's Licenses"

(S. P. 279) (L. D. 874) reporting same in a new draft (S. P. 438) (L. D. 1461) 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.

(On motion of Mr. Foster of Mechanic Falls, tabled pending acceptance in concurrence and assigned for later in today's session.)

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Expert Witness Fees as Court Costs" (S. P. 103) (L. D. 312)

Report of same Committee reporting same on Bill "An Act relating to Settlement or Release of Claims in Personal Injury and Property Damage Actions" (S. P. 105) (L. D. 318)

Report of same Committee reporting same on Bill "An Act relating to Trial Costs" (S. P. 106) (L. D. 313)

Report of the Committee on State Government reporting same on Bill "An Act Increasing the Number of Official Court Reporters" (S. P. 137) (L. D. 434)

Report of same Committee reporting same on Bill "An Act Changing Name of State Council on Economic Education to Maine Council on Economic Education" (S. P. 419) (L. D. 1413)

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

In the House, the Reports were read and accepted in concurrence the Bills read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Education on Bill "An Act to Amend the New England Higher Education Compact" (S. P. 237) (L. D. 711) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-82) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Election of Clerks of the Judicial Courts" (S. P. 254) (L. D. 791)

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook
MILLS of Franklin
QUINN of Penobscot
— of the Senate.
Messrs. HESELTON of Gardiner
FOSTER

— of Mechanic Falls
BRENNAN of Portland
MORESHEAD of Augusta
HEWES of Cape Elizabeth
— of the House.

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

Report was signed by the following members:

Messrs. BERMAN of Houlton
DANTON
of Old Orchard Beach
— of the House.

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

In the House, the Reports were read.

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

Mr. KELLEY: Mr. Speaker, I would move the acceptance of the Minority "Ought to pass" Report in concurrence.

Mr. Lund of Augusta then asked for a vote on the motion.

The SPEAKER: The pending question is the acceptance of the Minority "Ought to pass" Report in concurrence.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, would it be in order at this time to have this tabled?

The SPEAKER: A tabling motion is in order.

Mr. DAM: I request that this be tabled until Friday, April 25.

Mr. Kelley of Machias then asked for a vote on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All in favor of this matter being tabled until Friday, April 25 will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 56 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Machias, Mr. Kelley, that the House accept the Minority "Ought to pass" Report in concurrence. All in favor of accepting the Minority "Ought to pass" Report in concurrence will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 76 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

The Bill was given its two several readings. Senate Amendment "A" (S-83) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Divided Report

Report "A" of the Committee on Education on Bill "An Act Providing Free Tuition at State Colleges for Students from Low Income Families" (S. P. 345) (L. D. 1211) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. KELLAM of Cumberland
— of the Senate.
Messrs. WAXMAN of Portland
CHICK of Monmouth
MILLET of Dixmont
Mrs. KILROY 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:

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

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

In the House, the Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Allen.

Mr. ALLEN: Mr. Speaker, I move that we accept Report "B" "Ought not to pass."

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

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

Mr. MILLETT: Mr. Speaker and Members of the House: I would hope that you would all see fit to give this bill its first reading. I think if any of you have had an opportunity to read the transcript of the debate in the Senate of last Friday you would have been truly impressed by the remarks of the sponsor, Senator Levine from Kennebec. I feel very sincerely that his purpose in sponsoring this legislation is very noble. He is concerned with the opportunity, or lack of it, for the real low income student being able to go to a state-supported institution. He has had the experience as an immigrant of being provided with this opportunity and I think he feels very sincerely about it.

I would point out that this is one of the very few pieces of legislation which does relate to low income families exclusively. The effective date of the legislation is July 1, 1970, and it does carry a price tag. I would hope in view of the purpose, very noble purpose of this legislation, you will see fit to vote against the motion of the gentleman from Caribou to accept Report "B" and would accept Report "A" in concurrence.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I agree very much with Mr. Millett's remarks that this is the kind of a bill on which Senator Beliveau has very strong feelings and right ones, that he has been helped. But I feel strongly that in this particular day and age a hundred dollars is not very difficult to get. There are many ways of borrowing money and if a student hasn't enough self-confidence or the get-up-and-go to find that amount of money then I think perhaps he is not worthy of being given it.

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

Mr. CAREY: Mr. Speaker, I would ask for a roll call on this matter.

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

Mr. WAXMAN: Mr. Speaker and Members of the House: I think there are just two very brief points that should be made. One is the intent of this piece of legislation. Certainly \$100 per student per year isn't going to provide fully for a college education for someone, but it is going to give a helping hand to people who need some encouragement, need some hope, need something to look forward to.

At present we do have a State Scholarship law which is on the books, but those of you who were in the 103rd will remember it was not funded. I don't know whether it will be funded at this time, but certainly we can place this particular piece of legislation before us now on the Appropriations Table and if the present law is funded, perhaps this will not be. But if that law is not funded, it seems to me that we as a State ought to go on record as being in support of helping families of low income, encouraging them to send their children on to college. It may not be a full solution but I think it is a partial solution to getting people off the welfare rolls. And I would hope that you would concur with the sentiments of Mr. Millett and

you would vote to accept the "Ought to pass" Report.

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

Mr. CHICK: Mr. Speaker and Members of the House: I rise in opposition to the motion to accept Report "B" and I hope that the House will accept Report "A" eventually and provide the small amount of money in scholarship aid to the poor pupil who wants to go to some of our higher education.

Now I think it has been brought out that if this matter is passed and put on the Appropriations' desk and if we fail to come up with finances later in the session, why it can be taken care of at that time.

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

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of this bill, and I would like to point out that it does cover an area which has not been covered by other means as well; that is the area of the student attending a vocational training school. These training schools lack the resources and the ability to provide financial aid that other colleges and institutions do have. And I would also like to bring to the attention of the House the remark made to the Senate made by Senator Levine. I quote from his statements, "The State will benefit from the training and education provided by this legislation, as this bill has a built-in provision which assures that the recipient of the grant shall accept employment in the State of Maine within one year of graduation on the basis of one half year for each academic year of training.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I, as you know from previous legislatures, am entirely against the State being in the scholarship business. I don't think that the State should be in the scholarship business; I think that is something that should be held entirely by private individuals,

private businesses, and I know for a fact that if anybody wants to go to college that they sure can go. I went through the University of Maine on a start of \$42.50 and got out of it. Perhaps it would have been better if I had never gone, but I still know it can be done and I hope that you go along with the "B" Report.

And another thing that worries me being in the contracting business, we run into a thing called the OEO and I'm just a wondering if you're going to be able to have this only apply to Maine students for the reason that the University of Maine is using considerable Federal dollars, and I am just wondering if it isn't opening up the door to a lot of poor people that are not State of Mainers. They might be even from the South or the West or anywhere else.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I just glanced this bill over hastily and I don't recall that the debate has revealed what is considered a low income family. I notice hastily looking it over the amount of \$7,000 mentioned. Does any member of the Education Committee wish to comment on this?

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

Mr. MILLETT: Mr. Speaker and Members of the House: There is a committee amendment which trims this down to \$5,000 and this is effective income, effective taxable income.

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

Mr. WAXMAN: Mr. Speaker and Members of the House: I am not sure if I can allay the fears of the gentleman to my right, but there is a specific provision in this bill that only Maine residents, they will have had to be Maine residents, can apply for this particular scholarship aid; so you wouldn't be financing the education of out-of-staters.

The SPEAKER: The pending question is on the motion of the

gentleman from Caribou, Mr. Allen, that the House accept the Report "B" "Ought not to pass." 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 Caribou, Mr. Allen, that the House accept Report "B" "Ought not to pass." All in favor of accepting Report "B" on Bill "An Act Providing Free Tuition at State Colleges for Students from Low Income Families," Senate Paper 345, L. D. 1211, will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Bernier, Birt, Bragdon, Buckley, Bunker, Clark, C. H.; Clark, H. G.; Cummings, Curtis, Cushing, Donaghy, Durgin, Emery, Erickson, Farnham, Fraser, Gauthier, Hanson, Hardy, Harriman, Hawkens, Henley, Heselton, Huber, Immonen, Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, McNally, Meisner, Moreshead, Mosher, Noyes, Page, Payson, Porter, Pratt, Richardson, H. L.; Rocheleau, Ross, Scott, G. W.; Shaw, Snow, Stillings, Thompson, Trask, Wheeler, White, Wight, Williams.

NAY — Bedard, Berman, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Chandler, Chick, Corson, Cote Couture, Cox, Croteau, Dam, Dudley, Dyar, Eustis, Evans, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Gilbert, Giroux, Good, Hall, Haskell, Hichens, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Marstaller, Martin, McTeague, Millett, Mills, Mitchell, Morgan, Nadeau, Norris, Rand, Rideout, Starbird, Tanguay, Tem-

ple, Tyndale, Vincent, Watson, Waxman, Wood.

ABSENT — Binnette, Boudreau, Brown, Coffey, Cottrell, Crommett, Crosby, Curran, D'Alfonso, Danton, Dennett, Drigotas, Foster, Hewes, Kelleher, McKinnon, Ouellette, Quimby, Richardson, G. A.; Sahagian, Santoro, Scott, C. F.; Sheltra, Soulas, Susi.

Yes, 57; No, 67; Absent, 25.

The SPEAKER: Fifty-seven having voted in the affirmative and sixty-seven having voted in the negative, the motion does not prevail.

Thereupon, Report "A" "Ought to pass" was accepted in concurrence and the Bill given its two several readings.

Committee Amendment "A" (S-84) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Final Report

Final Report of the following Joint Standing Committee:

Veterans and Military Affairs.

Came from the Senate read and accepted.

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

Petitions, Bills and Resolves Requiring Reference

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

Appropriations and Financial Affairs

Bill "An Act to Authorize Bond Issues in the Amount of \$22,000,000 to Provide Funds for Foundation Program School Subsidies for the Period Beginning January 1, 1970 and Ending June 30, 1970 under the Revised Statutes, Title 20, Sections 3721 to 3724" (H. P. 1143) (Presented by Mr. Sahagian of Belgrade)

(Ordered Printed)

Sent up for concurrence.

Claims

Resolve Authorizing Payment of Personal Injury Claim of Mrs. Thomas Spillane from Prison In-

dustries Account (H. P. 1145) (Presented by Mr. Vincent of Portland)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Change the Time of Apportionment of Educational Subsidies to Administrative Units" (H. P. 1144) (Presented by Mr. Sahagian of Belgrade)

(Ordered Printed)
Sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Bunker from the Committee on Sea and Shore Fisheries on Bill "An Act Exempting Wholesale Dealers in Certain Instances from Possession of Illegal Length Lobsters" (H. P. 442) (L. D. 566) reported Leave to Withdraw.

Mr. Tyndale from same Committee reported same on Bill "An Act Limiting Number of Lobster Traps Per Person" (H. P. 350) (L. D. 457)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Quimby from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse Calvin Clark of Jefferson for Well Damage by Highway Maintenance (H. P. 594) (L. D. 775)

Mr. Cushing from the Committee on Legal Affairs reported same on Bill "An Act relating to Sales of Beverages in Nonreturnable Bottles" (H. P. 1039) (L. D. 1364)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Hichens from the Committee on Liquor Control on Bill "An Act relating to Amount of Food Sold by Class A Restaurants under Liquor Law" (H. P. 1002) (L. D. 1304) reported same in a new draft (H. P. 1146) (L. D. 1465) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bill

Mr. Evans from the Committee on Agriculture reported "Ought to pass" on Bill "An Act Creating the Maine Milk Dealers' Bonding Law" (H. P. 715) (L. D. 933)

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

Ought to Pass with Committee Amendment

Mr. Crommett from the Committee on Towns and Counties on Bill "An Act relating to Expending York County Funds for Waban Project, Inc." (H. P. 652) (L. D. 842) reported "Ought to pass" as amended by Committee Amendment "A" (H-230) submitted therewith.

Mr. Wight from same Committee on Bill "An Act relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies" (H. P. 494) (L. D. 648) reported "Ought to pass" as amended by Committee Amendment "A" (H-231) submitted therewith.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Agriculture reporting "Ought not to pass" on Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 847) (L. D. 1089)

Report was signed by the following members:

Messrs. BARNES of Aroostook
DUNN of Oxford
LEVINE of Kennebec

—of the Senate.

Messrs. MITCHELL of Frankfort
GILBERT of Turner
BUCKLEY of Leeds
HALL of Windham
EVANS of Freedom
MOSHER of Gorham

—of the House.

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

Report was signed by the following member:

Mr. HUNTER of Durham
—of the House.

Reports were read.

(On motion of Mr. Evans of Freedom, tabled pending acceptance of either Report and specially assigned for tomorrow.)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Agriculture reporting "Ought not to pass" on Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 848) (L. D. 1090)

Report was signed by the following members:

Messrs. BARNES of Aroostook
DUNN of Oxford
LEVINE of Kennebec
—of the Senate.
Messrs. MITCHELL of Frankfort
GILBERT of Turner
BUCKLEY of Leeds
HALL of Windham
EVANS of Freedom
MOSHER of Gorham
—of the House.

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

Report was signed by the following member:

Mr. HUNTER of Durham
—of the House.

Reports were read.

(On motion of Mr. Jalbert of Lewiston, tabled pending acceptance of either Report and specially assigned for tomorrow.)

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act relating to Hours of Sale of Liquor in Class A Restaurants, Hotels and Clubs" (H. P. 288) (L. D. 364) reported same in a new draft (H. P. 1147) (L. D. 1466) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. CONLEY of Cumberland
BERRY of Cumberland
BOISVERT
—of Androscoggin
—of the Senate.
Messrs. TANGUAY of Lewiston
COUTURE of Lewiston
CHANDLER of Orono
STILLINGS of Berwick

LEIBOWITZ of Portland
FAUCHER of Solon

—of the House.

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

Report was signed by the following member:

Mr. HICHENS of Eliot
—of the House.

Reports were read.

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

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

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

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

Mr. CORSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a redraft of two bills presented to the Liquor Control Committee, one of which was introduced by myself and the other introduced by the gentleman from Strong, Mr. Dyar. And when I presented my bill to the Committee I was accused — or should I say the Committee was informed that I might well be wet behind the ears. I have with me this morning a towel (illustrates with a towel) with which I shall dry behind my ears, that I may speak with a little more authority on this bill.

What this bill intends to do is to permit clubs, hotels and Class A restaurants to serve liquor until 1:00 A. M. year round and the time would be based on prevailing time in the state, whether it be the Eastern Standard Time or the Daylight Saving Time. It is my opinion, and I feel it is the opinion shared by many others, that this would be of considerable benefit to our winter recreation facilities. Therefore I would hope that we would not accept the Minority Report, and will instead accept the Majority "Ought to pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Eliot, Mr. Hichens, that the House accept the Minority "Ought not to pass" Report. The Chair will order a vote. All those in favor of accepting

the Minority "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 43 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned for third reading.

Passed to Be Engrossed

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

Bill "An Act Increasing the State Contingent Account" (S. P. 435) (L. D. 1454)

Bill "An Act relating to Legislative Finance Office as Secretariat for Commission on Intergovernmental Relations" (H. P. 354) (L. D. 462)

Bill "An Act Repealing Provision for Student Tuition in Coordination of Public Higher Education" (H. P. 408) (L. D. 519)

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

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 Reorganization and Revision of Public Rehabilitation Services" (H. P. 711) (L. D. 925)

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

Mr. Rideout of Manchester offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-236) was read by the Clerk, and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act relating to Closing of Private or Parochial Schools" (H. P. 804) (L. D. 1043)

Bill "An Act to Amend the Charter of the City of Ellsworth" (H. P. 941) (L. D. 1202)

Bill "An Act relating to Elections in City of Biddeford" (H. P. 988) (L. D. 1272)

Bill "An Act relating to Fiscal Year for City of Biddeford" (H. P. 997) (L. D. 1299)

Bill "An Act to Allow Interstate Commerce of Rifles and Shotguns between Contiguous States" (H. P. 1006) (L. D. 1308)

Bill "An Act relating to Maine National Life Insurance Company" (H. P. 1139) (L. D. 1462)

Bill "An Act Pertaining to the Maine School Building Authority" (H. P. 1140) (L. D. 1463)

Resolve in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722)

Resolve to Reimburse John P. Kennedy of Vassalboro for Loss of Sika Deer by Dogs (H. P. 801) (L. D. 1040)

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

Amended Bills

Bill "An Act relating to Renewals of Certain Occupational Licenses by Veterans" (H. P. 250) (L. D. 305)

Bill "An Act Revising the Savings and Loan Laws" (H. P. 314) (L. D. 401)

Bill "An Act relating to the Education of Blind Children" (H. P. 321) (L. D. 408)

Bill "An Act Permitting Bilingual Education" (H. P. 427) (L. D. 551)

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 Burial of Honorably Discharged Veterans" (H. P. 501) (L. D. 655)

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

Mr. Shaw of Chelsea offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-232) was read by the Clerk and adopted and the Bill passed to be en-

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

Bill "An Act relating to Military Leave of Absence of Teachers" (H. P. 626) (L. D. 814)

Resolve to Reimburse George Burns of Cambridge for Well Damage by Highway Maintenance (H. P. 544) (L. D. 723)

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

Passed to Be Enacted Emergency Measure

An Act relating to Relocation Assistance in State Highway Projects (H. P. 1118) (L. D. 1438)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 111 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Death Benefits before Retirement under State Retirement System (S. P. 175) (L. D. 576)

An Act relating to the Certification of Operators of Water Treatment Plants and Water Distribution Systems (S. P. 317) (L. D. 1031)

An Act relating to Retirement Allowance for Participating Local District Employees and Prior Service Credit for Municipal Employees (S. P. 382) (L. D. 1296)

An Act relating to Fees of Disclosure Commissioners (H. P. 823) (L. D. 1062)

An Act relating to Restoration to Service under State Retirement Law (H. P. 966) (L. D. 1249)

An Act relating to Approval or Disapproval of Mergers under the Banking Laws (H. P. 1121) (L. D. 1442)

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 Open Season on Muskrat and Mink (H. P. 1122) (L. D. 1443)

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

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

Mr. LEWIN: Mr. Speaker, I would hope that someone would table this until the next legislative day in order for an amendment to be prepared.

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

An Act relating to Fall Trapping by Indians (H. P. 1124) (L. D. 1445)

Resolve to Reimburse Ernest J. Powers of Kennebunkport for Well Damage by Highway Construction (H. P. 137) (L. D. 159)

Resolve Regulating Ice Fishing on Certain Lakes in Penobscot and Piscataquis Counties (H. P. 192) (L. D. 232)

Resolve to Reimburse Mr. and Mrs. Laurie E. Mann of Augusta for Property Taken by State (H. P. 803) (L. D. 1042)

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.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

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

Tabled—April 17, by Mr. Jutras of Sanford.

Pending—Acceptance in concurrence.

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

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act Adding Services to Alcoholics and Drug Addicts to the Responsibilities of the Bureau of Mental Health" (H. P. 629) (L. D. 817) (In House, passed to be engrossed as amended by Committee Amendment "A" (H-152) as amended by House Amendment "A" (H-182) thereto) (In Senate, Minority Report "Ought not to pass" accepted)

Tabled—April 17, by Mr. Benson of Southwest Harbor.

Pending—Motion of Mr. Norris of Brewer to recede and concur.

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

Mr. NORRIS: Mr. Speaker, would I be in order to respectfully request to withdraw my motion of April 17 that we recede and concur with the Senate?

The SPEAKER: The gentleman is in order; does he wish to withdraw his motion to recede and concur?

Mr. NORRIS: I do.

The SPEAKER: The gentleman from Brewer, Mr. Norris, withdraws his motion to recede and concur. What is the pleasure of the House?

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

Mr. BENSON: Mr. Speaker, I now move that we recede and concur.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, moves that the House recede and concur.

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

Mr. CARRIER: Mr. Speaker, the motion to recede and concur, the reason for the motion to withdraw that motion, was to give us a chance to make another motion to insist and ask for a Committee of Conference. At this point where Mr. Benson made the motion again

to recede and concur, I can only say that I will ask for a division and I hope that you do vote against the motion.

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

Mr. BENSON: Mr. Speaker, I request permission to withdraw my motion.

The SPEAKER: The gentleman withdraws his motion to recede and concur. What is the pleasure of the House?

Whereupon, on motion of Mr. Carey of Waterville, the House voted to insist and ask for a Committee of Conference.

The Chair laid before the House the third item of Unfinished Business:

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

Tabled—April 17, by Mr. Hewes of Cape Elizabeth.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. Erickson.

Mr. ERICKSON: Mr. Speaker, in the absence of Mr. Hewes, I would like to have this tabled until Friday, April 25.

Whereupon, on motion of Mr. Chandler of Orono, retabled pending acceptance of the Report and specially assigned for Friday, April 25.

The Chair laid before the House the fourth item of Unfinished Business:

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

Tabled—April 17, by Mr. Emery of Auburn.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker, I move that this be tabled until April 28, as the sponsor is not here.

Whereupon, on motion of Mr. Jalbert of Lewiston, retabled pending passage to be engrossed and specially assigned for Friday, April 25.

The Chair laid before the House the fifth item of Unfinished Business:

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

Tabled — April 17, by Mr. Waxman of Portland.

Pending — Motion of Mr. Millett of Dixmont to Indefinitely Postpone Committee Amendment "A" H-193.

Thereupon, the pending motion did prevail.

Mr. Millett of Dixmont then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-202) was read by the Clerk.

The SPEAKER: The pending question is on the adoption of House Amendment "A".

The Chair recognizes the gentleman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker, am I in order to move that this be tabled until the next legislative day?

The SPEAKER: The gentleman is in order.

Mrs. CUMMINGS: I so move.

The SPEAKER: The gentleman from Newport, Mrs. Cummings, moves that item five, L. D. 1265, be tabled until the next legislative day pending the adoption of House Amendment "A".

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

Mr. MILLETT: Mr. Speaker, I only object for purposes of not —

The SPEAKER: The gentleman may not debate, a tabling motion is pending —

Mr. MILLETT: May I ask for a division —

The SPEAKER: You may debate the time of tabling —

Mr. MILLETT: May I ask for a division on the tabling motion?

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until the next legislative day pending the adoption of House Amendment "A" will vote yes;

those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 111 having voted in the affirmative and 8 having voted in the negative, the tabling motion did prevail.

(Off Record Remarks)

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

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

Thereupon, the House recessed for ten minutes.

After Recess

Called to order by the Speaker.

The Chair laid before the House the sixth item of Unfinished Business:

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)

Tabled — April 22, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

Mr. Benson of Southwest Harbor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-225) was read by the Clerk and adopted.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the important action to be taken in this House this morning, both on the tax measure and the Current Services budget, I would like to make a few points very clear and I would like to make my position this morning very clear as to how I feel about the funding of state government.

I wish to speak a few minutes today about a subject which concerns me very much. That is the handling of the appropriations and revenue measures for the next biennium. I have encouraged support for the Current Services Appropriations Bill as being fair. The cuts in Part I are being reviewed and some restoration may be necessary in Supplemental budget.

I do rise to oppose in part the suggested tax proposal for financing Current Services. I think we can develop after total needs are known a revenue base that will be more equitable and responsible to meet the needs of our State. In my judgment this Legislature has not yet indicated how it is going to face up to the financial problems of the State of Maine. Our financial difficulties are caused by at least four factors.

First, the unquestionable demands for expanded and new services, especially welfare, school subsidies, property tax relief, mental health and higher education.

Second, the fact that all over the country in every state the cost of state services is increasing faster than the general rise in prices. This is primarily because of the large number of professional and personal services that make up the cost of the public sector.

The third factor is that we have a very unresponsive tax base in the State of Maine. This has proved itself totally inadequate to meet the needs and cost of even Current Services functions. For example, the revenue projected from current taxes for the next biennium represents a 6% increase over the revenue of this current biennium, whereas the Current Services Appropriation Bill that we are considering is asking for an 18% increase in expenditures; an increase of expenditures that is three times more than the revenue.

I am concerned about the present lack of a full explanation to the membership of the total amount of money that it will take to meet the needs of this State.

I am also concerned that even for the General Services needs of the State the majority party leadership is laboriously designing a taxation and appropriation package that will fit the amount of money they want to raise, rather than the amount of money needed to do the job for the people of Maine. I, for one, think that it is time for us to do the right thing, not just the politically expedient thing. It is time to face up to our financial situation; that is, I think, to do three things.

First, let us bring out a Supplemental Appropriations bill that will meet the needs of the people of Maine. It should cover the needs of our old people for property tax relief, provide adequate welfare and medical programs for our poor and disadvantaged, and provide for a Human Rights Commission. The Supplement should provide for a housing and pollution abatement program, adequate monies to relieve the local school burden, and also support our vocational technical institutes and the University of Maine. The need for an improved employee salary and retirement benefits is clear beyond any doubt.

Secondly, I urge members of the House to evaluate the debate on appropriations and revenues on the basis of fact rather than tradition or sentiment. The fact is that in 1968 the per capita state tax of Maine was \$150 as compared with the \$211 per capita in Vermont and \$216 per capita in New Mexico, both states with very comparable incomes and needs for services. In other words, to bring our services up to regional and national averages, we need to make a substantially greater public investment.

Third, I think it is time for this Legislature to realize that we must develop a revenue system more sensitive to income changes.

This occasion should not pass without mentioning the unfortunate effect of the Current Services patchwork tax program on the people of Maine. Increasing the sales and use tax by one-half percent, removing the exemption on auto trade-ins, taxing soft drinks, and adding more cents on cigarettes will hit more Maine people the hardest who can least afford to pay.

I believe, as does the Democratic Party's platform, in the basing of taxes on the ability to pay. Therefore, I am concerned with the effect of these taxes on our retired people and on persons of low income. And I think we should recognize the effect of the soft drink tax on the small independent bottling companies and Maine chil-

dren who are among the principal users of soft drinks.

This means we should give serious consideration to the two income tax bills that have been presented and heard before the Taxation Committee. Adoption of a personal and corporate income tax at the required percentage would solve fairly and justly some of our funding problems.

As each week goes by, it is clear that the patchwork program has many liabilities. The additional sales and excise taxes would bear heavily on the consumer and the poor persons. These taxes are also unresponsive and would merely defer the need for new and more productive taxes to the next biennium. The State of Maine now is one of only eight states that does not have an income tax.

Above all, let us look at present and proposed programs together, weighing the merits of each with the aim of eventually deciding on a unified appropriations and revenue measure.

This is very clear to me that the action taken by this House this morning may not very well be definite and absolute and I think probably the local daily newspaper, the Kennebec Journal, has come out with an editorial this morning that I think might explain in very short terms the dilemma that this group might very well be in the next biennium. The tax proposal this morning is going to be some kind of a short term that will suffice for paying current services, granted, but I think we need to look at the big picture in its entirety as far as trying to provide services for the general public of our State and find the most equitable way of doing it. And I think probably at a later date, and it may not be too late a date, that we will be able to come up with somewhat of a reasonable supplemental budget of which we will know the entire needs of our State and will be able to fund it in a reasonable way so that we will not again try to affect these people who are on reirement pensions, very small retirement pensions, social security and people in the income

brackets of three or four thousand dollars a year that have to raise a family of which this kind of patchwork is seriously affecting at this stage of the game.

So these, ladies and gentlemen, are some of the remarks that I would like to leave with the members of this House as to how I feel the operation of the State Government should be operated in the next two years. Thank you for your kind attention.

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

Mr. BENSON: Mr. Speaker and Members of the House: It might be in order to review for just a moment where we have been and where we are today. The Appropriations Committee passed out a considerably reduced Part I budget after several months of intense work, a budget which I have found to be extremely satisfactory and one which has I feel received fairly widespread acceptance. We passed this budget out fairly early in the session, working Monday afternoons, Friday afternoons, as a committee on the budget, and we passed it out with the understanding of the Republican and Democrat leadership combined that it was the best strategic move to pass the budget along, fund it, and take advantage of one extra month of funding, namely, the month of June of this year. That is what we have done to this point.

The Democrats in the House withheld the necessary votes to pass the Part I budget along because they wished to see by what means we were going to fund Part I. We today have presented a Part I budget having passed a Joint Order to the Taxation Committee, the Taxation Committee having reported out a package. The amendment which has just been adopted removed one of the items from that tax package, namely, the soft drink tax which we have found to be less than attractive.

We have a number of tax measures still to be considered. We have a number of tax measures which can be used for the Part II budget when it comes along. I feel that the proper and appropriate action for this House to take this morning is to pass the tax

measures on which we are acting now, pass along the Part I budget, receive the extra month of funding in June and tackle the Part II budget when it comes along which should be very soon now.

I do not see that it serves any particular purpose to marry these two budgets as has been done in the past on occasion. You are going to consider each of them on their merits. The Part II budget is going to be pleasing to some, disappointing to others, and when that time comes we will have full debate on that package. I hope that the members of the Democrat Party in the House this morning will see fit to go along with the proposal to fund the Part I now that they have an opportunity to see the proposals which have been set forth for that funding purpose.

Mr. Speaker, I hope that we will now pass along the tax package as proposed.

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

Mr. RICHARDSON, Mr. Speaker, Ladies and Gentlemen of the House: We have had a number of names, the leadership of both parties, and I was laboring under the impression that there was an agreement that we would at this time fund the Part I budget, and I appreciate the enlightening and well thought out remarks of the gentleman from Madawaska, Mr. Levesque. But of a very great pragmatic importance to me this morning is whether or not the gentleman from Madawaska is going to support this tax measure on this bill since it was held last week, in order that the tax measure could be brought out.

Now if we are not going to get the necessary votes, I think it is a sad day for the relationship between us when I have been under the impression until about ten minutes ago that there was no question about our going ahead now and enjoying a united effort to pass this bill. Therefore I would pose a question to the gentleman from Madawaska, Mr. Levesque, as to whether or not there has been a change of direction here—is he supporting this and if not then let's bring the Governor's

25% income tax out here and get started on that.

I think that we are wasting a great deal of time here if we cannot make agreements and then carry them out, and fund these budgets responsibly and take responsible action.

In addition to posing my question, Mr. Speaker, I also request that the vote be taken by the yeas and nays.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the inquiry made by the gentleman from Cumberland, Mr. Richardson this morning, I think Mr. Richardson and other members of the majority party leadership have known for some time how I stood in regards to the Current Services budget. And I think in my remarks earlier this morning I have also indicated how I felt about the Current Services budget.

The leadership of the majority party must also remember that on time and time again I have requested from the majority party that we should at least find out what the entire services of the State of Maine will concern. And to this day I think probably the Democratic members of the House and the Senate have all been in unanimous agreement, that before this Current Services budget and the tax funding measure to go along with it hits the Governor's desk we should have some reasonable resume from the majority party as to what Part II of the budget is going to be like and its method of financing. For the simple reason that for once in a great while we divide Part I from Part II and try to provide two different avenues of financing. This is risky business in trying to deal with the affairs of state in my humble estimation.

Recognizing full well that the Appropriations Committee has worked diligently in trying to come up with a Current Services budget, I think they did a remarkable job, although I don't seem to get the indication that the Appropriations Committee now on their Part

II of the budget, and if the indications are the way I see them as of this morning, that they're going to knock off almost everything in the Supplemental budget and leave the individual bills in separate committees as they are, but advise the different committees that they will have to add to the bill the amount of appropriations necessary to pass these measures individually rather than supplying the Part II budget with the necessary funds to implement these individual pieces of legislation.

This I think is probably an area that we are going to disagree and we are going to disagree strongly. If this is going to be the step that the majority party is going to take in the near future, of separating from the Supplemental budget all items that concern money covered by other individual bills, and inform the committees that they are going to put the price tag on the bill and send them out individually.

As I had indicated earlier, I had thought it may be feasible that we might be able to end our business in the middle of June or somewhere in that vicinity, as being reasonably accurate; but if we're going to have to act on individual pieces of legislation in Part II of the budget, I fail to see where this is going to be able to materialize. Although this is only an assumption on my part that this might be what is going to happen in the near future, without knowing for sure as to what's going to happen; we have still got to have some reasonable assurance as to what Part II is going to provide for services, and although the funding of the second year of the biennium for the operation of state government in some areas where they are not presently covered.

So I think that the Republican leadership has known this for many weeks if not many months as to what the Democratic position was and I think they know again this morning how we feel. As a party we have not asked the vote of the Democrats to withhold their votes on the passage of this docu-

ment this morning and we will not pass in a party caucus anything else. The members of the House this morning will vote to send this bill to be engrossed, and when it takes a hundred and one votes to pass it and put it on the other branch, then I think probably this—we might have some ideas as to what the Part II is going to look like—and this is the way I see it as of this morning. That by the time the Current Services comes up for final enactment in the Senate we will have a reasonable assurance as to what Part II is going to look like. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking both as a member of the Appropriations Committee and a member of the Democratic Party, I would comment that as of twenty minutes ago it was my thinking that we were going to go along with this package, with the soft drink tax taken out of it.

Last week I made an impassioned plea that we hold the Current Services budget until such time that it would be funded. I stated at that time that when appropriate measures would be before us I would deliberate upon them, then I would cast my lot to fund this program. As you well know, the Supplemental budget of \$277,000,000 is \$27,000,000 more than the money we have.

At the beginning of the session like anyone else I thought of various programs of taxation. One of the programs of taxation that I thought of was the personal income tax, until I recently mentioned it at home; and then to use a colloquial expression, the veritable roof caved in on me.

Now this measure this morning calls for one-half cent to five percent on the sales tax—\$16,700,000. It calls for a trade-in on automobiles tax which would bring us \$9,500,000, and \$5,000,000 of cigarette taxes. I must say to a degree that I am chagrined at the turn of events as expressed this morning, and if I am wrong I have become stone deaf as to what I heard yesterday.

No one on the Floor of this House in 1959 fought harder for the trade-in tax than I did. No one in 1967, two years ago, fought harder against the trade-in tax than I did; and I am going to be completely and thoroughly honest as to why I did so. I did so at the request of a very dear friend of mine, who had done me a particularly important favor—not giving me anything materially, but helping me in a health situation. And I remember telling him that I would support it, and I did so at the certain objection of the party leaders and the Governor, because this was the major part of the program. With this tax not being imposed, the tax program as he had suggested is falling apart. I seriously thought at this session of other means to avoid this tax; I could find none. I seriously thought, as I stated, of a personal income tax; and I was greeted very strongly by the opponents, as I was of the 6% sales tax.

Now if we do not pass this package this morning, which calls for one half cent on the sales tax, and it calls for a trade-in tax, and two cents on cigarettes, we are committing ourselves to either a 6% sales tax or a good percentage of the income tax; and I want no part of either. My people want no part of either. It is just as well to come out with the personal income tax as proposed by my friend from Madawaska, Mr. Levesque, today or tomorrow—it will suffer the same fate, File 13, for this session.

Now it is time now, at this date, that we start and face realities and we start facing the facts. It is not the time to start stargazing as to what is going to be or what is not going to be into the Part II budget. Now I remember that deliberating on Part II budget, and certainly one that would say that all measures that have a price tag on them, and another L. D., will be thrown out of the Part II and put into the L. D. is not quite accurate; and I want no part of that.

Certainly some measures that have a price tag on them could conceivably go, if the committee is so minded, go into other areas, outside of Part II. Certainly some

thoughts yesterday might be different thoughts of today—the committee is yet to make its report. However, if we are going to talk figurewise, believe me as I stated two weeks ago — last week, any thought of a budget, a Supplemental budget beyond — and if I am telling tales out of school, so be it, any thought including subsidies, any thought of a Part II budget beyond the area of \$35,000,000 is completely out the window. The Supplemental budget of Part II will be an honest and humble in accordance with what we can pay; and those are the cold turkey hard facts. If I don't know what I am talking about, then I am not sitting in on that committee.

One thing I do know, is I am going to vote for this package today because I believe in this package, and if I do not vote for this package today then I am committing myself to a personal income tax or a 6% sales tax—and I repeat myself, I want no part of those two packages. I shall certainly heartily support the measure that is before us today.

Mr. Levesque of Madawaska was granted permission to speak a third time.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Thank you for the courtesy extended. I would like very much to answer all the inquiries posed by the gentleman from Lewiston, Mr. Jalbert; although I feel somewhat at this stage of the game that I can probably best answer those inquiries in the corridors or in the privacy of the office, so I will not bore you with these answers—because there are quite a few things that I could have Mr. Jalbert recollect after he reflects a little bit, might stop to think for a moment.

But to add to what I have already said, I did not say in my remarks that I would not support this kind of taxes in the final analysis, knowing very well what the outcome is going to be. I merely wanted to point out to the members of this House that this was not the proper nor the best or equitable way of financing the operation of state government for either one year or for the biennium. I want

that to be very clear, to all the members of the House. In the final analysis, I for one, as the leader of the loyal opposition, when I see that black is black I don't turn and run, but try to find a proper solution to the problem rather than throw my hands up and let somebody else do it.

When the time comes that the Current Services is up for enactment and the money will be provided to fund it, I feel very certain that although I am not in concurrence with the methods of financing, rather than to provide nothing I will settle for what is best that can be had.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I wouldn't rise on my feet, to only say this: that anything that is told to me here on the Floor of this House. Now I want to say this, and I want to say it once and for all. I have said steadfastly that I wanted no part of an income tax, personal income tax, and I have said steadfastly that I want no part of a 6% sales tax; and my people say so. Now if there is anything that should be told by the gentleman from Madawaska, Mr. Levesque, it doesn't have to be told to me in private at all. He can tell it to me right here, right now, on the Floor of the House; and I am sure that I can handle myself after he says so. It is not my prerogative to start a charade, but I will join one any time that it's started. Now I am going to probably leave it go at that and I think it would be best if I did, and I think all around.

The SPEAKER: Is the House ready for the question? The pending question is engrossment. 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 passage to be engrossed of 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," House Paper 1138, L. D. 1458. All of those in favor of passage to be engrossed as amended of this Bill will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Bunker, Burnham, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cottrell, Cox, Croteau, Cummings, Curtis, Cushing, Dam, Danton, Dennett, Donaghy, Dudley, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Finemore, Fortier, A. J.; Foster, Gauthier, Gilbert, Giroux, Good, Hall, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Huber, Hunter, Immonen, Jalbert, Johnston, Jutras, Kelley K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, McNally, McTeague, Meisner, Millett, Mills, Moreshead, Morgan, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Vincent, Waxman, Wheeler, White, Williams, Wood.

NAY — Bedard, Bernier, Carey, Carter, Chandler, Cote, Couture, Fecteau, Fortier, M.; Fraser, Hichens, Jameson, Kelleher, Laberge, Martin, Mitchell, Nadeau, Rocheleau, Soulas, Watson, Wight.

ABSENT — Berman, Binnette, Crommett, Crosby, Curran, D'Alfonso, Drigotas, Hanson, Hewes, McKinnon, Ouellette, Richardson, G. A.; Santoro, Scott, C. F.; Tanquay.

Yes, 113; No, 21; Absent, 15.

The SPEAKER: One hundred and thirteen having voted in the affirmative and twenty-one in the negative, the Bill is passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The Chair laid before the House the seventh item of Unfinished Business:

An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 (S. P. 372) (L. D. 1232)

Tabled—April 17, by Mr. Benson of Southwest Harbor.

Pending—Motion of Mr. Richardson of Cumberland to reconsider failure of passage to be enacted.

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

Mr. RICHARDSON: Mr. Speaker, is the motion in order now that we pass this bill to be enacted or do we have to pass—

The SPEAKER: The reconsideration motion is the pending motion. Is it the pleasure of the House to reconsider our action whereby this Bill failed of enactment? It's a vote.

The pending question now is passage to be enacted, and the Chair recognizes the same gentleman.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I understand now that the gentleman from Madawaska, Mr. Levesque felt that while there were more ideal ways to fund the Part I budget than that presented, that it did represent—as I understand his remarks, a pragmatic and realistic approach to the very serious problem of funding this budget. We have kept faith.

You will recall last week that we tried to pass the Part I budget because we were most anxious that it not be opened up. We have now kept the faith with those of you who said you wanted to see what the tax bills were, you felt that it was proper to see those bills and pass on those bills as tax measures before you voted on

the Part I budget. Having kept faith with you I hope that you will keep faith in turn, that we will now pass the Part I budget and send it to the Senate. Thank you.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the eighth item of Unfinished Business:

Bill "An Act Reclassifying Waters of the St. John River Basin" (H. P. 1096) (L. D. 1414)

Tabled—April 17, by Mr. Benson of Southwest Harbor.

Pending—Motion of Mr. Bunker of Gouldsboro to reconsider motion to recommit to the Committee on Natural Resources in non-concurrence. (In Senate, passed to be engrossed).

Thereupon, the House reconsidered its action to recommit to the Committee on Natural Resources in non-concurrence.

The SPEAKER: The pending question now is, shall this matter be recommitted to the Committee on Natural Resources?

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Purely and solely on the basis of our management of our own affairs, I urge the House to vote against recommitting this bill to a committee which has already heard it, which doesn't want it back, and doesn't know what to do with it if it gets it back. I suggest to you that we pass this bill as amended by House Amendment "A", this will put us in a non-concurrent status. We are going to have ample opportunity to confer, to work out additional amendments if they can be worked out, and this is not the final day for the poor, old, soggy, polluted Prestile Stream. It will be back here again to haunt you, I assure you.

I urge you not to recommit this bill to the Committee on Natural Resources, and when the vote is taken, Mr. Speaker, I request a division.

The SPEAKER: Is the House ready for the question? The pending question is, shall this matter be recommitted?

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

Mr. BRAGDON: Mr. Speaker, if I am in order I would move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman that the pending question is the recommitment of this bill, which has the priority motion over indefinite postponement and it being a non-concurrent matter. The Chair would further advise the gentleman that if recommitment does fail, a motion to indefinitely postpone is in order.

A vote has been requested. All those in favor of this Bill being recommitted to the Committee on Natural Resources will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

I having voted in the affirmative and 129 having voted in the negative, the motion did not prevail.

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

Mr. BRAGDON: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now moves that L. D. 1414 be indefinitely postponed.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The debate on this bill, as you all know, has been extensive. I certainly didn't want to be blamed for lengthening the debate. But I think it is time that we take a few minutes to point out a few points which have been missed in the debates, which I think may deserve your consideration.

First, one thing which concerned me the first time the matter came up last week, is whether or not the industries at Easton are concerned about the Prestile Stream and recognize their responsibilities to meet their problems. To satisfy myself I spoke with members of the Attorney General's Office, with company officials, from Mr. Vahling on down; I visited the plants, I examined their waste treatment facilities and the Prestile Stream.

As a result I am satisfied, and I wanted to assure the members of this House, that they are very much concerned with this problem, as I am, and I also share the fears that they have. But we must keep a few points in mind.

The sugar company, a new and struggling organization, has spent over one million dollars for a waste treatment system which hopefully will control its pollution problem. The potato processing plant has spent over one-half million dollars in waste treatment control and is working toward a system which will eliminate all discharges into the stream, since a major portion of the problem is the fact that this is a very small stream whose flow at times is reduced to practically nothing.

It is ironic that these companies, which are really small when compared to some of Maine's industrial giants in the pulp and paper industry, have tried so hard on this problem and are now subject to the harassment that this legislation represents. And that's all it is, and I think we all know it.

Second, I want to emphasize the importance of these industries to the economy of Aroostook County. You have on your desks today a summary of these economic facts so I will not repeat them here. I do want to call your attention to the fact that these are not just manufacturing companies, important as these are in terms of jobs. Their special significance is that all of their raw materials are farm products purchased from a substantial number of farmers. So there is a double economic effect. And those effects are growing as the number of employees and the value of products purchased from our farmers is increasing each year.

About ten years ago the habits of American consumers in potato buying began a radical change. Fresh potato sales have declined and frozen potato sales have changed, and even our processing capacity is much less than the western states with whom we compete. Any action by this Legislature that damages one of the largest elements in our processing industry could be disastrous to Aroostook County.

Third, during the debate last week it was implied that the people in these industries are outsiders who have just recently come into Maine. Such matters really ought to be irrelevant to the debate. I would hope that anyone in Maine, whether they have been here one day or one century, will be treated equally by law and by the Legislature. But just to set the record straight, I would point out to the gentleman from Cumberland, Mr. Richardson, that the Vahlsing family have been respected members of the potato industry in Aroostook County before he was born in 1927.

In my discussion with Mr. Vahlsing, I asked if he had any further comments on the matter. He referred to the statement he submitted to the House a few weeks ago which you have on your desks. In addition, he has sent me the following telegram which is a summary of the views expressed in the earlier letter and for the record, Mr. Speaker and Members of the House, I would read it. Addressed to me, State House, Augusta. "Any action singling out Maine Sugar Industries, Inc. and Vahlsing, Inc. for accelerated time compliance and/or change of classification of Prestile Stream is discriminatory and will impair the capabilities of Maine Sugar Industries and Vahlsing, Inc. Maine Sugar Industries, Inc. and Vahlsing, Inc. play a vital roll in the agriculture of Maine.

I feel it is my duty to go on record that accelerated time compliance and/or change of classification of the Prestile Stream will not only hamper the well-being and impair the image of Maine Sugar Industries, Inc., and Vahlsing, Inc., but also the people who work for

these companies directly and indirectly through the sale of their products and the entire agricultural and financial well-being of the growers of sugar beets and potatoes who make up a substantial portion of the agriculture of the State of Maine." And this is signed, Fred H. Vahlsing, Jr., President, Maine Sugar Industries, Inc. and Vahlsing, Inc.

Finally, Mr. Speaker and Members of the House, much has been made of the fact that the Prestile Stream was declassified by the 102nd Legislature. But the declassification did not take effect until the sugar refinery was completed, as was provided in the law which was of course in early 1967. Just a few months after that, in the 103rd Legislature, a bill was reported out of the Natural Resources Committee, which increased the classification of the Prestile Stream to C as part of a state-wide program affecting most of our major industries and rivers. In effect the 103rd Legislature, of which I was a part, put every industry on the same footing. We said to them, "We're taking away your D classification and we're putting you on the same footing as every other industry in the State of Maine."

The companies in this state, including Vahlsing, Inc. and Maine Sugar, did not oppose that change because they recognized that they had no cause to complain as long as the law applied to all industries.

This bill changes that. It would create two sets of laws in Maine, one for the companies in eastern Maine and another for everyone else. Ladies and gentlemen, and Mr. Speaker, this bill is truly unfair and it is discriminatory. It is damaging to both of these industries and thus potentially dangerous to the economy of Aroostook County by singling them out for adverse treatment.

I certainly hope that you will defeat this and agree with the gentleman from Perham, Mr. Bragdon.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I won't prolong it, I want to thank each and every one that has supported this bill, but I didn't like to see propaganda and made a partisan bill. I thank you all.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I shall, I promise you, be very brief and I shall speak only once on this bill. The nimble rationalization indulged in by my friend Mr. Martin does not hide the fact that we can either face up to the realities of this situation and confront it as it truly exists, or we can charm ourselves with our own rhetoric into believing that we are being treated fairly by Vahlsing, that we have treated him fairly, and that everything is sailing along very smoothly.

There's only one little blot, and those are the people in Mars Hill and those are the people in the State of Maine, all over the State of Maine, who are genuinely committed to the principle that I urged you to adopt last week, and that is that every industry in this state must accept as a cost of doing business, that it not pollute.

I did not suggest last week that Mr. Vahlsing was an outsider, or that he should be singled out for any special treatment. I reject that suggestion. I didn't imply it, and I certainly didn't say it. My point was, and is today, if you want to be serious about the commitment that the people of this state made to the people of Mars Hill, and if you want to insure that the commitments made by Mr. Vahlsing are kept, then you will vote against the indefinite postponement of this bill.

This is like Aesop's Fable. My friend Mr. Vincent sent it over to me, the book that he has, keeps on his desk, and I am sure that he finds a good deal of meaning in it; I know I do, because I think that Aesop must have been thinking of the situation of the Prestile when he gives us the Fable about the wolf in sheep's clothing. The point of Aesop's Fable is that ap-

pearances are often deceiving. Appearances here and representations have been made here that Vahlsing is making a good faith effort to clean up the mess that he has created, and the mess does not come from the sugar beets — it comes from the potato plant which was violating the classification which it had, and then in the 103rd we reduced it again and he still is violating it. And it's the potato plant, as I understand it, that's violating the classification.

Oh, what a wonderful world we live in where we can sit here and tell ourselves that there is any justification and logic or fairness of good faith for the continuation of this situation. I ask you to vote against the motion to indefinitely postpone, and I join Mr. Finemore in thanking you for your patience and consideration.

Mr. Eustis of Dixfield requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call on the motion to indefinitely postpone will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is the motion of the gentleman from Perham, Mr. Bragdon, that Bill "An Act Reclassifying Waters of the St. John River Basin," House Paper 1096, L. D. 1414, as amended, be indefinitely postponed. All of those in favor of the indefinite postponement motion will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Boudreau, Bourgoin, Bragdon, Brennan, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Cottrill, Couture, Cox, Croteau, Curtis, Cushing, Dennett, Dudley, Dyar, Evans, Farnham, Faucher, Fecteau, Fortier, A. J.; Fraser, Gilbert, Giroux, Hardy, Heselton, Hunter, Jalbert, Jameson, Johns-

ton, Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Martin, McNally, Meisner, Mitchell, Moreshead, Morgan, Nadeau, Norris, Noyes, Page, Quimby, Rocheleau, Sheltra, Snow, Soulas, Tanguay, Temple, Waxman, Wheeler, Wight, Williams.

NAY — Allen, Baker, Barnes, Benson, Berman, Bernier, Birt, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Dam, Durgin, Emery, Eustis, Finemore, Fortier, M.; Foster, Gauthier, Good, Hall, Hanson, Harriman, Haskell, Hawkens, Henley, Huber, Immonen, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, McTeague, Millett, Mills, Mosher, Payson, Porter, Pratt, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, White, Wood.

ABSENT — Binnette, Brown, Crommett, Curran, D'Alfonso, Danton, Donaghy, Drigotas, Erickson, Hewes, Hichens, McKinnon, Ouellette, Richardson, G. A.; Santoro. Yes, 67; No, 67; Absent, 15.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-seven in the negative, the motion does not prevail.

Is it now the pleasure of the House that this Bill be passed to be engrossed as amended?

Mr. Martin of Eagle Lake then asked for a vote on the motion.

The SPEAKER: The pending question is the engrossment of this Bill as amended. A vote has been requested. All of those in favor of this Bill being passed to be engrossed as amended will vote yes; those opposed will vote no. The Chair opens the vote.

Whereupon, Mr. Bragdon of Perham requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed to a roll call 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 passage to be engrossed as amended of Bill "An Act Reclassifying Waters of the St. John River Basin," House Paper 1096, L. D. 1414. All those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Bernier, Birt, Brown, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Dam, Durgin, Emery, Eustis, Evans, Finemore, Fortier, M.; Foster, Gauthier, Good, Hall, Hanson, Harriman, Haskell, Hawkens, Henley, Huber, Immonen, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; LePage, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, McTeague, Millett, Mosher, Porter Pratt, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, White, Wood.

NAY — Bedard, Boudreau, Bourgoin, Bragdon, Brennan, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Cottrell, Couture, Cox, Croteau, Curtis, Cushing, Dennett, Dudley, Dyar, Farnham, Faucher, Fecteau, Fortier, A. J.; Fraser, Gilbert, Giroux, Hardy, Heselton, Hunter, Jalbert, Jameson, Johnston, Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, Levesque, Martin, McNally, Meisner, Mills, Mitchell, Moreshead, Morgan, Nadeau, Norris, Noyes, Page, Payson, Quimby, Rocheleau, Sheltra, Snow, Soulas, Tanguay, Temple, Waxman, Wheeler, Wight, Williams.

ABSENT — Binnette, Crommett, Curran, D'Alfonso, Danton, Donaghy, Drigotas, Erickson, Hewes, Hichens, McKinnon, Ouellette, Richardson, G. A.; Santoro.

Yes, 68; No, 67; Absent, 14.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty-seven in the negative, the Bill is passed to be engrossed as amended by House Amendment "A" in non-concurrence and it will be sent up for concurrence.

The Chair laid before the House the ninth item of Unfinished Business:

Bill "An Act Granting Veterans a Property Tax Credit in Lieu of an Exemption" (H. P. 743) (L. D. 961)

Tabled—April 18, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, now moves that this Bill be indefinitely postponed.

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

Mr. SUSI: Mr. Speaker and Members of the House: There is an amendment being prepared to this bill, which will be available within a day or two, and I would appreciate it if someone would move for the tabling of the bill.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for Friday, April 25.

The Chair laid before the House the tenth item of Unfinished Business:

HOUSE REPORT—"Ought not to pass"—Committee on Towns and Counties on Bill "An Act to Place Full-time Deputy Sheriffs under the Personnel Law" (H. P. 530) (L. D. 701)

Tabled—April 18, by Mr. Henley of Norway.

Pending—Acceptance.

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

Mr. HENLEY: Mr. Speaker, I now move that we substitute the bill for the report, and I would speak to my motion.

The SPEAKER: The gentleman from Norway, Mr. Henley, now moves that the House substitute the bill for the report. The gentleman may proceed.

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

House: Again I am faced with a unfavorable report from committee, but I hope that I can show wherein this bill has a lot of merit, L. D. 701, to place full-time deputy sheriffs under the Personnel Law.

I crave your indulgence for a few moments while I quote a few quotes here from some clippings which I made. J. Edgar Hoover states — this is a report he made of crime in 1967:

"Robbery increased by 28 per cent; murder by 11 per cent; aggravated assault by 9 per cent; forcible rape by 7 per cent; auto theft by 18 per cent; grand larceny (\$50 or more) by 17 per cent; and burglary by 16 per cent."

It broke down in 1967 to the following rates:

"Serious crimes 7 each minute; violent crimes 1 each minute; murder 1 every 43 minutes; forcible rape 1 every 19 minutes; aggravated assault 1 every 2 minutes; robbery 1 every 2½ minutes; burglary 1 every 20 seconds; larceny 1 every 30 seconds and auto theft 1 every 48 seconds."

That was their report for 1967. In 1968, in defending some of the findings of the United States Supreme Court, Justice Fortas stated in part, in one of his remarks:

"First, we must demand that our penal institutions be adequately staffed by trained psychiatrists and social workers. Our prisons should be correctional institutions, not training grounds for bigger and better crimes."

And secondly, which I attach most important to in my quote here:

"Secondly, we must raise the salary of police officers, give them more comprehensive training, and demand of them excellent detective work. Recent court decisions require police departments to stress investigation of crimes rather than interrogation of suspects, just as we should all have been demanding for many years."

One more thing I would like to read here which I clipped from the newspapers. Normally I do not go along with quoting too much about what other states do or what they propose to do, but I feel that this has specific bearing on county government and its various ram-

ifications. Recently we had a statement by my good friend in back of me here, Mr. Fortier, from Waterville, that he would like to see county government dispensed with. I used to have that idea, but I do not now. I feel that county government should be streamlined, to be made more efficient, and to do the job which it should do.

This is a brief paragraph or two which I would like to quote relative to Massachusetts.

“County Government in Massachusetts should have gone out with the clipper ships. It has outlived its usefulness. In the old days when travel was long and difficult, county seats had a meaning and purpose, which they no longer fulfill. All objective students of state government realize this. So do most taxpayers. Invariably, over the years, the Governor has advised the Legislature about this. But nothing ever is done because — whatever they may not be — county government rings are politically powerful.

Now Governor Sargent is trying a different tack. He proposes to reorganize county government by placing all employes under civil service, thus wiping out political patronage. Among other things, his plan would abolish the deputy sheriffs fee system statewide and regionalize jails and houses of correction. In other words, instead of doing away with county government, the Governor wants to make it work efficiently.

The need to do something drastic about this state's archaic system of county government, unfortunately, remains more obvious than the assurance that it will be done.”

Now we have through the years an increasing importance to the role — in various rural counties particularly — of sheriffs' departments in regard to law enforcement and protection. We have some very efficient sheriffs' departments, and this bill is definitely not aimed at any one or any department or any county. In fact this bill is aimed at improving the sheriff's department in any and all counties.

This bill and the purpose of it has very few opponents, and at the committee hearing there were two opponents, and, of course, they were sheriffs of two counties. But they opposed it mainly on the principle that the state government was proposing to make this change, not that the change was of value.

Sheriff Sharp of Cumberland County stated that the Sheriffs' Association had long considered taking their deputies out of the political scene, their full-time deputies, and having a personnel code, or some type of civil service, to place them in. The only objection seemed to be that I beat them to it.

Now the reason that I submitted this bill gives me no particular personal advantage; it has been discussed by various citizens, deputy sheriffs, and public spirited citizens. It just seemed to be a step in the right direction in making county government efficient and to give an incentive for worthwhile, trained, conscientious men to seek and to hold deputy jobs with an assurance that they could be there not two years, four years, or six years, but if they continue to do a good job and continued with their training like a good many other professional jobs they can make a career of it, and their salaries would be better, they would be automatically promoted salarywise, and there is no reason why they couldn't continue on and put in a lifetime in that line of work if they wanted to without the fear that if the sheriff happened to be unelected in one of our election years they were out the window, and some fresh ones would be brought in.

Now through the years we all know that there have been many times in our counties — possibly not all of them, but I imagine it's been true in all of them — when a new sheriff or a new party has come into office, either party, and there have been deputies appointed and sworn in who possibly were the best shoe salesmen in the town, or they may have been the best apple grower, or the best truck driver, but they were not the best

law enforcement officer, and they never would be unless they got the training and the experience to back them up.

Now if this bill can be passed, I would suggest two amendments: one of them an amendment which would take care of an objection which was brought out at the committee hearing; one that's providing a deputy, or a chief deputy, who was under civil service, decided that he wanted to run for the office of sheriff, that on that announcement as a candidate that he would resign as a deputy sheriff; they shouldn't have run for office while he was still a deputy sheriff. The second amendment, which has met with approval, would be some sort of a grandfather clause which would allow the present incumbents, of whom I know there are many who are very competent, who have several years as deputies behind them, who would allow those incumbents, by possible getting a few letters of recommendation, and doing a little bit of studying, and taking the exam to qualify, and maintain their jobs, if it was okay by the incumbent sheriff. Those two things I feel would make good amendments. Beyond that I don't see but what the bill would work pretty good.

Now, one more comment I want to make: to find out how this would be implemented—and by the way it is not effective, if passed, until January of 1971 — I had a conference with Mr. Harris over in Personnel yesterday, and he and I went through the bill. I tried to find out just how it would be implemented, and it seems that it would not be too difficult to set it up because they would have a year and a half or so to set it up. There would merely be a set of guidelines established, probably through cooperation and coordination with the law enforcement officials throughout the state, principally the sheriffs themselves, to decide just what the qualities and basis of training would be necessary. Also a basic salary structure would be set up with its various step promotions.

Then once this was set up, it would be established in various training courses, I would believe

and would hope, in conjunction with the police academy, which I hope will be enacted this year, and the basic training course would be mandatory before eligibility could be established to be appointed as a deputy sheriff anywhere in the State of Maine.

Now all of those things in conjunction, I believe, would make for a much more efficient county police department within our state, and I do know that it meets with the approval of several of the sheriffs and it meets with the approval of an awful lot of deputies themselves, because they would feel then fairly secure once they got their permanent appointment. They would be subject to discontinuance of their jobs only on cause. A new sheriff of another party could not just primarily discharge them: there would have to be cause like any other civil service employee.

Now, as I say, if this can be passed to be engrossed, these other amendments, if advisable, can be enacted along with it, and we can have a law which I think we could be proud of. I hope you will go along with me on substituting the bill for the report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Ladies and Gentlemen of the House: I will have to agree that this bill has some merit. How much, the committee delved into, I think quite thoroughly, and the report was a unanimous "Ought not to pass" report on this bill.

Now the personnel board was not mentioned as the State Personnel Board, and there are many other employees that probably will want to get under state personnel. Also, I wonder if this is an opening wedge for other employees; there is a possibility of having county personnel boards.

Now the counties know best the situation at salary scale. Once you set up the personnel board through the state, then the salary scale must be uniform. In Cumberland, there is a much higher rate for full-time deputies than there is in Knox or Aroostook County, so you are going to have many changes

in wage scales, and to put this under personnel, I think a very moderate figure, from the state personnel office, has been \$10,000 to establish these county regulations. Pay scales, it will mean traveling for the personnel board in setting up this department for county government.

I almost feel, this is only for the full-time sheriffs, but eventually we will see this develop and possibly county personnel boards. I hope you oppose this bill at the present time until it is cleared and amendment that are much more necessary than those he suggested. I oppose the passage of this measure.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I won't take but a moment. I would just like to clarify one point. I think possibly I have before stated it.

We must not forget that based on this history of county government whether the other personnel at the county level decided at a future time they wanted to come under the controls of state personnel, in a sense, is beside the point.

County government legally is state government. It is not an autonomy, it is a child of state government. So there is no particular reason why state government in its personnel department cannot control personnel.

If we agree that law enforcement officers must have more pay, let's put them in a position where we can have career people and not people who are pinch hitting for two, three years at a time, and then those people expect \$150 a week pay, which I think probably they should have. Now, under this law here I feel that the beginning wage for a deputy sheriff, minimum, should be \$125 a week and it should go on in step raises based on experience and training up to probably — at the present time, if they had the background and training — nearly \$200 a week, because we are depending tremendously upon those people now. We have got to have trained persons and

persons with responsibility. How are we going to get them when they are changing every two or three years.

So I urge you again to allow us this first step toward bringing efficiency and a little bit more training and responsibility into our county police forces which means so much. That's all we have mostly in a lot of our rural counties. I would like a division.

The SPEAKER: The pending question is the motion of the gentleman from Norway, Mr. Henley, to substitute the Bill for the Report on item 10, House Paper 530, L. D. 701, on Bill "An Act to Place Full - Time Deputy Sheriffs under the Personnel Law." If you are in favor of substituting the Bill for the Report, you will vote yes; if you are opposed, you will vote no. The Chair opens the vote.

A vote of the House was taken. 15 having voted in the affirmative and 98 having voted in the negative, the motion did not prevail.

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

The Chair laid before the House the eleventh item of Unfinished Business:

Bill "An Act relating to Length of Time in Boarding Stray and Abandoned Dogs" (H. P. 205) (L. D. 255)

Tabled — April 18, by Mr. Lewis of Bristol.

Pending — Passage to be engrossed.

Mr. Tyndale of Kennebunkport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-228) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: This bill was heard in committee, and we had all kinds of days for boarding the stray dogs. It had been fourteen days, and we decided to put it back to seven because the Department of Agriculture claims that the money coming in for the license fees will

not cover any more than seven days, and I believe they're right. And some of these boarding places are just asking for this extra three days just for a matter of the extra money. I don't think they want to keep that dog any longer than that — they just want the extra money out of it; and I think we ought to accept the bill as it came out of the committee, and I request a division on this amendment.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: I discussed this quite at length with the members of my board of the Animal Humane Society of York County. It would be very difficult for us to put an ad in the paper, and get a reply, and find a home for a dog in seven days. We don't need the little extra money involved — it's the point of principle here. And I hope you'll go along with this amendment simply for the time and the mechanics of the thing. We simply cannot find a home for dogs within the seven-day limit.

The SPEAKER: Is the House ready for the question? The pending question is the adoption of House Amendment "A" and a vote has been requested. If you are in favor of adopting House Amendment "A" you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 63 having voted in the affirmative and 34 in the negative, the motion did prevail.

The Bill was passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the twelfth item of Unfinished Business:

Bill "An Act relating to Retirement Benefits for Call Firemen under State Retirement System" (H. P. 834) (L. D. 1072)

Tabled—April 18, by Mr. Farnham of Hampden.

Pending—Passage to be engrossed.

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

Mr. TEMPLE: I move that this be passed to be engrossed.

The SPEAKER: The gentleman from Portland, Mr. Temple, moves that this be passed to be engrossed.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: This is what appears to be a very innocuous bill, but is in effect a sleeper bill, which was supposed to slide through without anyone realizing what it was or what it meant. It has been exceedingly well lobbied by the Firemen's Association. I would expect that most of you, while you were home, have been contacted by your local fire department.

It just seems to me very inconsistent and most unreasonable that anyone for answering sixty calls should come under a state retirement system. Now these sixty calls do not necessarily mean that they were calls to fight a fire. They could have been called in for a little instruction on how to use, or what chemical to use, on a certain type of fire. The call also could be for an oyster stew, or a cribbage game in the fire house. But on this basis, that person would become eligible to come under the State Retirement System.

Now who works as call firemen? They are a people who are very, very much needed. But invariably they are people who have other employment, who come under other pension laws, and in some cases, and I realize this is true in my own town because I'm well aware of the members of the call department, many of them are not only under Social Security but they are also under private company plans. So this, in effect, is an effort to build up a third pension plan for answering sixty calls a year, and these sixty calls in total might not amount to more than twenty-five hours of duty during the year.

To me, also, it is class legislation because I think if you pass this, I'm sure it would be true, you'll come back here next year and you'll have the reserve police

force who might be called out six or seven times during the year.

It probably will be told to you that it's very difficult to get good, qualified call firemen. I think that this is a true statement, and in fact, all you've got to do is look at the want ads in your daily papers and you'll find out that companies all over the state are having difficulty getting good, qualified workers. So this is not a predicament of the call firemen. Furthermore, I would ask you to consider what is most attractive to a call fireman—a pension thirty-five years away, and a minute pension at that, or a decent hourly rate for the call and the work he performs at that time? I hope the House will not vote for the motion of the gentleman from Portland, Mr. Temple.

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

Mr. MILLS: Mr. Speaker and Members of the House: I would pose a question through the Chair to Mr. Farnham if he so cares to answer. Would he care to state what the firemen are paid per call in his area?

The SPEAKER: The gentleman from Eastport, Mr. Mills poses a question through the Chair to the gentleman from Hampden, Mr. Farnham, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. FARNHAM: Mr. Speaker. I couldn't tell him exactly, but I can tell him that every fire, and I've been at quite a few of them, we work like the devil and we don't get any pay, but we put out the fire.

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

Mr. TEMPLE: Mr. Speaker and Members of the House: I'd like to take just a few minutes to explain this legislation. This bill is permissive legislation, and it would include call firemen under the State Retirement Law. Municipalities can accept or reject this law; there's nothing binding whatsoever on their part if this law is

passed. If they would like to upgrade their fire service, they can do so if they wish.

At the hearing on this bill several spoke for the bill, and there was no opposition whatsoever to it. The committee was unanimous for its passage. The Maine State Firemen's Association and the fire chiefs favored this bill, and there are no state funds involved in this legislation. This bill concerns the most dedicated employees in the State of Maine. They are on call 24 hours a day, 365 days a year, and we feel they should be allowed the privilege to say they can serve, as other municipal employees, and have these rights under the State Retirement System, and I hope you will vote for my motion.

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

Mr. FARNHAM: Mr. Speaker, I now move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, now moves that L. D. 1072, Bill "An Act relating to Retirement Benefits for Call Firemen under State Retirement System" be indefinitely postponed.

Mr. Temple of Portland requested a roll call.

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

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that item 12, Bill "An Act relating to Retirement Benefits for Call Firemen under State Retirement System," L. D. 1072,

be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Berman, Birt, Bourgoin, Bragdon, Buckley, Bunker, Carey, Chandler, Chick, Clark, C. H.; Corson, Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Durgin, Eustis, Evans, Farnham, Faucher, Foster, Fraser, Gilbert, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Heselton, Hichens, Huber, Hunter, Immonen, Johnston, Kelleher, Kelley, K. F.; Laberge, Lee, Levesque, Lewis, Lund, Marsteller, McNally, Millett, Mitchell, Moreshead, Nadeau, Norris, Page, Payson, Porter, Quimby, Richardson, H. L.; Rideout, Scott, C. F.; Shaw, Sheltra, Snow, Susi, Thompson, Trask, Tyndale, Watson, Williams, Wood.

NAY — Barnes, Bernier, Boudreau, Brennan, Burnham, Carrier, Carter, Casey, Cote, Cottrell, Couture, Croteau, Dam, Danton, Emery, Fecteau, Finemore, Fortier, A. J.; Gauthier, Giroux, Jalbert, Jameson, Jutras, Kelley, R. P.; Keyte, Kilroy, Lawry, Leibowitz, LePage, Lewin, Lincoln, MacPhail, Marquis, Martin, McTeague, Meisner, Mills, Morgan, Mosher, Pratt, Rocheleau, Ross, Scott, G. W.; Stillings, Tannguay, Temple, Vincent, Waxman, Wheeler, Wight.

ABSENT — Binnette, Brown, Clark, H. G.; Coffey, Cox, Crommett, Curran, D'Alfonso, Drigotas, Dudley, Dyar, Erickson, Fortier, M.; Good, Henley, Hewes, Lebel, McKinnon, Noyes, Ouellette, Rand, Richardson, G. A.; Sahagian, Santoro, Soulas, Starbird, White.

Yes, 72; No, 50; Absent, 27.

The SPEAKER: Seventy-two having voted in the affirmative and fifty in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

The Chair laid before the House the thirteenth item of Unfinished Business:

JOINT ORDER relative to Department of Banks and Banking reporting Bills re interest and

charges to correspond to Federal Consumer Credit Protection Act (S. P. 436) (In Senate, passed)

Tabled—April 18, by Mr. Scott of Wilton.

Pending—His motion for passage in concurrence.

Thereupon, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics" (H. P. 734) (L. D. 952) (In House, passed to be engrossed) (In Senate, indefinitely postponed)

Tabled—April 18, by Mr. Moreshead of Augusta.

Pending — Motion of Mr. MacPhail of Owls Head to Insist and ask for a Committee of Conference.

Thereupon, the House voted to insist and ask for a Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. MacPHAIL of Owls Head
HUBER of Rockland
HARDY of Hope

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

HOUSE REPORT — "Ought to pass" as amended by Committee Amendment "A" H-208 — Committee on Natural Resources on Bill "An Act relating to Approval of Refuse Disposal Areas" (H. P. 739) (L. D. 957)

Tabled — April 18, by Mr. Snow of Caribou.

Pending — Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, I would like to now move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Caribou, Mr. Snow, moves that the Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Dixfield, Mr. Eustis.

Mr. EUSTIS: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill, and I am very much concerned with it. I think it is being misunderstood by a lot of people. It is not an enforcement bureau, it is simply advisory, and the members of the board who furnish the advice are capable in their fields and have no prejudice.

Further, it does concern pollution because many of these dumps in the state, statewide, will, before very long, have to move. If they move and place themselves in the same position of being in pollution as they were when they moved, they will accomplish nothing except spend some money.

The people who do the inspecting of the whole thing are, in addition to a member of the Sanitary Engineering Board from Health and Welfare, there is a mapping and ground soil service which thoroughly examines the site in question and decides whether or not it is a suitable place to construct a dump. Their authority goes no further than that; they cannot order. It will simply bring to the people who are concerned the information necessary to decide. Thank you, sir.

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

Mr. CAREY: In support of the gentleman from Caribou, Mr. Snow, I would point out that L. D. 957 has an amendment which includes the Department of Agriculture to an already fairly long list.

The bill says in Section 1663, "Disposal Area Approval", "No new disposal area shall be established," so this I think takes it out of the advisory position, "until the written plan thereof shall first have been submitted to and approved by the following: the Department of Health and Welfare, Water and Air Environmental Improvement Commission, Soil and Water Conservation Commission, State Highway Commission, State Planning Office, Park and Recreation, Maine State Police, Maine Forest Service," and now we have added the Agriculture Department, and I say to you that if anybody

has to go through this whole rigamarole, they will never get a disposal area.

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

Mr. BENSON: Mr. Speaker and Members of the House: I note that this is a unanimous committee report, which tells me something. I have talked with the gentleman from Dixfield, Mr. Eustis, about this bill, I have read the bill and I have talked with others about it. And I think if we are going to be concerned with items of pollution in our State that this is certainly an excellent place to — not to start but to continue. I like the bill. I think there are many excellent provisions in it and I would be very much disappointed to see it indefinitely postponed. I would ask you to support the unanimous committee report.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: I might attempt to explain the reason why this came out of committee unanimously "Ought to pass." There was no opposition to the bill, the day before the committee hearing, because of other hearings being held at the time they were unable to attend. Later this information became known and that's the reason for my position.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly this morning, I think this type of legislation is something that is going to give us at least a start or a beginning where it is going to help provide some area of disposal. In order to help a beginning in trying to evade some of the pollution that is being caused in rivers and streams where these disposals have been established indiscriminately, and I think somewhere along the line we need to have a beginning some place and I wholeheartedly support the position of the committee of reporting this unanimously "ought to pass." At least this will give the

State of Maine a chance to begin eliminating the possibility of future pollution by these area disposals where they are now concerned. Thank you.

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

Mr. DURGIN: Mr. Speaker and Members of the House: Now I have no opposition to laws governing disposal areas, but Section 1663 of this bill certainly looked like a batch of red tape. It would be almost insurmountable. It seems to me that something in this section could be written that would make it easier to get approval of disposal areas. Therefore, I am supporting the motion of the gentleman from Presque Isle, Mr. Scott.

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

Mr. BENSON: Mr. Speaker and Members of the House: Once again I think that this measure is one that we should think seriously about. If there are areas in here which seem to cause insurmountable problems, as we have just heard, then let's give it two readings and let's see if we can't come up with an amendment which will correct these problems. I don't think that we should discard the bill because there is the possibility of one or two difficulties with it. I think that if we can pass this bill today on the basis of a unanimous committee report that we can come up with amendments that will correct any serious difficulties with the bill.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Caribou, Mr. Snow, that the Bill be indefinitely postponed. The Chair will order a vote. 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.

33 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

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

Committee Amendment "A" (H-208) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

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

MAJORITY REPORT (6) — "Ought not to pass"—Committee on State Government on Bill "An Act relating to Membership and Salary of State Liquor Commission" (H. P. 782) (L. D. 1015) and MINORITY REPORT (4) reporting "Ought to pass"

Tabled—April 18, by Mr. Rideout of Manchester.

Pending—Acceptance of either Report.

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.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. CHANDLER: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion to accept the Majority "Ought not to pass" Report. I am the sponsor of L. D. 1015 and although my argument will be simple and I hope brief, the logic of my position should be clearly understood. At the outset, let me make one point very clear. I have sponsored this bill in a completely objective fashion without regard for persons or personalities. I can only ask that you judge the merits of this measure on that same basis.

The source for L. D. 1015 is something of past history. A similar bill was introduced in the 193rd Legislature as a recommendation of the Legislative Research Committee. You are probably asking, as I did, "What happened to it then?" The Committee report was nine to one "Ought to pass" and the Majority Report was accepted by the House. The bill had received widespread and strong support but before enactment the vicious monsters of gossip, in-

nuendo, and rumor had reared their ugly heads and defeat became inevitable. Ladies and gentlemen, it is now high time we called a spade a spade. The reason for the defeat of the bill in 1967 was partisan bickering.

So much for the past. The measure before us corrects three outstanding deficiencies in the Maine State Liquor Commission. First, it applies the principles of good management to the executive structure. The basic tenet here is that although authority can be delegated, responsibility cannot. Here, this bill does away with the two part-time commissioner positions and thus places the responsibility squarely upon the shoulders of one individual executive, where it belongs.

My fellow Members of the House, the only real argument advanced by the opponents of L. D. 1015 is that hackneyed, useless phrase: "There is safety in numbers." In answer, I would simply remind you that no such safety existed when several years ago Maine's liquor scandal was on the lips of every citizen in this state.

To leave the emotional aspect and turn to the second deficiency, we find the term of office far too short at present to allow continuity and achievement of long-term management efforts in what is actually our State-owned equivalent of a very large retail business. Show me a thirty-six million dollar retail venture that changes presidents every three years and I'll show you a business deep in turmoil.

The third deficiency is that of salary. No business doing a thirty-six million dollar volume of sales, having 89 stores and employing over 350 persons, would for a moment consider attempting to hire a chief executive officer for an annual salary of less than the \$18,000 figure provided in L. D. 1015. The figure may seem astronomical, but please ask yourself honestly, "would I take that job for less?"

In summation, let me say that we engaged in politics and government are constantly accused of tailoring the job to fit some particular man rather than finding

the right man for the job. I say we should prove to the voters of the State of Maine that we have the courage to evaluate a most important position in State Government, to set the requisites and standards and rewards high enough to not only insure that the Maine State Liquor Commission will be directed with the highest degree of efficiency and economy, but that the interests of all citizens will be protected by placing the Commission's chief executive officer above the reach of the allegedly rampant graft and corruption.

I would thus ask you to vote no on the motion to accept the "Ought not to pass" Report and when the vote is taken I would respectfully request that it be by the ayes and nays. Thank you.

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

Mr. HICHENS: Mr. Speaker and Members of the House: This morning I rise in support of the gentleman from Kittery, Mr. Dennett. I am pleased to do so because two years ago I fought very vigorously against a one-man commission and I do so today. My reasons this year are no different than they were two years ago. And as the gentleman from Orono referred, that two years ago was a nine to one "Ought to pass" Report; this year it is a six to four "Ought not to pass". Several of the members of that committee are on this committee. For some reason, I do not question, they have changed their minds and I believe it is a change for the good, so I again would urge you to support the Majority "Ought not to pass" Report.

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

Mr. CAREY: Mr. Speaker and Members of the House: I hate to keep bringing up Waterville's problems. But in this case we had a V. F. W. organization that had a liquor license, and I'll tell you right now from the work that I did on it there was indeed safety in numbers on a three-man board.

The SPEAKER: Is the House ready for the question? The pend-

ing question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "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 the Majority "Ought not to pass" Report on Bill "An Act relating to Membership and Salary of State Liquor Commission," House Paper 782, L. D. 1015. If you are in favor of accepting the "Ought not to pass" Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Barnes, Bedard, Bernier, Birt, Boudreau, Bragdon, Brennan, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Corson, Cottrell, Couture, Crosby, Croteau, Curtis, Cushing, Dam, Dennett, Donaghy, Durgin, Evans, Farnham, Faucher, Fecteau, Fine-more, Fortier, A. J.; Fortier, M.; Foster, Gauthier, Gilbert, Giroux, Hall Hanson, Hardy, Harriman, Haskell, Hawken, Hichens, Huber, Hunter, Immonen, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Laberge, Lawry, Lebel, Lee, LePage, Lewin, Lewis, Lincoln, Lund, Marquis, Marstaller, McNally, McTeague, Meisner, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Porter, Quimby, Rand, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Starbird, Stillings, Temple, Thompson, Trask, Tyndale, Vincent, Waxman, Wheeler, White, Wight, Williams, Wood.

NAY — Benson, Berman, Bourgoin, Chandler, Coffey, Cote, Danton, Emery, Erickson, Eustis, Fraser, Good, Henley, Heselton, Keyte, Leibowitz, Levesque, MacPhail, Martin, Millett, Norris,

Pratt, Rideout, Susi, Tanguay, Watson.

ABSENT — Baker, Binnette, Brown, Cox, Crommett, Cummings, Curran, D'Alfonso, Drigo-tas, Dudley, Dyar, Hewes, Jalbert, Kilroy, McKinnon, Noyes, Ouellette, Page, Payson, Richardson, G. A.; Richardson, H. L.; Santoro, Snow, Soulas.

Yes, 99; No, 26; Absent, 24.

The SPEAKER: Ninety-nine having voted in the affirmative and twenty-six in the negative, the motion does prevail.

Sent up for concurrence.

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

An Act to Provide for the Expunging of Certain Records of Arrest (S. P. 223) (L. D. 663)

Tabled—April 18, by Mr. Berman of Houlton.

Pending — Motion of Mr. Lund of Augusta to reconsider passage to be enacted.

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

Mr. LUND: Mr. Speaker and Members of the House: I would like to speak in favor of my motion for reconsideration on L. D. 663 in order to have an opportunity to present to you an amendment which is under filing number H-170.

Legislative document 663 embodies a philosophy which is applauded by all of us. The authors are undoubtedly well-meaning and sincerely interested in the rights of the individual who has been acquitted of crime. And if the objectives of this legislative document could be accomplished without seriously impairing the functioning of our law enforcement agencies, I would be very much in favor of it.

During the period of time that this item has been on the table I have made an effort to confer with the sponsor of the bill to see whether he would consider any amendments to take care of some of the problems which I feel are in the bill. The sponsor of the bill did not seem interested in considering any amendments. He

seemed more interested in using the time available to try to gain more support for the bill in its present form.

If you will look at L. D. 663, it would provide that when a person had been acquitted of a crime or the charge against him dismissed, the record of his arrest would be expunged by the law enforcement agency after the Clerk of the Court forwarded the copy of the acquittal to the arresting agency, and all agencies which had any record of the arrest would have to expunge this record. Now expunge means to obliterate or get rid of, and I would assume it would mean these records would be thrown away or so altered that they could not be read.

Now in some cases this would not cause any serious problem, but I would like to call the attention of the Members of the House who are not acquainted with the matters of law enforcement the way our State Bureau of Identification works. I have here in my hands what is known as an S.B.I. sheet and this contains the records of detention and conviction of an individual. These are not handed out to the general public, and I have this only because this was the record of a client of mine whom I represented.

When a person is arrested and fingerprinted, his prints and the record of arrest are forwarded to Maine State Police headquarters, they compare the prints with other prints they have, and if they match up they enter his name and the arrest on this S.B.I. sheet that I just showed you. Then at later times, if this same individual is arrested, and the police are interested in knowing something of the background of the person that they have, they can request this information and the State Police will send a copy of this to the arresting department or the department of police making the inquiry.

And it is useful in this way. Oftentimes if there is a break in a filling station or perhaps if the police had a child molesting case, all they have is a number of suspects, and it is well known that

people with criminal problems tend to work along certain patterns. So one of the things that the police will do if they have several suspects in the case of a break, for instance, they will send for information or telephone for information from the State Police headquarters to find out if any of the suspects have any records of arrest or conviction of this type of offense previously. With this information the police then know which person they should continue their investigation on.

If this bill passes, all the records of arrest will be expunged and will not be available. It doesn't require any real stretch of the imagination, for instance, to visualize the situation in which a person might be arrested for a break. Because of a lack of evidence, perhaps they couldn't find the stolen articles, the charge was dismissed. Perhaps a month later the man might be arrested in another community and the police might even at that point have the merchandise which had been taken in the first break. If this bill passes, when the police make their inquiry, they would not be able to get the record of the arrest perhaps a month before.

The point of it is this, I think. These records are not available to the general public. They are extremely useful in the investigative process. And I can assure you that much of police work is not due to the flamboyant type of reasoning and bright thinking that you see on television. Most police work success is due to careful and thorough investigation along the lines that I suggested to you.

Each week brings new decisions from our courts all over the country and from our Federal court system, limiting further the abilities of the police to carry out their functions, and I don't propose to argue with these decisions; but the net result of these decisions has been that the police find it more and more difficult to carry out their work. And what I would suggest to you today is that this House, instead of being concerned with this bill, should be looking for ways to improve the effectiveness of police agencies, not to place new roadblocks in their way.

If this bill is passed, we will have gone down a one-way street; that is to say, these records will have been destroyed or expunged. If in a later session the Legislature should decide that this was an unwise move, it will be very difficult to reestablish the records which have been destroyed and obliterated.

Again, to illustrate how poorly thought through this bill appears to be, I would call your attention to the penalty provision, and it is in the last two lines of the very short L. D. "Any person who violates this section shall be punished by a fine of not more than \$200 or by imprisonment for not more than six months, or both."

The bill appears to apply to law enforcement agencies and to the Clerks of Court. So if this bill passes and if a clerical error is made and a Clerk fails to expunge an entry of a dismissal or an acquittal, who are we going to levy a fine upon or put in jail — the Clerk of the Court? Or, if this happens in a police department and a clerical error is made, who are we going to fine and put in jail—the clerk in charge of the records, the patrolman, or perhaps the Chief of Police? I would urge upon the House that whether this bill passes or not, our law enforcement agencies are going to continue to do their best, but if this bill passes it is going to erect just one more obstacle in the path of our law enforcement agencies that are already working under heavy burdens.

This document embodies a philosophy that is applauded by all of us, its authors are undoubtedly well-meaning and sincerely interested in the rights of individuals who have been acquitted of crime. However, its effects seriously cut into the efforts of effective investigation, and I hope that the House will reconsider in order to give me an opportunity to offer an amendment which will take out the expunging provisions of this legislative document.

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

Mr. BERMAN: Mr. Speaker and Members of the House: It is al-

most twelve-thirty and the few words that I am going to say I hope will be taken in the spirit in which they are given. We certainly have been treated, and I mean it in all sincerity, to quite a bunch of red herring. Our Committee tries to be very fair, we're not out to push any Clerk of Court or any court official around, we're even going to be fair to Mr. Lund. We are going to allow so far as the Committee is concerned reconsideration so that we can take up his amendment.

But I would like to forewarn the House that what the amendment really does is take the very guts out of the bill. Now if the House in its deliberations wishes to take the heart out of the bill, so be it, but this is precisely what we are going to do. So I'll go along with the motion to reconsider, but I hope that the House will listen very carefully to what was a unanimous Committee Report. I am awfully sorry, frankly, that my good friend from Augusta, Mr. Lund, felt that our deliberations were very poorly thought through. I don't believe that I have ever in all my years in the House ever made such a statement regarding the work of any committee, let alone a professional committee, but so be it.

So I hope that when you listen to the arguments on the amendment itself, which would tear the heart out of the bill, that you will give this matter your fair consideration.

Thereupon, the pending motion to reconsider passage to be enacted prevailed.

On motion of Mr. Lund of Augusta, under suspension of the rules, the House reconsidered its action of March 27 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of March 26 whereby Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted; and on further motion of the same gentleman, Committee Amendment "A"

as amended by Senate Amendment "A" thereto was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, the House reconsidered its action of March 26 whereby Senate Amendment "A" to Committee Amendment "A" was adopted; and on further motion of the same gentleman Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed in non-concurrence.

Mr. Lund of Augusta then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-170) was read by the Clerk.

The SPEAKER: The pending question is the adoption of House Amendment "A"

The gentleman may proceed.

Mr. LUND: Mr. Speaker and Members of the House: Sometimes the parliamentary footwork gets a little confusing. It had been my understanding, from an earlier discussion with the gentleman from Houlton, that the point at which we would debate this would be the reconsideration motion. Apparently that not being the case, I would now comment briefly on the amendment which is now offered, and which is H-170.

This amendment would remove the expunging provisions which I referred to earlier, and which I feel are the heart of the objectionable portion of the bill I would agree with the gentleman from Houlton that this amendment does remove the expunging provision, and this is what I feel is the significant damage that the bill would do. The amendment would provide that upon acquittal or dismissal each agency would make the information therein contained a part of its records, and would not thereafter release a transcript of its records without containing the entry of acquittal or dismissal. It further provides that the person concerned would have the opportunity, upon request, to examine the records to see to it that along with the arrest the record would include the acquittal or the dismissal.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I hope very briefly, because of the lateness of the hour, I want to indicate my support for the amendment which has been offered by the gentleman from Augusta, Mr. Lund, and I can only second what I consider to have been his very thoughtful and articulate analysis of the problem that we confront.

I think it is essential, as he pointed out, in cases involving child molesting, or cases involving a continuation of repeated instances of the particular method of operation by members of the criminal element in this state, that the police have available to them the very valuable investigative tool of knowing whether or not this suspect of the child molesting case has had several arrests along the same line. This would permit the police to narrow their investigation, to focus their attention on the most likely suspect. It doesn't mean he's going to be convicted on the basis of his past record; it means simply that the police will make a vigorous investigation based on their knowledge of his past record in order to get all the facts and the evidence.

I support him; I share with Mr. Lund concern about the indiscriminate dissemination of this information. I think his amendment goes a considerable distance towards seeing to it that these records are not indiscriminately made available to members of the general public who have no real valid reason for having this information. Thank you.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: Presently if a person is found innocent of a crime, the record he was charged with such a crime remains, and he suffers the stigma of having been so charged. Passage of this bill would remove the stigma to a certain extent.

I'll give you an example of the unfairness of the present law. I am familiar with a case in which three boys were charged with rape. At a hearing it was brought out that

the girl was a psychopathic liar, and the boys were acquitted. Now the fact that they were charged with such a serious crime remains on the records of the local and state police, and when an investigation is made by a prospective employer, and he finds out about this charge, it rebounds to the disadvantage of these boys who were acquitted.

I submit that the objective of this bill is to help protect the innocent who should be protected. Does anyone in this House feel that a person that is found innocent of a crime should be penalized for the rest of his life by the record of having been so charged with a crime? -I think the answer is obvious. The proposed amendment, as pointed out by the gentleman from Houlton, Mr. Berman, in effect, would nullify the objective of the bill in that the record would remain. Innocent people would continue to suffer from the fact that they were charged with a crime. I submit that that is very, very unfair. I move the indefinite postponement of House Amendment "A".

The SPEAKER: The pending question now is the motion of the gentleman from Portland, Mr. Brennan, that House Amendment "A" be indefinitely postponed.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: During my military experience I spent four or five years with the Selective Service System, and during that time, when the inductees, or the potential inductees were processed, it was my duty to grant them a waiver if they had ever been arrested, and in many a case, some young men were denied to serve in the Armed Forces because of a court record that should never have been held or made against these people who at one time were innocent of a crime.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: At the Committee hearing on this bill

there were a number of people who were present who were involved in the area of law enforcement; namely, certain county attorneys, clerk of courts, representatives from the state police. These people felt that this was, in fact, a good bill if it contained an amendment whereby they could at least keep their records concerning finger printing and investigation. This was the purpose for the Senate Amendment which has been today defeated by reconsideration. The amendment offered by Mr. Lund would, in fact, have the same effect on this bill as a motion for indefinite postponement. It takes the meat right out of what I consider to be a very good bill, and which our committee felt was a very good bill, because of its unanimous "Ought to pass" Report. And I, therefore, support the motion of Mr. Brennan to indefinitely postpone House Amendment "A".

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I applaud the motives of the sponsors of this bill, and that is to protect the individual rights. However, I also support Mr. Lund in that the amendment does protect the individual rights by noting the outcome of the charge on the record. It also provides the law enforcement agencies with the tools we all know they need to function as well as we all want them to. I believe this amendment is a good compromise between two honorable points of view. I urge you to support Mr. Lund in his motion to adopt this amendment.

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

Mr. LUND: Mr. Speaker and Members of the House: I would like to briefly comment on a couple of things that have been said. The gentleman from Portland has suggested the prospective employer would have access to this. I have checked on this, and to the best of my knowledge the only prospective employer whom the state police allow access to the records that I'm concerned with

are employers who are concerned in defense industries, such as the Bath Iron Works.

Comment has been made about law enforcement agencies. I'm aware, as many of you are aware, that often times our police are not able to take the time to read all of these bills and evaluate them. I do know, however, that our Attorney General is deeply concerned about this bill in its present form.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: A couple of bills earlier the leadership on my right expressed that an "Ought to pass" Report, unanimously, means something and this is a unanimous "Ought to pass" Report from a committee that has as its members three former judges, a county attorney, and the rest of the people are practicing law.

Now it amuses me when it is said that the only people who are allowed to have these records are people who are in the defense industry. Why should a person who may have been arrested without cause lose a job with a defense

industry? And the argument that a person who has been arrested would be a suspect for the rest of his life is one that I cannot accept. I think that when a man is arrested, and he is charged with a particular crime, and he faces those charges before a judge or his peers, the jury, and he is acquitted, I think that should be the end of that. And I wholeheartedly agree with the motion to indefinitely postpone House Amendment "A".

The SPEAKER: Is the House ready for the question? All those in favor of the indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

84 having voted in the affirmative and 40 in the negative, the motion did prevail.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for tomorrow.

On motion of Mr. Richardson of Cumberland.

Adjourned until nine o'clock tomorrow morning.