

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, April 24, 1969

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

Prayer by the Rev. Mr. David Holroyd of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Referred to Committee
on Highways**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6" (S. P. 358) (L. D. 1222) reporting that it be referred to the Committee on Highways.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Highways.

In the House, the Report was read and accepted and the Bill referred to the Committee on Highways in concurrence.

Referred to 105th Legislature

Report of the Committee on Transportation on Bill "An Act to Encourage and Assist the Expansion of Scheduled 'Third-Level' Air Carrier Operations Serving the State of Maine" (S. P. 326) (L. D. 1088) reporting that it be referred to the 105th Legislature.

Came from the Senate with the Report read and accepted and the Bill referred to the 105th Legislature.

In the House, the Report was read and accepted and the Bill referred to the 105th Legislature in concurrence.

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

Report of the Committee on Natural Resources on Bill "An Act Requiring the Licensing of Sewage Treatment Operators" (S. P. 315) (L. D. 1029) reporting same in a new draft (S. P. 434) (L. D. 1452) 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 as amended by Senate Amendment "A."

In the House, the Report was read and accepted in concurrence and the New Draft read twice. Senate Amendment "A" (S-80) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the New Draft.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1970 and June 30 1971" (S. P. 120) (L. D. 382) reporting "Ought to pass" as amended by Committee Amendment "A" (S-86) submitted therewith.

Report of the Committee on Public Utilities on Bill "An Act to Authorize the Portland Water District to Engage in Sewer Collection and Treatment to Protect the Purity of Sebago Lake" (S. P. 324) (L. D. 1086) reporting "Ought to pass" as amended by Committee Amendment "A" (S-85) submitted therewith.

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

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Providing for Sessions of the District Court for Central Hancock at Bucksport" (S. P. 69) (L. D. 190)

Report was signed by the following members:

Messrs. MILLS of Franklin
QUINN of Penobscot
— of the Senate.
Messrs. BERMAN of Houlton
DANTON
of Old Orchard Beach

BRENNAN of Portland
FOSTER
of Mechanic Falls
MORESHEAD of Augusta
— of the House.

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

Report was signed by the following members:

Mr. VIOLETTE of Aroostook
— of the Senate.
Messrs. HESELTON of Gardiner
HEWES of Cape Elizabeth
— of the House.

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

In the House: Reports were read.

On motion of Mr. Cushing of Bucksport, the Majority "Ought to pass" Report was accepted in concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Solicitation of Eye Services and Appliances" (S. P. 265) (L. D. 869) which was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" in non-concurrence in the House on April 22.

Came from the Senate with House Amendment "B" indefinitely postponed and the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the House:

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

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

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

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

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: Last weekend when I went home and returned to my office the first paper I saw on my desk was a Workmen's Compensation form to be submitted on one of our employees who had broken

the frames on his glasses. These were repaired at one of the optical firms that would be affected by this legislation.

So many times we sit here and we vote on issues and we're not sure whether or not we understand the problem. Since this firm was in my own backyard I decided to visit it. I told the manager why I was there, he conducted me on a tour of the establishment, and there are definitely no facilities for examining eyes. I saw a file of prescriptions and he informed me he could only sell glasses by prescription.

While there, a person came in with a prescription from one of our local M. D.'s, and a young boy came in with a frame broken on his glasses, the manager instructed one of the employees to repair this frame at no charge. I saw a good selection of frames at reasonable prices, and I feel this is a legitimate business operation. And in the case of industrial accidents the employees could have their glasses repaired much faster and at a lower cost.

Therefore I hope you will vote against the motion to recede and concur.

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

Mr. MARQUIS: Mr. Speaker, Ladies and Gentlemen of the House: This last Tuesday, this body in its right judgment voted in favor of House Amendment "B" which made it illegal for one to advertise which was misleading or deceptive. The gentleman from Bangor, Mr. Soulas stated that both the optometrist and the optician—all the opticians but one agreed that this was a bad amendment. That statement is on page three the first column of what is commonly known as the horse blanket of April 22.

Ladies and gentlemen, that statement is completely erroneous as the opticians in my area favor House Amendment "B" and the opticians also tell me that the Opticians' Association are unanimously in favor of this amendment.

The bill is sponsored by a group of optometrists who are more con-

cerned with the selling of glasses than the examining of eyes. This bill does not prevent opticians from selling glasses, and a person who has knowledge of an optical store can bring his prescription to the optician and have it filled. Why shouldn't the general public know that it would cost them less money to buy directly from an optician rather than purchasing through an optometrist? Many ophthalmologists who are M. D.'s send their patients directly to the optician with their prescription as they feel it is somewhat unethical for them to be selling glasses.

One of the opticians in Lewiston who has been in business for some fifty years would be prevented from even, as I previously mentioned, advertising in the yellow pages or even putting a sign in his window. The only concession the optometrists are willing to make is that he could display frames in his window.

I sincerely hope that this Legislature will not legislate legitimate businesses out of business, and I also hope that you will vote against Mr. Soulas' motion and I hope that we could insist and have a Committee of Conference.

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

Mr. MILLETT: Mr. Speaker and Members of the House: I too would hope you would vote against the motion to recede and concur in order that I might further explain the amendment, House Amendment "B" and eventually ask to insist and a Committee of Conference.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: It has been said here today that some optometrists are for this. I have had several that have called me and are not for this, I mean are for the bill and not to allow the advertising to go on as it has. Many of you legislators feel that this is more or less not a health bill, but it really is a health bill.

I'm not against big business per se. But big business should not

move into the health professions. We don't need big business to tell the consumer he needs more surgery, more dentures, more eyeglasses.

If big business wants to use their money to tell the public how to avoid surgery, dentures, and eyeglasses, I'm all for it. This, they should do but of course they don't, because there is no money in it for them. My main point is the public doesn't need more glasses; they probably need less. This company wants to make wearing glasses so appealing that everyone will want to run in and get them whether they need them or not.

If they succeed, they may conceivably be able to reduce the price a little, but is the common good served when some people are fitted unnecessarily in order to lower the cost for others? Should we extract all the teeth in a community so that we can lower the price of dentures?

I sincerely hope that you will go along and recede and concur with the Senate.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I being a member of the Health and Institutional Services Committee and having heard both the proponents and opponents of this bill, I feel that there are a lot of people in this House today who are unaware of what an optometrist has for qualifications. An optometrist's and an optician's education is far different. Now an optometrist beyond graduating from a first class high school, a student must have a minimum of six years of college, four of which deal with optometry. The student will take such courses as Physiological Optics; Physical Optics; Mechanical Optics; Theoretical Optometry; Anatomy, both general and ocular; Pathology, both general and ocular; Histology, both general and ocular; Psychology; Contact Lenses; and Ethics and Jurisprudence. Each week he will spend twice as much time in classes and clinics as the average college student. After graduation from an accredited optometry col-

lege with a Doctor's degree, he must pass a State Optometry Board to prove himself in each and every state he might possibly practice in. If successful he is granted a license to practice. This license can be revoked if he does not live up to the standards set up by the State Board. As for opticians in the State of Maine, with no offense intended, even you fine gentlemen and ladies of this House would become opticians by simply opening a store.

Just as dentures, fillings and so forth are an extension of a dentist's skills and services, and prescription medications are an extension of a physician's skills and services. In other words, regardless of whether the eye doctor or optician fills the prescription, it should meet the same high standards, controls, and regulations. To help insure this, the optician, as is the eye doctor, should have to depend on his reputation rather than the devices described in bill L. D. 869 to develop his business and make it prosper. After all, the optician is dependent on an eye doctor for their prescriptions. If he needs to make a pitch or solicitation, the eye doctor, not the general public, is the one it should be directed at. This method gives him a base upon which to build his reputation.

Now I believe that in the course of the hearing we did have exhibited some photographs showing where an optician had examined eyes. This I don't know whether this person who had conducted the eye examination was a qualified optometrist or not; I do not know. But I believe that sometimes the public could be misled if they followed through that type of recourse.

So, therefore, I certainly hope that the members of this House will concur with the Senate.

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

Mr. MILLETT: Mr. Speaker and Members of the House: Opticians are, and have a right to be, concerned about this bill. The present law seems to me adequate to take care of any problems that might develop. Title 32, Section 2454, of the Maine Revised Statute says,

"Whoever engages in the practice of optometry in this State, without first having been duly registered as provided in Sections 2551 and 2554, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 nor more than \$200.00." This section clearly indicates that an optician cannot examine eyes.

Title 32, Section 2452 says, "No registered optometrist, under this chapter, shall associate himself in any way with any person not a registered optometrist nor any copartnership, firm or corporation for the promotion of any commercial practice for profit or division of profit, which enables any such person, copartnership, firm or corporation to engage, either directly or indirectly in the practice of optometry in this State." This section clearly indicates that an optical store cannot have an optometrist on the premises for the purposes of examining eyes.

This bill only deals with advertising and the present law seems to clearly take care of any health problems. Advertising by itself is not evil unless it is misleading or deceptive, and my amendment takes care of this problem.

The gentleman from Bangor, Mr. Soulas, in a previous debate, made mention that my amendment struck out the word visual services, and this was done because these words seemed rather ambiguous and not needed. Visual services could include a seeing eye dog or a cane.

My amendment also struck out the exclusion of educational publicity by qualified health groups, also advertising the sale of sun glasses or industrial glasses, and the original bill excluded all advertising and these were felt to be legitimate exceptions, but with the adoption of the House Amendment "B" only fraudulent, misleading or deceptive advertising was prohibited; therefore, as this fraudulent advertising should apply to everybody there was no need of the above exclusion. This in no way affects the sale of sun glasses or industrial glasses and in no way means a person has to go to

an optometrist for sun glasses or industrial glasses unless these instruments are of a prescriptive class.

I hope this House will go along with the motion to insist and request a Committee of Conference and hopefully, this Committee might be able to work out and resolve the differences between the two branches.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: At the hearing on this particular bill we as members of the Committee were naturally deeply concerned about advertising. So one of the members was fortunate enough in getting a photograph of one of the opponents that appeared there against this particular bill. As it turned out the opponent was one of the best proponents that we could have gotten. His notice in his window read in large large letters: "Eyes examined." We questioned him about this and he said, "Well, you're not reading far enough." He said, "If you read all the way down in the small print you will see that it states, 'periodically prevents eye soreness.'

If this isn't misleading I can't see how it can be otherwise. The average person that would need glasses couldn't read the fine print in the first place. So we felt that this was definitely in our favor. But to assure ourselves further, the good merits of this bill, we held it in our committee for about two weeks and we wrote and we inquired through the Attorney General's Office as to the availability of any other legislation which would in itself try to regulate opticians. Because at the hearing we were told that the optometrist could be regulated but the optician could do anything and everything that he pleased.

So I received the letter prior to our decision, and this in itself is based why our decision came out of committee unanimously "ought to pass." And I will read that to you.

"State of Maine, Department of Attorney General, Augusta, Maine. March 19, 1969. Representative Robert Soulas, Chairman, House of Representatives, State House, Augusta, Maine. In regards to L. D. 869—Dear Representative Soulas:

"I want to follow up our recent telephone conversation by giving you in writing my impressions of L. D. 869. There had previously been some question raised in this office as to whether the substance of L. D. 869, An Act relating to Solicitation of Eye Services and Appliances, was covered by the present law relating to optometrists. Title 32, MRS-A Section 2454. We have reviewed the L. D. and are of the opinion that its substance is not covered by the present law. L. D. 869 relates to solicitation and advertising, which is not presently covered by Section 2454. Section 2454 appears to cover the practice of optometry as distinguished from solicitation and advertising. The substance of L. D. 869 would appear to apply equally to optometrists and opticians, as well as others engaged in the practice therein. Sincerely, Jon R. Doyle, Assistant Attorney General."

I don't think I have to say any more on this bill. We of the committee have stated our position. I only hope today that you will vote with me on my motion, and when the vote is taken I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker and Members of the House: My personal suspicion is that the optometrists are trying to solve one of their own industry problems by picking on another industry in the State of Maine, namely that industry of advertising; and if the elimination of advertising is expected to solve a suspected problem in the field of the optometrist, then I submit to you that the only thing that you and I can control in this Legislature is the advertising that emanates directly in the State of Maine, namely the Maine newspapers, the Maine billboards,

the Maine magazines, the Maine radio and television stations.

We cannot control what emanates from the nearby cities, Portsmouth and Boston and other places, magazines that come into the state, out-of-state newspapers, out-of-state advertising, over radio and television. We just cannot control that. And again I suspect that we are trying to solve the problem in a rather backdoor method, and I think the optometrists could really clean up the problem through the laws that we do have, and I sincerely urge a negative vote on the pending motion.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the unanimous "ought to pass" report, I would like to make a very brief comment as to why I supported the Majority Report.

Prior to coming out with a report, I inquired in my own hometown where we have two optometrists and one optician, and I found out — especially I was interested in the reaction of the optician, and I found out that he has no objection whatsoever to the present bill. And for this reason I signed the "ought to pass" report.

Now in answer to a point which has been brought up this morning by the gentleman from Lewiston, that the opticians would not even be allowed to advertise in the yellow pages, I think that this is not true. They would, like any other business, be allowed to have their name, and put opticians and put glasses fitted, and things like that. So I am in support of the motion to recede and concur.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that the House recede from its former action and concur with the Senate. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting.

All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. More than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that the House recede and concur in regards to Bill "An Act relating to Solicitation of Eye Services and Appliances," Senate Paper 265, L. D. 869. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Bernier, Binnette, Birt, Bourgoin, Bragdon, Brown, Buckley, Bunker, Burnham, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Couture, Cox, Crommett, Croteau, Cummings, Cushing, Dam, Donaghy, Durgin, Dyar, Farnham, Foster, Fraser, Gilbert, Hall, Hardy, Harriman, Haskell, Heselton, Hichens, Immonen, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Lebel, Lee, LePage, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marstaller, Martin, McTeague, Meisner, Mitchell, Moreshead, Morgan, Mosher, Norris, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Scott, G. W.; Shaw, Snow, Soulas, Starbird, Susi, Tanguay, Thompson, Vincent, Watson, Wheeler, White, Wight, Williams, Wood.

NAY — Benson, Boudreau, Brennan, Carey, Coffey, Cottrell, Crosby, Curtis, D'Alfonso, Dennett, Drigotas, Dudley, Emery, Erickson, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Gauthier, Giroux, Hawkens, Henley, Huber, Hunter, Kilroy, Lawry, Leibowitz, Marquis, McNally, Millett, Mills, Nadeau, Ouellette, Richardson, G. A.; Stillings, Temple, Trask, Tyndale.

ABSENT — Bedard, Berman, Curran, Danton, Eustis, Evans,

Good, Hanson, Hewes, Jalbert, Lund, McKinnon, Noyes, Rochel-eau, Sahagian, Santoro, Scott, C. F.; Sheltra, Waxman.

Yes, 91; No, 39; Absent, 19.

The SPEAKER: Ninety-one hav-ing voted in the affirmative and thirty-nine in the negative, the motion to recede and concur does prevail.

Non-Concurrent Matter

Resolve Proposing an Amend-ment to the Constitution to Reduce the Voting Age to Eighteen Years (H. P. 12) (L. D. 12) which was passed to be engrossed as amended by House Amendment "A" in the House on April 2.

Came from the Senate indefin-ite-ly postponed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Creating the Win-terport Water District" (H. P. 1045) (L. D. 1373) which was passed to be engrossed as amended by House Amendment "A" in the House on April 18.

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

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

Non-Concurrent Matter

Bill "An Act Regarding the Membership of School Committees and Boards of School Directors" (H. P. 1088) (L. D. 1342) which was indefinitely postponed in the House on March 25.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recog-nizes the gentleman from Ston-ington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speak-er, I move that we insist and re-quest a Committee of Conference.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House insist on its

former action and ask for a Com-mittee of Conference.

The Chair recognizes the gentle-man from Kingman Township, Mr. Starbird.

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

The SPEAKER: The gentleman from Kingman Township, Mr. Star-bird, moves that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentle-man from Stonington, Mr. Richard-son.

Mr. RICHARDSON: Mr. Speak-er, we have another matter under tabled L. D.'s to be taken up today, which is identically the same bill, only we have an amendment which is to be added to it. I would cer-tainly hope that the House would not recede, but would insist, so that we can take care of this mat-ter ourselves and then request a Committee of Conference.

The SPEAKER: Is the House ready for the question? All those in favor of receding and concurring say yes; those opposed, say no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the House voted to insist on its former action and ask for a Committee of Conference.

Messages and Documents

The following Communication;

THE SENATE OF MAINE

AUGUSTA

April 23, 1969

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

Dear Madam Clerk:

The Senate today voted to Ad-here to its former action whereby it Indefinitely Postponed, Resolve Permitting Ice Fishing on Second Chase Lake, Aroostook County (S. P. 296) (L. D. 1001)

Respectfully,

(Signed)

JERROLD B. SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Bedard of Saco, it was

ORDERED, that Katina Kalagias and Linda Hansen of Thornton Academy be appointed to serve as Honorary Pages for today.

On motion of Mr. Keyte of Dexter, it was

ORDERED, that Allan and Steven Alward of Westport, Conn. be appointed to serve as Honorary Pages for today.

House Reports of Committees Leave to Withdraw

Mr. Snow from the Committee on Natural Resources on Bill "An Act relating to Application of Wetlands Law to Inland Waters" (H. P. 68) (L. D. 68) reported Leave to Withdraw.

Mrs. White from the Committee on Taxation reported same on Bill "An Act relating to Sardine Tax Revenues for Advertising" (H. P. 1053) (L. D. 1385)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Curtis from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse Gordon Medcoff of Dixfield for Well Damage by Highway Construction (H. P. 213) (L. D. 263)

Report was read and accepted and sent up for concurrence.

Recommended

Mr. Quimby from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse Norman E. Dudley of Waite for Well Damage Caused by Road Construction and Highway Maintenance (H. P. 681) (L. D. 880)

Report was read.

On motion of Mrs. Lincoln of Bethel, recommended to the Committee on Claims and sent up for concurrence.

Mrs. Boudreau from the Committee on Election Laws reported "Ought not to pass" on Bill "An Act Providing for a Presidential Preference Primary" (H. P. 141) (L. D. 163)

Mrs. Giroux from same Committee reported same on Bill "An Act Providing Presidential Preferences

in Primary Elections" (H. P. 88) (L. D. 97)

Mr. Henley from same Committee reported same on Bill "An Act Providing for Judicial Review of Nomination Petitions under Election Laws" (H. P. 926) (L. D. 1187)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Shaw from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Incorporate the Town of Flagstaff" (H. P. 413) (L. D. 524)

Report was read.

(On motion of Mrs. Baker of Orrington, tabled pending acceptance of Committee Report and specially assigned for Tuesday, April 29.)

Covered by Other Legislation

Mr. Richardson from the Committee on Education on Bill "An Act to Permit Public School Education of all Handicapped or Exceptional Children" (H. P. 625) (L. D. 813) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Resolve Providing Moneys for Cerebral Palsy Clinics for Home Care Programs (H. P. 977) (L. D. 1261) reported same in a new draft (H. P. 1148) (L. D. 1470) under title of "Resolve Providing Moneys for Cerebral Palsy Centers for Home Care and Other Purposes" and that it "Ought to pass"

Mr. Richardson from the Committee on Education on Bill "An Act relating to Tuition Charges for Students from State Institutions" (H. P. 925) (L. D. 1186) reported same in a new draft (H. P. 1149) (L. D. 1471) under same title and that it "Ought to pass"

Mr. Tyndale from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Type of Dredge to Dig Clams in Waters

between Cape Elizabeth and Pemaquid Point" (H. P. 527) (L. D. 698) reported same in a new draft (H. P. 1150) (L. D. 1472) under same title and that it "Ought to pass"

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

**Ought to Pass
Printed Bills**

Mr. Heselton from the Committee on Judiciary reported "Ought to pass" on Bill "An Act to Authorize Attorneys-at-Law to Take Acknowledgements on Deeds and Other Written Instruments" (H. P. 559) (L. D. 740)

Mr. Moreshead from same Committee reported same on Bill "An Act Increasing the Number of Superior Court Justices" (H. P. 955) (L. D. 1236)

Mr. Bunker from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to Use of Scallop Drags in Gouldsboro Bay" (H. P. 611) (L. D. 799)

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

**Ought to Pass with
Committee Amendment**

Mr. Allen from the Committee on Education on Bill "An Act to Permit Administrative Units to Operate Classes for Trainable Children" (H. P. 508) (L. D. 679) reported "Ought to pass" as amended by Committee Amendment "A" (H-237) submitted therewith.

Mr. Emery from the Committee on Public Utilities on Bill "An Act to Amend the Charter of the Auburn Sewerage District" (H. P. 610) (L. D. 798) reported "Ought to pass" as amended by Committee Amendment "A" (H-238) submitted therewith.

Same gentleman from same Committee on Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" (H. P. 907) (L. D. 1168) reported "Ought to pass" as amended by Committee Amendment "A" (H-239) submitted therewith.

Mr. Bunker from the Committee on Sea and Shore Fisheries on Bill

"An Act relating to Taking of Alewives in Georges River" (H. P. 1093) (L. D. 1410) reported "Ought to pass" as amended by Committee Amendment "A" (H-240) submitted therewith.

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

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687)

Report was signed by the following members:

Messrs. KATZ of Kennebec
ANDERSON of Hancock
LETOURNEAU of York
—of the Senate.
Mrs. BOUDREAU of Portland
Mrs. GIROUX of Waterville
Mr. CARTER of Winslow

—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1151) (L. D. 1473) under title of "An Act Providing for Presidential Preferences in Primary Election" and that it "Ought to pass"

Report was signed by the following members:

Messrs. VINCENT of Portland
HENLEY of Norway
PORTER of Lincoln
MacPHAIL of Owls Head
—of the House.

Reports were read.

On motion of Mr. Henley of Norway, the Minority "Ought to pass" in New Draft Report was accepted.

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Create Traffic Violations Bureaus in the District Courts" (H. P. 768) (L. D. 988)

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook
MILLS of Franklin
—of the Senate.

Messrs. DANTON
of Old Orchard Beach
HEWES of Cape Elizabeth
BRENNAN of Portland
HESELTON of Gardiner
—of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot
—of the Senate.

Messrs. MORESHEAD of Augusta
BERMAN of Houlton
FOSTER
of Mechanic Falls
—of the House.

Reports were read.

(On motion of Mr. Dennett of Kittery, tabled pending acceptance of either Report and specially assigned for Tuesday, April 29.)

Divided Report

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on Bill "An Act relating to Hauling Lobster Pots on Sundays" (H. P. 526) (L. D. 697)

Report was signed by the following members:

Messrs. HANSON of Kennebec
ANDERSON of Hancock
BERNARD
of Androscoggin
—of the Senate.

Messrs. TYNDALE
of Kennebunkport
LEWIS of Bristol
KELLEY of Machias
SANTORO of Portland
—of the House.

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

Report was signed by the following members:

Messrs. BUNKER, of Gouldsboro
LePAGE of Scarborough
JUTRAS of Sanford
—of the House.

Reports were read.

On motion of Mr. Tyndale of Kennebunkport, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Expert Witness Fees as Court Costs" (S. P. 103) (L. D. 312)

Bill "An Act relating to Settlement or Release of Claims in Personal Injury and Property Damage Action" (S. P. 105) (L. D. 318)

Bill "An Act relating to Trial Costs" (S. P. 106) (L. D. 313)

Bill "An Act Increasing the Number of Official Court Reporters" (S. P. 137) (L. D. 434)

Bill "An Act relating to Closed Season and Minimum Size of Atlantic Salmon" (S. P. 278) (L. D. 873)

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

Bill "An Act Creating the Maine Milk Dealers' Bonding Law" (H. P. 715) (L. D. 933)

Bill "An Act relating to Amount of Food Sold by Class A Restaurants under Liquor Law" (H. P. 1146) (L. D. 1465)

Bill "An Act relating to Hours of Sale of Liquor in Class A Restaurants, Hotels and Clubs" (H. P. 1147) (L. D. 1466)

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

Amended Bills

Bill "An Act to Amend the New England Higher Education Compact" (S. P. 237) (L. D. 711)

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

Third Reader

Tabled and Assigned

Bill "An Act Providing for Scholarship Aid for Students from Low Income Families" (S. P. 345) (L. D. 1211)

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

(On motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and specially assigned for Tuesday, April 29.)

Bill "An Act relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies" (H. P. 494) (L. D. 648)

Bill "An Act relating to Expending York County Funds for Waban Project, Inc." (H. P. 652) (L. D. 842)

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
Tabled and Assigned**

Bill "An Act relating to Approval of Refuse Disposal Areas" (H. P. 739) (L. D. 957)

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

(On motion of Mr. Carey of Waterville, tabled pending passage to be engrossed and specially assigned for Tuesday, April 29).

Bill "An Act relating to Election of Clerks of the Judicial Courts" (S. P. 254) (L. D. 791)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House; Relative to this item I believe that all of you received a letter this morning addressed to me. I didn't know that you were going to receive it and I guess the reason for it is that two years ago this was my bill. Not only did this bill have the unanimous support of all of the Clerks of Court in the State but also all other persons who had close connections with the courts, including all of the Superior Court judges and the Chief Justice of the Supreme Court.

Now prior to our changing this law, as you know Clerks of Court were elected by the people in the various counties. Now it made no sense to me at that time that persons like this should be made to run for office and touch all of the political bases that you and I have to touch when their jobs were really very highly technical jobs. I maintained at that time

and I still hold with that that the average voter wouldn't know whether or not these people had the proper qualifications to fulfill these jobs in a satisfactory manner.

Now the amazing thing about the bill this year is that the report from Judiciary was eight to two "ought not to pass" and yesterday the House did pass it 76 to 40 without one single word of debate. Probably the reason for that is that it was very early in the morning, because it appeared as item eleven on page two of our calendar.

Now of course most of the proponents of having the Clerks of Court elected again say they would like to have more people on the ballots and that this would strengthen County Government. Now the opponents pulled the same type of a maneuver two years ago on Judges of Probate. The House and Senate cast a Constitutional Amendment, which the Governor signed, saying the judges would be removed from the ballot and that they would be gubernatorial appointments. The people then voted for this Constitutional Amendment but the wording was not just exactly right, so at a special session we had another amendment that the people should have voted on again, but the opponents were delighted to see it back here so they would let it then die a natural death.

So this morning I now move indefinite postponement of this bill.

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

Mr. CAREY: Mr. Speaker, I would like to pose a question to the gentleman from Bath, Mr. Ross.

The SPEAKER: The gentleman may pose his question.

Mr. CAREY: Realizing that there are sixteen counties and realizing that we have sixteen Clerks of Court, could you tell me, Mr. Ross, of the people who had previously been elected how many were appointed to their positions?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to the gentleman from Bath, Mr. Ross, and the Chair recognizes that gentleman.

Mr. ROSS: The chances are that the astute barristers here could answer that better than I but I think that most of them were appointed.

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

Mr. CAREY: Mr. Speaker and Members of the House: In effect fifteen out of sixteen were appointed to fill the vacancies created by this loss of election and this would certainly punch the hole in the balloon that Mr. Ross has put out, saying that we are now having better qualified people because the courts appointed the same people that had the job who were elected for it.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the motion of Mr. Ross to indefinitely postpone this bill. I think under this bill that we can give the courts a better chance to have people, this is not making a political appointment, this is making a definite appointment through the court, and I think this is the only way we should operate our system, and I do hope that you people will go along with the indefinite postponement.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak briefly in support of the motion to indefinitely postpone. The nature of the position of Clerks of Court has changed within the last ten years. We have had the advent of a fairly complex set of procedural rules which demand a great deal more scholarly attention from the Clerks than was the case in the past. With the present system which is now under way, the Chief Justice is able to coordinate the activities between the Clerks and to establish a uniform system of docketing cases and handling procedural matters throughout the counties and the state.

I think we are embarked upon a good system and I would like to see it have a chance to succeed.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Under the present arrangement the Clerk of Courts is appointed by the Chief Justice. I would like to indicate to you that although many of those now serving were originally elected, they had served for many many years and only on very few occasions have changes in the clerkship's job through the elective process resulted in a very serious blow to the administration of justice of criminal and civil in the State's courts. But those instances have been very serious ones.

This bill in the last session received the endorsement of the Maine Judicial Council, the Maine Bar Association, and the Maine Intergovernmental Relations Committee. Most important of all, it received the endorsement of the principal judicial officer of this state, who is the Honorable Chief Justice Robert Williamson. The State of Maine is indeed fortunate to have a man of his caliber as the head of this judicial system. I believe that we should allow this system to continue in its present operation. The Clerk of Courts is not really a political position, or at least it shouldn't be. It is a principal administrative arm of our judicial system and this is the way to keep it on a high plane.

I support the motion to indefinitely postpone and when the vote is taken I request a roll call.

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

Mr. COTE: Mr. Speaker and Members of the House: I rise to oppose the motion to indefinitely postpone. I was against this bill two years ago and I still am. I feel that a bill of this magnitude creates a makeup of lawyers. I certainly feel that any citizen who wishes to run for that office should be able to. We have many qualified citizens in this state who are not lawyers, and the minute you talk about the judicial system you seem to be talking about the sacred cow for certain people,

and I feel very definitely that we should put it back on the elective ballot.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: One of the strengths of our form of Government is the fact that laws which have been enacted hastily, or through poor judgment, may be corrected by a later legislative body. And this is as it should be in a republic such as ours. Now today we are given the opportunity to correct a piece of ill conceived legislation which hasn't delivered all that was claimed for it at its inception. The 103rd Legislature, for some vaguely defined reasons, made the Clerk of Courts an appointive rather than an elective office.

Now, all too often, when someone would tinker with government, he presents his brainchild as a "reform" measure. And all too often the "reform" turns out to be something less than desirable, and it falls far short of the claims made for it when it was presented.

This new system of appointing clerks rather than electing them has some built-in inequities. It creates an elite within our County Court Houses because your other county officers feel, and justly so, that they should be accorded the same treatment. I'm sure you'll agree that it requires no more knowledge to make out a warrant than to, say, probate your will; yet the Judge and Register of Probate are both elective offices. Does it require any more skill to perform the clerk's duties than to, say, process the deed to your home? No. And yet the Register of Deeds must face the voters, while the Clerk does not. Why did we select one and make it an appointive position, while the other three must run for office in the general election? Actually, this is a step away from good, sound county government.

We seem to be telling the voters that we don't feel they are capable of selecting a Clerk of Courts, although they have done so for over a century. And when some-

one tells you that this was a "reform measure," just ask them to look at the record. Over the past two years, of all the appointments made for these positions, every appointee, with one exception, has been the same clerk who was elected by the voters in the first place.

That's an absolute fact, and it must prove that the voters had been making good selections all along. Now, if eventually the Judge and Register of Probate, the Clerks of Courts and the Register of Deeds are all to become appointive offices, then, when election day arrives we will present the voters with a ballot containing just four county candidates—the sheriff, the county attorney, the commissioner, and the treasurer. And when that unhappy day arrives, then county government as we know it, will be on its deathbed.

Now, each of us, each one of us in this House, to a greater or lesser degree owes his seat in this House to the efforts of the whole ticket, and that is as true in Androscoggin County as in Hancock County. In the past all of our county officers have contributed much, both in money and in time, toward presenting a good campaign during the election years. Now, let's be realistic—if none of these four county officers have to face the voters—if they are all to be appointed, how much help can you reasonably expect from them, come election time? Safe in their appointments, they can and will pay lip service only to party unity.

This bill is an attempt to correct an error and to give back to the voters that right which was taken from them two years ago. And it is an attempt to halt the further erosion of county government. If we persist in this course, if eventually all of these offices are to be appointive, then the next logical step, as I see it, is for these appointees to be attorneys. I realize that this will be hotly denied, so let me hasten to add that I mean nothing derogatory—I have nothing against lawyers, per se. But I don't feel that our Court Houses should be dominated by any one

group, any more than I believe that the administrative staff of a hospital should all be surgeons.

And I would like to quote one famous lawyer in this matter of elective offices. He said "trust the judgment of the common people, because they are almost always right." The name of this attorney was Abraham Lincoln. Now it may be stated that attorneys would not be available for these jobs. Let us look at the matter realistically—for instance some Clerks of Court are good for eight or nine thousand dollars a year. Besides the salary they receive for this position, they are also clerk of the district court, they receive money for naturalization work, and so forth. Now, what attorney, particularly a young graduate from law school, could or would resist the temptation to run for this appointment? A job which, incidentally would give him invaluable training for his future career? And the same situation prevails in the other jobs which I have mentioned.

So I would urge you most earnestly to vote against this motion for indefinite postponement, and you will be doing three or four things. First of all you will be helping your county government, you will give back to the people something which is rightfully theirs. You will have reaffirmed your faith in the judgment of Maine voters; and if you intend to run for reelection then come next election time you may find that you have helped yourselves.

Therefore I would urge you, with all of the earnestness at my command, to vote against this motion to indefinitely postpone.

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

Mr. BRENNAN: Mr. Speaker, and Ladies and Gentlemen of the House: The Clerk's job is not a policy making position. Oftentimes when this wasn't an elective position, people would run just to fill the tickets. Sometimes these people would get elected and this would result in serious problems, since they had no background for the job. Under the present appointive practise the Chief Justice has the

responsibility of appointing competent people. I think our present Chief Justice and future Chiefs will meet their responsibility in this area since they are intimately acquainted with the nature of the duties that the Clerk has to perform.

I support the motion of the gentleman from Bath, Mr. Ross, to indefinitely postpone this bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I practise in both Cumberland and Sagadahoc Counties. The Clerk of Courts in Sagadahoc County was originally elected and subsequently appointed; he is a Democrat, he does a fine job. His politics do not matter in regard to the performance of his job. The Clerk of Courts in Cumberland County is a Republican; he was originally elected and subsequently appointed by the Chief Justice; and his politics do not matter. I feel that it is extremely — by the way the Clerk in Cumberland County is a lawyer; the Clerk in Sagadahoc County is not a lawyer. Both are very competent and conscientious in regard to their jobs.

I think that it is very important to keep this office, which is intimately connected with the administration of justice, out of partisan politics; and for that reason I will support the motion of Mr. Ross.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Hawkens.

Mr. HAWKENS: Mr. Speaker and Ladies and Gentlemen of the House: At the time that this bill came up I was Clerk of Courts, and we had a meeting, the Clerk of Courts Association, with the Chief Justice and discussed this thing very thoroughly. It finally came out that the Clerk's Association was much in favor of this being appointed by the Chief Justice. He said that he was satisfied with practically all the Clerks that were in the offices now and saw no reason why when the appointment came up that he wouldn't reappoint them.

I support the motion.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I am greatly surprised this morning to hear this debate over this question. Here we are trying to lower the voting age to nineteen or twenty. We know that we have political motivations in these things. The Clerk of Courts is one office that has been made appointive in the past session, and now we are reluctant to make it a political office once again.

Basically, let's be candid and honest. In both political parties they realize that the people should have some say about their Clerk of Courts, because basically there are some political motivations behind it. Why are they opposing this and at the same time fighting for the lowering of the voting age in order to get more votes? Let's be candid; the office should be elective.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Bath, Mr. Ross, that L. D. 791 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 vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. More than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that Bill "An Act relating to Election of Clerks of the Judicial Courts," Senate Paper 254, L. D. 791, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Bernier, Bragdon, Brennan, Brown, Chandler, Chick, Clark, C. H.; Cottrell, Cox,

Crosby, Cummings, Cushing, D'Alfonso, Dam, Erickson, Eustis, Farnham, Finemore, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gilbert, Good, Hall, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Jalbert, Jameson, Johnston, Kilroy, Lawry, Lewin, Lincoln, Lund, Marstaller, Martin, McTeague, Millett, Mitchell, Moreshead, Norris, Noyes, Payson, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Snow, Soulas, Stillings, Susi, Temple, Tyndale, Vincent, Watson, Wheeler.

NAY — Baker, Barnes, Bedard, Berman, Binnette, Birt, Bourgoing, Buckley, Bunker, Burnham, Carey, Carter, Casey, Clark, H. G.; Coffey, Corson, Cote, Couture, Curtis, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Evans, Faucher, Fecteau, Gauthier, Giroux, Hanson, Hichens, Huber, Hunter, Immonen, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Lebel, Lee, Leibowitz, LePage, Levesque, Lewis, MacPhail, Marquis, McNally, Meisner, Mills, Morgan, Mosher, Nadeau, Ouellette, Page, Porter, Rocheleau, Scott, G. W.; Shaw, Sheltra, Tanguay, Thompson, Trask, White, Wight, Williams, Wood.

ABSENT — Benson, Boudreau, Carrier, Crommett, Croteau, Curran, Danton, Hewes, McKinnon, Rand, Santoro, Starbird, Waxman. Yes, 66; No, 70; Absent, 13.

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

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

Passed to Be Enacted Emergency Measure

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

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

ected to the House being necessary, a total was taken. 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

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

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

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

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

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

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

Indefinitely Postponed

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

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

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I respect the members of the Transportation Committee and their intent in passing out this legislation. However, I submit to you that the reason for this legislation is not served by this bill.

This bill was instigated as a result of a tank truck fire in Augusta some time ago. Now one of the provisions of the bill is for the driver to carry a copy of the shipping paper, describing the commodity being transported, so that the firemen can tell what kind of a fire they are fighting. Now can you imagine the one reporting a tank truck fire, a person calling the fire department and the one answering the phone says, "Will you check the bill of lading so that we will know what kind of apparatus to bring?" And the cab is on fire.

Another reason that prompted this bill is to determine whether or not the city's sewer system could handle a product if such a product entered the sewer system because of a truck accident. It happened in this particular accident which prompted this bill, the product was running into the sewer system via the storm drains. Now what earthly good does this bill do to prevent this? It's there anyhow.

Now the placarding that we carry on the sides of our trucks in four inch letters, which was initially presented in the bill, the word "Flammable." Now it could be flammable and it could be inflammable, but it means the same thing — the stuff burns.

Now we have got enough non-sense laws on the books now — let's not add to them. Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Manchester, Mr. Rideout, now moves the indefinite postponement of item nine, L. D. 1453.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would debate this very briefly. This code that is written in L. D. 1453 is a Federal code, and every truck that comes in here from any other state in the Union, all over the United States, has to abide by this law. But within our state this law isn't effective; and this is only to clear up the Federal law so that we will agree with them. This isn't going to be a burden to anyone; it won't

be a burden to the gentleman Mr. Rideout in any way, shape or form—it will just be a matter of placard. And in his case most of his trucks are already marked.

As far as his carrying bills of lading, I will agree with him on his say that it would be hard to get, if there was something on fire. That is true. But in the Federal code even on our tank cars on the railroad tracks these placards are on there, and it states what the contents are; and it tells you how to fight them, which I believe would be a great asset to any city, especially a fire like the City of Augusta had here which could have caused a big fire and a loss of life.

I hope you do not go along with his motion to indefinitely postpone.

The SPEAKER: Is the House ready for the question? The Chair will order a vote. All those 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.

66 having voted in the affirmative and 52 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Resolution Out of Order

Mr. Jalbert of Lewiston presented the following Joint Resolution and moved its adoption:

WHEREAS, we pause to record our personal sadness in the death on April 22, 1969 of Doctor Frederick T. Hill and to express our sincere appreciation for his life's work; and

WHEREAS, this simple pioneer, internationally known as an ear, nose and throat specialist, being unmoved by greater opportunity dedicated his entire life to the people and medical service of this State; and

WHEREAS, his open door has long been recognized as a symbol of hope and the finest specialized treatment available regardless of cost; and

WHEREAS, no greater tribute can be paid to Doctor Ted than by the countless numbers of thankful persons who have been touched by the genius of his skillful hand and agile mind; now, therefore be it

RESOLVED: That we, the members of the 104th Legislature now assembled, inscribe this token of our enduring affection and esteem for his memory and extend our deepest sympathy to his family and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this Joint Resolution, suitably engrossed, be immediately transmitted by the Secretary of State to the bereaved family and to the board of trustees of his Godchild, Thayer Hospital. (H. P. 1152)

The Joint Resolution was adopted and sent up for concurrence.

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

Mr. MARQUIS: Mr. Speaker, is the House in possession of House Paper 1096, L. D. 1414?

The SPEAKER: The Chair would advise the gentleman that the paper is in the possession of the House.

Mr. MARQUIS: Mr. Speaker, I move that we reconsider our action whereby we passed this bill to be engrossed.

The SPEAKER: The gentleman from Lewiston, Mr. Marquis, moves that the House reconsider its action of yesterday whereby this Bill "An Act Reclassifying Waters of the St. John River Basin," House Paper 1096, L. D. 1414, was passed to be engrossed.

Is this the pleasure of the House?

Whereupon, Mr. Richardson of Cumberland asked for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Marquis, that the House reconsider its action of yesterday whereby this Bill was passed to be engrossed. A division has been requested. All those in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

72 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

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

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

Mr. JALBERT: Mr. Speaker, am I to understand that if we do not pass this bill to be engrossed, it automatically indefinitely postpones the bill?

The SPEAKER: The Chair would advise the gentleman in the affirmative.

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

Mr. FINEMORE: Mr. Speaker, I move that this bill be passed to be engrossed and I would like to speak very briefly on the motion.

The SPEAKER: The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Members of the House: The only reason I would like to see this bill be passed to be engrossed it would go to the Senate and get their reaction. I thank you.

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

Mr. LEVESQUE: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed, and I ask for a roll call.

The SPEAKER: The Chair would advise the gentleman that indefinite postponement failed of yesterday and the motion is not proper at this time. The pending question is engrossment.

Is the House ready for the question? The Chair will order a vote. All in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

Whereupon, Mr. Levesque of Madawaska requested the yeas and nays.

The SPEAKER: The yeas and nays have been requested on the engrossment. 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, shall this Bill be passed to be engrossed as amended by House Amendment "A"? If you are in favor of engrossment you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Brown, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Curtis, Donaghy, Eustis, Finemore, Gauthier, Good, Hall, Hanson, Harriman, Haskell, Hawkens, Henley, Huber, Immonen, Kelleher, Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, McTeague, Meisner, Millett, Page, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Scott, C. F.; Scott, G. W.; Shaw, Stillings, Susi, Thompson, Trask, Tyndale, Watson, White.

NAY — Bedard, Bernier, Binnette, Boudreau, Bragdon, Brennan, Buckley, Bunker, Burnham, Carey, Carter, Coffey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Cushing, D'Alfonso, Dam, Dennett, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Evans, Farnham, Faucher, Fortier, A. J.; Foster, Fraser, Gilbert, Giroux, Hardy, Heselton, Hichens, Hunter, Jalbert, Jameson, Johnston, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McNally, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Quimby, Rand, Rochelleau, Sheltra, Snow, Soulas, Tangway, Temple, Vincent, Wheeler, Wight, Williams, Wood.

ABSENT — Berman, Bourgoin, Carrier, Curran, Danton, Fecteau, Fortier, M.; Hewes, Jutras, Kelley, K. F.; Marstaller, McKinnon, Ross, Sahagian, Santoro, Starbird, Waxman.

Yes, 56; No, 76; Absent, 17.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-six in the negative, the bill fails of passage to be engrossed.

Thereupon, the House voted to adhere.

Orders of the Day

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

HOUSE REPORT—"Ought not to pass"—Committee on Inland Fisheries and Game on Bill "An Act Providing for Adequate Fishways in Dams and Other Obstructions" (H. P. 857) (L. D. 1099)

Tabled—April 18, by Mr. Carter of Winslow.

Pending—His motion to reconsider indefinite postponement.

Thereupon, on motion of Mr. Levesque of Madawaska, retabled pending motion of Mr. Carter of Winslow to reconsider indefinite postponement and specially assigned for tomorrow.

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

HOUSE REPORT — "Ought to pass" as amended by Committee Amendment "A" H-186—Committee on Business Legislation on Bill "An Act relating to Installation of Sprinkler Systems in Hotels" (H. P. 260) (L. D. 336)

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

Pending—Acceptance.

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

Mr. MacPHAIL: Mr. Speaker and Members of the House: This bill in its present form I think would set up some far-reaching effects which might not be good, and for the purpose of offering an amendment I would hope that some good members might table this until Tuesday next.

Whereupon, on motion of Mr. Scott of Wilton, retabled pending acceptance of "Ought to pass" Report and specially assigned for Tuesday, April 9.

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

HOUSE REPORT — "Ought to pass" as amended by Committee Amendment "A" H-191—Committee on Highways on Bill "An Act relating to Short Term Permits for Trucks to Haul Loads" (H. P. 631) (L. D. 819)

Tabled—April 18, by Mr. Ross of Bath.

Pending—Acceptance.

Thereupon, on motion of Mr. Sahagian of Belgrade, retabled pending acceptance of "Ought to pass" Report and specially assigned for tomorrow.

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

Bill "An Act relating to Licensing of Guides under Fish and Game Laws" (H. P. 1123) (L. D. 1444)

Tabled—April 18, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

Mr. Kelley of Southport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-233) was read by the Clerk and adopted.

Mr. Birt of East Millinocket then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-234) was read by the Clerk and adopted, and the Bill was passed to be engrossed as amended by House Amendments "A" and "B" and sent to the Senate.

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

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

Tabled—April 18, by Mr. Jalbert of Lewiston.

Pending — Acceptance of either Report.

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

Mr. RIDEOUT: Mr. Speaker, I request that this lie on the table for two legislative days.

The SPEAKER: The gentleman from Manchester, Mr. Rideout, moves that item five be tabled until Tuesday, April 29, pending acceptance of either Report.

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

Mr. RICHARDSON: Mr. Speaker, would a motion to table this until later in today's session take precedence?

The SPEAKER: The Chair would advise the gentleman that the longer time has priority.

Thereupon, the Bill was tabled pending acceptance of either Report and specially assigned for Tuesday, April 29.

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

Bill "An Act relating to Length of Certain Motor Vehicles" (H. P. 398) (L. D. 508) (House Amendment "A" adopted H-120)

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

Pending—Motion of Mr. Carey of Waterville to reconsider receding and concurring.

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

Mr. CAREY: Mr. Speaker, I now move the pending question.

The SPEAKER: Is it the pleasure of the House to reconsider receding and concurring?

The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, I would move that we insist.

The SPEAKER: The Chair would advise the gentleman that the pending question is, shall we reconsider receding and concurring?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, may I move that we insist now?

The SPEAKER: If the House votes against receding and concurring, the pending question would be your motion to insist.

Is it the pleasure of the House to recede and concur?

The Chair recognizes the gentleman from Hodgon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: My remarks concerning on this matter will be directed particularly to those members who have been around here for three terms or

less. Old Timers, like the gentleman from Biddeford, Mr. Nadeau, the gentleman from Lewiston, Mr. Jalbert, and myself can remember years ago when it seemed common sense to give a special truck-weight tolerance to pulp haulers. Since then a number of commodities that have been added to the tolerance list and has grown to include almost everything imaginable. In fact, if you'll check the records you'll see that we added another class this year without a word of debate from the floor of either branch. Not only has the list grown, but tolerances are allowed on some roads and not on others and we've reached the point where law enforcement agencies have thrown up their hands in disgust. They can't tell now who is overloaded and who isn't. If you'll look up the weight laws and read them, you'll find they make about as much sense as you get from reading "Pogo" in the funny papers.

Now you're asked to embark on a new field in granting length extensions. We've got to make up our minds right now whether or not we want the same procedure to apply to length. If we don't want to compete for use of the roads with longer and longer trucks, we'd better start right now by refusing to reconsider, or I can tell you from experience, you're going to be asked to keep nicking away at length limitations until everyone is taken care of. If you think this isn't what some people have in mind, go back and read this bill in the original form. It calls for an additional 5 feet on all trucks.

If I were sure this was my last session, I might take the easy way out and go along with the amendment that is proposed, but I might be back and I think I would serve notice right now that I'm not going to be a part of any scheme to lengthen trucks a few feet at a time to a few classes at a time. If you want 60 feet, go back to the original bill and pass it. Otherwise vote against reconsideration and spare yourselves from having to go through this same performance for untold sessions to come.

The SPEAKER: The Chair would advise the House that it has re-

considered, and now the pending question is, shall the House recede and concur with the Senate.

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

Mr. CAREY: Mr. Speaker, I am a member of the Transportation Committee. Mr. Crosby, who was going to attend to make the motion to insist, is the House Chairman of the Transportation Committee.

The bill, which is L. D. 508, asks for an additional five feet, and this was a truckers' bill. The Committee, in its deliberations, found that certainly there was a problem with these bigger boxes that were coming in from out of state, and they were tied up until they could get these miniature tractors to haul them around, and that they needed the five feet extra on the front end of these trailer units. So in the wisdom of the Committee, they pointed out that certainly we would go to sixty feet, but providing that the semi-trailer did not exceed forty-five feet, which is presently allowed today.

When the bill was heard before the Committee, it was intended to be an overhang bill. The big question was that the transporters coming into the state had a problem in that the cars on these transporter units were hanging both front and rear, and they exceeded the fifty-five foot limit. They were quite fortunate in not being picked up by the state police, although they were probably all in violation.

Through this Committee of Conference we hope to straighten out the measure here, go back to what was the original purpose of this thing. I had hoped, through receding and concurring originally, to go back to the Committee. The leadership to my right frowned somewhat on recommitting bills; therefore, we had hoped to possibly do this in a Committee of Conference. I would certainly hope that you go along with receding and concurring, and following that motion, then you would go along with Mr. Crosby's motion so that we would insist, and through a Committee of Conference we can work out something which would be equitable to everyone.

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

Mr. BENSON: Mr. Speaker, I'd like to pose a question through the Chair to the gentleman from Waterville, Mr. Carey; does it really make any great difference whether you add five feet to the front or to the back?

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, poses a question through the Chair to the gentleman from Waterville, Mr. Carey, who may answer if he cares to. The Chair recognizes that gentleman.

Mr. CAREY: I would point out to the gentleman that when you come from a railroad town and you add five feet to the box you are certainly making a big change. If you let them add five feet to the front end of the thing that can't carry any cargo, that can't affect the railroad people, then you are not hurting the railroad people.

We have been in constant debate with this thing through the Committee, with the railroad and the truckers, and we hope to finally settle this one way or another.

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

Mr. FINEMORE: I would like to tell the House that if this bill would go by as it is now with the amendment, and just leave it for the out-of-state truckers, it would be very poor legislation. Of course, if we go back to the original bill, why it would be good legislation, in my opinion, and I hope we can get the Committee of Conference.

The SPEAKER: The pending question is receding and concurring. All in favor of receding and concurring will answer yes; those opposed answer no. The Chair will order a vote. All those in favor of receding and concurring with the Senate in which this Bill was indefinitely postponed will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

110 having voted in the affirmative and 20 having voted in the negative, the motion to recede and concur did prevail.

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

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

Tabled—April 22, by Mr. Pratt of Parsonsfield.

Pending—Passage to be enacted.

Thereupon, 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:

SENATE REPORT — “Ought to pass” in New Draft—Committee on State Government on Bill “An Act relating to Electrician’s Licenses” (S. P. 279) (L. D. 874)—New Draft (S. P. 438) (L. D. 1461) (In Senate, report accepted and bill passed to be engrossed)

Tabled—April 23, by Mr. Foster of Mechanic Falls.

Pending—Acceptance in concurrence.

Thereupon, on motion of Mr. Dennett of Kittery, tabled pending acceptance of the Report in concurrence and specially assigned for Tuesday, April 29.

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

MAJORITY REPORT (6) — “Ought not to pass” — Committee on Retirements and Pensions on Bill “An Act relating to Retirement of Chief Liquor Inspector” (H. P. 943) (L. D. 1204) and MINORITY REPORT (4) reporting “Ought to pass”

Tabled—April 22, by Mr. Dennett of Kittery.

Pending—Acceptance of either Report.

Mr. Dennett of Kittery moved the acceptance of the Minority “Ought to pass” Report of the Committee.

Thereupon, Mr. Marquis of Lewiston requested a vote on the motion.

The SPEAKER: A vote has been requested.

Mr. Temple of Portland then moved that the matter be tabled until Tuesday, April 29.

Whereupon, Mr. Benson of Southwest Harbor requested a vote on the tabling motion.

The SPEAKER: A vote on the tabling motion has been requested. All those in favor of tabling this matter until Tuesday, April 29, pending the motion of the gentleman from Kittery, Mr. Dennett, to accept the Minority “Ought to pass” Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 22 having voted in the affirmative and 100 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, to accept the Minority “Ought to pass” Report.

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

Mr. TEMPLE: Mr. Speaker, I would like to move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Temple, moves that both Reports and Bill be indefinitely postponed.

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

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: Apparently this morning we are playing a little cat and mouse game. No one really wants to have anything to say on this bill, and I know everyone is hoping that there will be a little action. So to give this House I think what it wants we’ll start the ball arolling.

Now I am the sponsor of this bill, and I will accept and agree to the stipulation that no man is indispensable. I think this is widely understood. I will go a little bit farther and say that the subject of our debate here this morning, the person involved, is a controversial character; there is no question about this.

The subject has been employed by the Liquor Commission as Chief Enforcement Officer for many years, and there are a lot of pros and cons. But no one can stand forth today and truthfully say that this person did not proceed to do his utmost in the enforce-

ment of the laws of the State of Maine as enacted by its several Legislatures. This perhaps is where the trouble lies.

Now during the past year, as being a member of the Legislative Research Committee, I traveled with the other members of the committee the length and breadth of the State of Maine; and we had hearings, both public and private. In many of these, yes, both public and private hearings, the Chief Enforcement Officer was severely condemned by many who were unable to escape his toils. They fell upon difficulties in either attempting to evade or avoid the law, and consequently were brought to answer.

We heard charges of Hitler, of the Gestapo, of practically everything in the book, and I think it not only left myself, but all other members of this committee feeling that in face of these charges our Chief Enforcement Officer had done an excellent job.

Also I would state that as a member of this Legislature over a considerable number of years, I have seen many attempts, we might say, to get the Chief Enforcement Officer. It has been tried by introducing bills to fire him, to amend the law very subtly to remove him, and all these failed because in the final analysis it was agreed that he had done a good job.

Now he has had to enforce many laws, some of them very questionable. Many of them people did not like, but he still knew that it was his duty to enforce the law, and they were enforced irregardless of where the chips may fall.

Now I believe many of these people, who have in the times past been somewhat disgruntled relative to our Chief Enforcement Officer, have seen a ray of hope, the golden day has arrived, Murphy is about to retire. The crowning blow then fell with the introduction of this bill to keep Mr. Murphy on, if he so desired, for another five years. Now I have heard it said that this would establish a precedent. It does not establish a precedent. The state police, the two chief enforcement officers of

the state police, are permitted to stay on by law for a term that goes beyond the normal retirement period. I have known of many instances where the Governor and Council have granted, shall we call them stays, to able and capable employees who have passed the sixty-five year mark of retirement.

The fact that a man becomes sixty-five years old does not necessarily make him decrepit and unable to perform his duties. Some people think that with the age 65 you're not over the hill automatically, but right down to the bottom of it. There are some, perhaps, who are incapable of performing their duties at 40, and others are still going strong at 60. I would call your attention to the Chief Enforcement Officer of the Federal Bureau of Investigation in Washington, J. Edgar Hoover, who I believe now is in his 80's, and he has been kept on by administration after administration regardless of its political complexion, because they know this man does his work and gets his job done.

Now some will say perhaps you are doing this because you are a friend of Mr. Murphy. Yes, perhaps I am a friend, but no greater friend than I am, perhaps, to most of the members of this House. I try to be friendly with all concerned.

I will recall one time when Mr. Murphy was at my house. He was passing through Kittery, and he stopped for a moment, it was for all purposes merely a social visit, and at that time my younger son, who was about 18 years of age, and at the age of all young men when there is nothing more to be learned — they have grasped all the knowledge that is obtainable — he made the crack to Mr. Murphy, "Well, if I have some beer in my car, what are you going to do about it?" Mr. Murphy said, "Young man, if I catch you with beer in your car, you are going right before the court, and I don't care who your father is," and I believe it. And I admire the man, because the man never let friendship or anything else interfere with his duties.

Mr. Murphy's physical condition, as medical authorities will attest, is excellent. He is perfectly capable, both physically and mentally, of performing his duties. I believe, perhaps, the hour has struck when the Legislature perhaps, itself, could reward a man for a job well done, and under these conditions pass this legislation which would allow him to remain, if he so desired, for five more years. When the vote is taken I would ask for a division.

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

Mr. MARQUIS: Mr. Speaker and Members of the House: All I want to do is back up the six-four report of "Ought not to pass." In our consideration we have L. D. 253 which still has not come out of our committee. Mr. Murphy himself appeared before us at this committee and testified in behalf of L. D. 253, which title is relating to Service Retirement of Liquor Inspectors. It reads, Any member who is a liquor inspector, including the chief inspector, and in any case at least 20 years of creditable service in his respective capacity, may be retired on or after the attainment age of 50 years of age; service retirement allowance must retire at the age of 65.

Now before us Mr. Murphy testified that the reason he was trying to lower this was because they would like to be on the same status as the state police, and he felt that their jobs were along the same line, that they were in the enforcement division, and that they felt also that their jobs required them to be in somewhat of a hazardous nature.

Now in considering the L. D. that's before you now, we had no personalities involved, and at that time it was still strictly on a matter of position. We find this morning it a little bit difficult to debate this issue without bringing in personalities. Therefore, I'm asking you to consider the position, and not personalities, in rendering your vote on this issue. Thank you.

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

Mr. TEMPLE: Mr. Speaker and Members of the House: First, I would like to address a few remarks to the ladies and gentlemen of the House this morning in regards to my actions on the Retirement and Pensions Committee. First off, I refused to enter into any personality discussions whatsoever, or any capabilities discussion whatsoever, pertaining to the gentleman who holds the job as a liquor inspector today. All I was concerned with was my job on the Retirement and Pensions Committee, to do the best job possible. I looked at two items, and I looked at them very strong and very long before I made up my mind in regards to how to vote on this bill.

Under retirement there are two fundamental objectives of a retirement plan — these are personal and social. The personal objectives may be summarized as follows: One, to eliminate from the payroll superannuated and disabled employees who are in fact hidden pensioners, and this removes employees who are no longer physically able to perform their work properly. Two, to waive recruitment by making the service more attractive to high-grade persons who might otherwise seek employment in private industry or in other governmental agencies providing retirement pensions. Three, to make the service sufficiently attractive so that experienced persons of character and ability already in the service will not seek employment elsewhere. Four, to keep the avenues of advancement open by eliminating superannuated employees and thus improve employee morale.

The social objectives are: One, to provide against insecurity in old age and during disability in the most economical manner according to an organized and systematic plan equitably balanced for all persons covered. And two, to oblate the need for relief grants

particularly to persons of low incomes whose need is most urgent during periods of emergency.

The other article that I looked at very long was the Legislative Research Committee report to the 103rd Legislature on the Maine State Retirement System. They recommended that high-grade men and women should be attracted to state employment. Younger and more efficient employees should replace those who are superannuated or disabled, and economy and increased efficiency are secured for the public service. Systematic promotion in salary and rank to the younger employee. The entire philosophy of the governmental retirement plans, as for private industry plans, is geared to these personal objectives.

I hope the ladies and gentlemen of this House will not open the retirement system for personal retirement benefits this morning. I therefore hope that you will vote for my motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This morning I will wholeheartedly join the thinking, and I know with not so much eloquence of the gentleman from Kittery, Mr. Dennett. When we would speak about a measure such as this, saying personalities must not enter or personalities do not enter into the consideration, in my opinion, I feel it is almost impossible. We are talking about the job so we must talk about the man. We are talking about the man so we must talk about the job.

Over the many years the record of the Legislature will show and indicate my thinking about the manner in which Timothy J. Murphy has handled his work. I think that the remarks of the gentleman from Kittery, Mr. Dennett, certainly is a tribute to Timothy Murphy. I would add to his comments.

I think that there are very few within the confines of this House who have known Mr. Murphy as long as I have. Certainly many

know of Murphy, or of his so-called Gestapo tactics, far and wide. I know Mr. Murphy on the other side of the coin, however. I have told him and I have said so on the Floor of this House that should one cut Timmy Murphy over you would positively see badge 714, but believe me it would be an honest badge 714. Here's what anyone can say about Mr. Murphy: tough, rough, but honest.

To add some levity to such an important project, I would also contribute only one of many examples of his integrity and his willingness and his wish and desire further to do his job by giving you an example, one of several examples, that occurred with me.

As the gentleman from Kittery, Mr. Dennett, says the hue and cry generally over the years has been, "get Murphy," and with the present and the immediate past and other governors this has not prevailed, but it has in some areas over the past prevailed. And I remember at one time when a certain member in the front office was quite insistent upon removing Tim. I felt that I could contribute something, so I volunteered; I wouldn't have had too much choice anyway because Tim was parked on my doorstep. We found ourselves in a conference some few miles away from this area with the present Chief Executive over the weekend. It happened on a Friday evening. The conference started quite early Friday evening and ended in the wee hours of the morning.

As we got home I felt we were successful. Mr. Murphy felt that we were successful and so during the night — on Saturday morning, we shook hands and he said goodbye to me, good-night, in front of my home.

The following Sunday morning about thirty-six hours later I was accosted by a very close relative of mine, who not only was a close relative but also happened to be a very close friend as well as a close relative. And he said to me, by the way, he said, can you see what you can do to help me? This person owned a so-called restaurant, and it seemed that somebody had fallen asleep in his establish-

ment unnoticed that night at closing time. And of course as the law of averages would have them, who walked in but Timmy. So naturally this gentleman came to me, this very close relative of mine, and said, "Will you see what you can do to help me?" And it's only natural that I would go to Tim, which I did, with this remark, "I don't think it will do me too much good. I think that you're going to wind up in court."

I went to Tim and before I had a chance to even say good morning to him, he said, "If you're talking about so and so, forget it. I'll see you in court." However, Tim turned around the next day, called me up and wanted to meet me, and he said, "You know, are you sure the fellow can stand to hire a lawyer because if he can't, I know where there is fifty dollars waiting for him."

I am speaking now about the individual. I'm bringing in personalities. I'm saying to this body now that no man is indispensable, but I am saying right now that, number one, on the job itself that you will make a very deep, gaping hole in that department should Tim retire, be forced into retirement, because there has been no time in his job set aside for the training of such an individual. And know that he will do it.

Number two, as the gentleman from Kittery, Mr. Dennett, said that this man is in good health physically, and also mentally in good condition. I say this to you, this man has devoted his very life to this work. You don't talk to him about anything at all but he refers back to the job. I could show and give you and stand here and show you the acts of generosity that this man has done over the many years that really and truly, and I say this honestly, would bring a film in your eye.

I will leave you with this one thought — this man has served and served well. This has been his life, and you pass this bill that would allow this, fine; if this man is not allowed to continue, if he so wishes, then you will make an old man out of him.

Mr. Dennett of Kittery requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker and Members of the House: As a signer of the Minority Report and as House Chairman of the Committee, I rise to say that I signed this very conscientiously. I cannot add anything. I don't want to detract from the speeches which have already been made by the gentleman from Kittery or by Mr. Jalbert at this time.

To my mind the man is in good health physically and mentally. He does his very best work between the years of sixty and seventy. I feel, after knowing Mr. Murphy as a member of the Liquor Control Committee for three sessions, that he was very honest in his decisions when he made them. It didn't make any difference who was listening or who might be affected thereby. A great man has said in the past — you know to whom I refer — "Woe unto you when all people speak well of you." If a man can keep a job like this one for thirty-five years, he must expect to have a large number of people that will criticize him, but he has stayed on and done a marvelous job. And I feel a little bit sorry this morning perhaps that after thirty-five years of faithful service that this question has to be debated because I think it is a tribute to him, this has already been stated, if we can let him have a few more years to do this job which he has done so faithfully in the past.

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

Mr. VINCENT: Mr. Speaker and Members of the House: Some of the most able people serving this country are past the age of retirement of sixty-five: Supreme Court Justice, Earl Warren, Justice Black, Justice William O. Douglas, many members of the House and Senate in Congress, Everett Dirksen, our own Margaret Chase Smith, McCormack of the House. An early retirement to most people means, an early death and this has been statistically proven by insurance companies. If people

wish to serve beyond sixty-five and have the mental capacity, I am all for it. I am only sorry that this bill doesn't extend to other people, to waiver other retirements for people who wish to stay on.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be one of the Committee members that voted for the Majority Report "Ought not to pass," and I wholeheartedly concur with Representative Marquis and Representative Temple. I feel that no one man is indispensable. The man's integrity is not in question, but I feel that we would certainly be opening the door to other possible retirees who would find themselves in a similar situation, and why should they be made exceptions? So, therefore, I hope that you will kill the bill.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: Last weekend I had a gentleman who has retired from the State Liquor Store system after thirty-five years of service. He came by my house to attend to some business that we had and while we were having a cup of coffee after the business, he says to me, "How's everything going up there in the Legislature?" I said, "Same as usual." He says, "How about the income tax?" I said, "I don't hear too much about it." He says, "What's going to happen to Tim Murphy?" I said, "I don't know about that either." "Well," he says, "you know, I'm retired. I was the manager of a State liquor store for many many years and during a period of time Tim Murphy caused me to be demoted and I was very very bitter. But now that the time has come for him to retire I wonder whether or not the State of Maine would be wise to allow a man like this to go by the board. We need a man like this and although I still am bitter about what he did

to me, I know down deep in my heart that he was right and I was wrong. "He serves a purpose," he went on to say, "he applies the law, enforces it and makes sure that there is a minimum of cheaters in the liquor business, and the liquor business is a very sensitive business and you need a man like this."

I would fully agree with the gentleman. Some seventeen or eighteen years ago if someone suggested that I would be standing here today supporting a measure such as this, I probably would have referred that someone to a psychiatrist. I have had many bitter battles with this man, before hearing commissioners and before judges, but as an attorney today I respect him. As a citizen of a little summer resort town that goes to 120,000 people during the summer months, I appreciate having a man like Tim Murphy coming to town there and making sure everything is all right. And as a State Legislator, I feel that I would be doing a disservice to this State if I voted against this bill, and I will wholeheartedly support this measure.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Temple, that both Reports and 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 vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. More than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Temple, that both Reports and Bill "An Act relating to Retirement of Chief Liquor Inspector," House Paper 943, L. D. 1204, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Berman, Bernier, Binnette, Bourgoin, Carey, Carter, Chick, Coffey, Crommett, Cummings, Dam, Emery, Fecteau, Fraser, Gauthier, Gilbert, Hunter, Jameson, Jutras, Kelley, R. P.; Lebel, Levesque, MacPhail, Marquis, McTeague, Mills, Mitchell, Moreshead, Mosher, Nadeau, Norris, Ouelette, Payson, Pratt, Rocheleau, Sheltra, Tanguay, Temple, Williams.

NAY—Allen, Baker, Barnes, Bédard, Benson, Birt, Boudreau, Bragdon, Brennan, Buckley, Burnham, Carrier, Chandler, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Couture, Cox, Crosby, Croteau, Curtis, Cushing, D'Alfonso, Danton, Dennett, Donaghy, Drigo-tas, Dudley, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Faucher, Finemore, Fortier, A. J.; Fortier, M.; Foster, Giroux, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Hesel-ton, Huber, Immonen, Jalbert, Johnston, Kelleher, Kelley, K. F.; Keyte, Kilroy, Laberge, Lawry, Lee, Leibowitz, LePage, Lewin, Lewis, Lincoln, Lund, Marstaller, Martin, McNally, Meisner, Millett, Morgan, Noyes, Page, Porter, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sa-hagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, Wheel-er, White, Wight, Wood.

ABSENT—Brown, Bunker, Ca-rey, Curran, Good, Hewes, Hich-ens, McKinnon, Ross, Santoro, Waxman.

Yes, 39; No, 99; Absent, 11.

The **SPEAKER**: Thirty-nine hav-ing voted in the affirmative and ninety-nine in the negative, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow as-signed.

The Chair laid before the House the second tabled and today as-signed matter:

MAJORITY REPORT (6) — "Ought not to pass"—Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Ap-

pointment of the Attorney General by the Governor (H. P. 355) (L. D. 463) and **MINORITY REPORT (4)** reporting "Ought to pass"

Tabled—April 22, by Mr. Star-bird of Kingman Township.

Pending—Motion of Mr. Dennett of Kittery to accept Majority Re-port.

The **SPEAKER**: The Chair recog-nizes the gentleman from King-man Township, Mr. Starbird.

Mr. **STARBIRD**: Mr. Speaker, I move that we table this until Tuesday next.

Whereupon, Mr. Rideout of Man-chester requested a division.

The **SPEAKER**: A division has been requested on the tabling motion. All those in favor of this bill being tabled until Tuesday, April 29, pending the acceptance of the Majority Report, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 38 having voted in the affirm-ative and 82 having voted in the negative, the motion did not pre-vail.

The **SPEAKER**: The pending question is the motion of the gen-tleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Report.

The **SPEAKER**: The Chair recog-nizes the gentleman from Mada-waska, Mr. Levesque.

Mr. **LEVESQUE**: Mr. Speaker and Ladies and Gentlemen of the House: It will probably be in vain that I say these few words this morning, but not to belabor this question any longer than it must, I feel that the members of the House of Representatives and the members of the Senate, would be doing a justice to the people of the State of Maine if they would allow this type of legislation, a Constitutional amendment, to ap-pear before the people so that they would have a chance to voice their opinion as to how the ap-pointments of the Attorneys Gen-eral, or other Constitutional offi-cers, should be handled on a state-wide basis.

I think it's very important in our present form of government that we strengthen the Legislative Branch of government. I also feel very earnestly that we should also strengthen the Executive

Branch of government. And my reason for feeling this way is that time and time again we have seen occasions where in our own branches some areas should be improved, yet we fail to take steps to improve our own lots, and in the area of the Chief Executive I assume that there are some areas there that would be in the same conditions. So this would be one of the areas that I feel that the Attorney General should either run for public office, therefore serving all of the people of the State of Maine, by being an elective office, or should serve the Chief Executive in a capacity representing the entire people of the State of Maine through the Chief Executive, and being responsible to one person in administering the laws of our state.

I can recollect a few years ago that a decision coming from the Attorney General's office was in question in regards to a decision by the Chief Executive as to whether he had certain powers to do one thing or another, only to find out that only for political reasons or political expediency was the Attorney General's decision against that of which was the Governor's powers to do one way or the other.

If for no other reason whatsoever, the Governor, in order to defend his own position, had to go outside of the realms of the operation of state government, in order to hire the services of an outside attorney to defend what was his as an executive officer. This I feel we should avoid at all costs, that we should ask any Chief Executive, from any political affiliation, having to go outside of the governmental operation of our state, to have to defend his position as the Chief Executive, if he cannot depend on the Attorney General's office for an unbiased opinion from that office.

Subsequently, the ruling came, or the ruling was overruled that was made by the Attorney General's office; but be that as it may, it still happened, and I'm a firm believer that it should not happen. Therefore, I hope that the vote to accept the Majority Report will be defeated, and I request that when

the vote is taken it be taken by the Yeas and Nays.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion of the gentleman from Kittery, Mr. Dennett, to accept the Majority "Ought not to pass" Report.

Very briefly, it seems to me a rather—and frankly—silly argument to suggest that the Chief Executive of this State, be he Democrat or Republican, does not have the resources within the funds provided for the Executive Branch of government to hire competent legal advice. The basic question here is whether or not the Attorney General should be appointed by the Governor, and I submit he should not be. The Legislature has, since the beginning of Maine as a state, been able to call on the Attorney General for advice and opinions with respect to legislation. This relationship should not be tampered with.

I would support, personally, the statewide election of the Attorney General, but I don't believe that it is consistent with good government to have the Attorney General's office subservient to the Chief Executive. I prefer to have the chief law enforcement officer of this state either elected on a statewide basis, which I would prefer to our present system, but certainly not appointed by the Chief Executive.

As I say, I support the motion of the gentleman from Kittery, Mr. Dennett, that we accept the Majority "Ought not to pass" Report.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of this House: This is a bill that I presented, and I will give you a few words relative to why I presented this bill.

We have heard tell a lot about these reforms over the many sessions that we have had. Every time a reform is brought up here on the

Floor the Majority Party always sees to it that the reform dies right there.

Well, Maine is the only state in the Union in which the Legislature selects its Attorney General. The Majority Party will surely get one of their own kind as an Attorney General it has never failed. Those of us in the Legislature know how complex the problems of government have become, both for us and for the Executive Branch. Both branches of government faced with this complexity are continually seeking ways to improve their operations. That I believe you will find has been recommended by the Research Committee on more than one occasion. To the extent that we succeed, the people of Maine will be the beneficiaries.

I firmly believe that the effectiveness of the Executive Department will be enhanced if the Governor has the responsibility for selecting the Attorney General. The Governor under our Constitution has ultimate responsibility for enforcement of the laws. He often needs advice on the proper interpretation of state laws and the legal implications of programs and legislation. For all these reasons the Governor should have an Attorney General who is directly responsible to him and with whom he is personally compatible. This I can say is not the case at the present time.

If the Governor and the Attorney General cannot work together, if the Governor is deprived of the trusted legal counsel of the man who should be his chief legal advisor, the only real losers are the people of the state. We demand a high quality performance from our Governor and we expect to receive it, as we should. We should also give him the opportunity to choose men who will help him meet that demand. And to that extent, I certainly hope that we will defeat the motion from my friend, the Representative from Kittery, Mr. Dennett.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: This bill of course is one of those

perennial ones that come every so often, and I, like some of the previous speakers, could also very well support a change to election of the Attorney General instead of the present method.

I prefer appointment. I prefer appointment because it makes sense. We, today, have a variety of terms for our various heads of departments, and we have in only four instances, I believe, election by the Legislature.

Originally, under the Constitution as it was adopted in 1820, Maine's Attorney General was chosen by the Governor. The County Attorneys were chosen by the Governor with the consent of the Council. The amendment to the State Constitution adopted on March 17, 1855, adopted our present system. The difference was that on that date the Legislature was given the right to elect the Attorney General; the County Attorneys were elected by the people. We still have County Attorneys elected by the people, but we have our Attorney Generals elected by the Legislature. Either one way or another, these two should be put in conformity with one another as the original founders of our state saw fit to do.

I, for one, would think that the Attorney General, the Secretary of State, I believe the State Auditor, State Treasurer if we are to retain him, should be selected by the Governor with the approval of the Council, whatever that council might be, whether it be Executive or Legislative, as is proposed in this session, or confirmed by the Senate, whatever method we adopt, and I believe that if we cannot agree on appointment, I think we should choose election.

For that reason I have signed "ought to pass" on both of the bills for the change in the office of Attorney General. I signed "ought to pass" on election as well as this one on appointment because I feel that some method should be adopted that would either make the Attorney General responsible to a man who is himself responsible to the people, or should change so that the Attorney General was directly responsible to the people.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: After the remarks by the gentleman from Cumberland, Mr. Richardson, I was just wondering if he was making an offer of acceptance of the possibility of having an Attorney General elected by the people. If that was an offer, as indicated in the legislative records, I would like to ask the gentleman now to table this matter until the proper amendment could be drafted and presented before this House.

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

Mr. RICHARDSON: Mr. Speaker, I was before, and am now, opposed to tabling the bill. I would suggest that there is other legislation following which would make a change in the method of selection of the Attorney General. As I understand the gentleman from Kingman Township, Mr. Starbird, has just indicated to provide for the election of the Attorney General on a state-wide elective basis, as is the case in so many other states throughout the United States. I just don't think that appointment by the Governor is sound legislation. I feel very strongly that we should not have an Attorney General serving to the will of the Governor. I can cite you many instances where we would have achieved a different result, I say a bad result, if that had been the case.

Mr. Levesque of Madawaska withdrew his motion for a roll call.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Report. The Chair will order a vote. All those in favor of accepting the Majority "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.

77 having voted in the affirmative and 50 in the negative, the motion prevailed.

Sent up for concurrence.

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

HOUSE REPORT — "Ought not to pass" — Committee on State Government on Bill "An Act relating to Legislative Ethics" (H. P. 909) (L. D. 1170)

Tabled — April 22, by Mr. Rideout of Manchester.

Pending — Motion of Mr. Fortier of Waterville to reconsider acceptance of Report.

Thereupon, the pending motion prevailed.

The SPEAKER: The pending question now is the acceptance of the "Ought not to pass" Report.

The Chair recognizes the gentleman from Waterville, Mr. Fortier.

Mr. FORTIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to preface my remarks by thanking Representative Rideout and Representative Dennett for allowing this bill to be tabled so that I might gather my wits.

I arrived in my seat last Tuesday about ten or fifteen minutes late and found that L.D. 1170 had been reported out of committee with a unanimous "Ought not to pass" Report. To say that I was taken aback is an understatement as I was certain that the bill was comfortably tabled in committee and that the committee was preparing to draft a committee bill to include the subject matter of this bill and other legislation germane to this document. The committee apparently changed their mind and now I want to get a respectable funeral for this bill.

This bill is a worthy bill and I think it is good legislation deserving of the few remarks I'm about to make.

We as legislators, myself included, are often faced with awkward situations wherein we are or feel we might be in conflict and the situation could be resolved by submitting our doubts to a joint legislative committee for their decision, relieving ourselves of this responsibility.

I am concerned with the public image of a legislator because I am one, and I am sensitive to the way

that we are sometimes referred to. Maybe if we impose a code of ethics on ourselves we will set an example for all State employees and not expect more from them than we do from ourselves.

In looking over some of the laws enacted in other states, I found them cumbersome and not quite suitable for our purposes, but I did manage to stumble onto a copy of suggested state legislation put out by the committee of state officials on suggested state legislation of the Council of State Governments, and you see it in my hand.

I am sure that you are familiar with this type of booklet, because you've all seen one, and I'm sure that many of you refer to it. However, the legislation that I stumbled on was by accident.

The first suggested legislation in the book is word for word the document I am now discussing — An Act Relating to Legislative Ethics, which I am asking you to consider so that your constituents and mine will realize that you are down here representing them and not some special interest; that it is a labor of love and not of profit; that in our public affairs we do maintain moral and ethical standards which are worthy and warrant the confidence of the people.

One essential, of course, is that elected public officials must be men of high personal integrity; but even this is not a complete solution. This problem of ethical standards is not the simple issue of bribery or corruption on which there is no difference of opinion; it involves a whole range of border-line behavior, questions of propriety, and the question of conflict of interests. Integrity in government has never been and probably never will be subject to an absolute standard.

Men have always sought the good, but the definition of good and the means of seeking it constantly change in relation to a man's ideals and thinking. Conduct in public office which was once condoned would now be universally condemned.

A century ago it was taken for granted that legislators represented special interests; public officers who used inside information

to feather their own nests were not condemned but envied; the use of public office for private gain was the order of the day. Today we have progressed far beyond these nineteenth century standards of political morality. The best evidence of this progress is that we expect not only the fact of personal honesty but the absence of any reasonable suspicion of dishonesty or even impropriety.

Crude, overt corruption is relatively simple to deal with. What we do seek are better definitions of that sensitive devotion to the public trust which you and I believe is an essential part of the obligation of public service.

Here the guiding principles seem clear: the public is entitled to expect from its servants a set of standards far above the morals of the market place. Those who exercise public and political power are trustees of the hopes and aspirations of all mankind. They are the trustees of a system of government in which the people must be able to place their absolute trust; for the preservation of their welfare, their safety and all they hold dear depends upon it.

The people are entitled to know that no genuine conflict of interest exists among their public servants. They are also entitled to know that no selfish motive is permissible which interferes with the high-minded and honorable conduct of public affairs.

Simple rules suffice in a simple society, but our society is no longer simple. Ideally, all government officers should be without personal interest in matters they may be called upon to decide. In a society as complex as ours, however, this is obviously impossible since everyone has an interest in every action of government. For those of you who doubt this type of legislation, pay particular attention, if you will, to the next paragraph.

For one example, every legislator is bound to be affected personally, to a greater or less degree, when he votes on a tax law, on a rent control bill or even on motor vehicle regulation. These effects are unavoidable. Everyone

pays taxes, lives in a rented or owned home and rides in a motor vehicle.

A long list of professions and occupations, ranging from lawyers and doctors to real estate brokers and undertakers, are licensed and some are regulated. Many of those engaged in licensed occupations are members of our Legislature. They are frequently called upon to vote on matters affecting their own occupation.

Many businesses, from banks and insurance companies to utilities and liquor enterprises, are similarly licensed and regulated by the State. Should all branches of government be deprived of the services of citizens who happen to be their stockholders, officers, agents or counsels?

These problems become even more complex for the public or party officers whose public obligations do not require their full and exclusive time. A lawyer, for example, may in the course of a single week have the responsibility of handling an estate in which he must do business with the State Tax Department; he may handle a rent matter for a landlord or a tenant; he may advise a real estate broker, an insurance agent or a liquor licensee. He may sit on the board of directors of a bank, an insurance company or one of the dozens of other enterprises chartered or licensed by government; or he may own an interest in any of them.

Certainly government should not be deprived of the services of all but princes and papuets. The business of government cannot and should not be separated from the day-to-day lives of human beings who conduct it. The problem is to separate the unavoidable conflicts of interests from the venal and the doubtful; to chart the shadowlands of conduct where men of good will may have difficulty in deciding whether a course is proper or improper.

Many theoretical conflicts are too tenuous to be actual. Others may arise in so many different forms and under such a variety of circumstances that it would be either foolish or unjust to attempt

to establish a set of statutory rules. What is one day an interest, small and remote, may suddenly become important through a turn of events. For matters of such complexity and close distinctions a code of ethics is the better instrument. There is precedent in the similar codes for members of the bar and for the judiciary.

This is an issue which transcends partisan politics. Those who have been chosen by the people to represent them have the duty of maintaining a government of uncompromising integrity both in official and private conduct. The mantle of leadership carries with it the responsibility to forge and maintain ever higher standards of conduct to enhance the dignity of public office and the faith of free men and women in their government.

I have heard no objections to this legislation, so in the name of decency and if we are going to kill the bill let us give it a respectable burial and let its disposition be resolved by a vote rather than a cold hard hammer, wielded, of course, by a sympathetic and helpful professional.

Mr. Speaker, I now move to substitute the Bill for the Report.

The SPEAKER: The Chair would advise the gentleman that the pending question is the acceptance of the "Ought not to pass" Report. Should this prevail, no other motion would be in order.

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

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen of the House: I commend Mr. Fortier for his intent, yet let me indicate to you that he as the sponsor admitted at the hearing that there was no immediate reason for this sort of legislation. But in addition to that, the heart of the bill is contained in the four sub-chapters, compensation from private sources, influence of vote, gifts and conflict. Now on page 42 of the Senate and House Register a legislative code of ethics was adopted by the 100th Legislature and let me read one sentence from that. "No State Legislator will accept any employment which can possibly impair his independence and integrity of judg-

ment, nor will he exercise his position of trust to secure unwarranted privileges for himself or for others." Now I submit to you that this covers adequately the code of ethics for this body.

I would leave one thought with you that also ethics are in the heart and not in print. I would move that the "Ought not to pass" Report be accepted.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: It is very very late in the day, and I know that you have all got to the point in the day where you would like to hear people stop talking, including you would like to hear me stop talking; but it is not too late for us to take action today which really and truly will indicate our concern for a real problem. I completely disagree with the gentleman from Manchester, Mr. Rideout, when he says that there is no need for this legislation.

Our present House rule leaves the burden entirely on the legislator to make a decision as to whether or not he is going to ask himself to be excused from voting. Every one of you know of instances where legislators in this session and in past sessions have had a direct financial interest in the outcome of a specific piece of legislation and have not excused themselves from voting. And I don't seek today to indict the membership of the House. I simply say to you that our present method of operation, leaving the judgment to the individual legislator involved, quite plainly and simply does not work.

Now in reviewing this legislation I find that under Section 8 there is a provision for disclosure. It requires on January 31st a filing by the legislator with the Clerk of the House a disclosure of all matters in which he has an interest involving an appearance before a governmental or regulatory agency. And the question occurred to me, since as an attorney my practice is solely trial work before the Superior Court and the District Court in this state, would I have to file a dis-

closure, and the answer under this bill is yes, and I am perfectly happy to do so.

I suggest to you that we should not leave the decision on matters such as this to the individual legislator in view of the history of the legislative process which has indicated many many times that legislators whom we like and respect have felt that they did not have a conflict of interest when purely and squarely on the face of it they did. I would ask you to vote against acceptance of the report so we can substitute the bill for the report. When the bill has then had a chance to be reviewed objectively, I think that we can amend any objectionable provisions out of it and take a step, really directly bearing on our image before the public and on our ability to effectively legislate and meet the problems of this state. And when the vote is taken, Mr. Speaker, I ask for a division.

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

Mr. BERMAN: Mr. Speaker and Ladies and Gentlemen of the House: I'll try to be very brief. I'm in complete sympathy with the views expressed by my friend from Cumberland, Mr. Richardson. I think it's too bad sometimes that these matters have to be left up to us individually. I can only cite one instance which occurred during the session. Another attorney with whom I happen to be very friendly asked if I would help him write a brief on a particular matter, and it was a very interesting question, so I said yes, I'll be glad to consider the matter.

Well when the actual specific case was presented to me, I had to smile to myself because some two or three years ago when I was sitting down in the Judiciary Committee we passed out a special resolve allowing a certain individual to sue the State of Maine, and the resolve had its final approval and an action was pending in the courts. And this was the very matter in which I had unknowingly agreed to help the other attorney write the brief. Well under those circumstances, I pointed out to him that I thought that it was a rather

delicate matter and that I would frankly like to beg off because I didn't think that I should be helping an attorney write a brief on a matter in which I had sat as a legislator some years ago. So I completely agree with Mr. Richardson from Cumberland; I think that these matters should be spelled out, and I hope you will go along with his suggestion.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I realize the hour is late, and I don't wish to belabor this question, but I won't say that I was appalled this morning when the gentleman from Cumberland arose, I was just completely flabbergasted! I didn't expect anything like this. I certainly agree with the gentleman from Manchester, Mr. Rideout; as a matter of fact, the Committee was unanimous in this. I believe we have a code of ethics. I can see what I consider many, many faults with this bill.

Now if we are getting into a complete conflict of interest concept, apparently in this House no attorney should certainly serve on the Judiciary Committee because there's a conflict of interest. No insurance man should be on the Committee on Business Legislation because it deals strictly with insurance matters.

I would not question the integrity of a single person in this House. I think that we have a code of ethics, and I don't think anyone has personally acted in their own interest or in the interest of their employers, or interest in companies in which they might own stocks. I think this is beside the point. I think my most serious objection, and this is a personal one, to my bill is this matter of disclosure because it would, in essence, force anyone who comes under any state or sub-division regulatory agency that they should disclose the source of all their income.

Now this sounds beautiful; but what does it amount to, and how truthful could it be? It would look to me, even if you drive an automobile and have an automobile

license, you're subject to a regulatory agency of the State, and therefore, you must disclose. I certainly hope that you go along with the gentleman from Manchester, Mr. Rideout, in accepting the "Ought not to pass" Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I had hoped for an early adjournment. I have sent notes all over the board hoping for an early adjournment. It apparently isn't to be, so I might as well do a little something while I am here.

Now insofar as I am concerned with this measure here, and I speak now as one who has been termed "the magnificent" and "the very bad". Now I have a code of ethics as a member of this Legislature. I tell the truth, and I want people to believe me, and if I should be involved in something that would be of a certain nature that might be beneficial to me or my heirs, or whomever it might be, so what?

Now I have heard the gentleman from Cumberland, Mr. Richardson, speak on matters that pertained to insurance matters, and very, very often I have gone with him knowing fully well that he is a very, very capable insurance attorney.

Now I certainly, again, for the second time today, echo the remarks of the gentleman from Kittery, Mr. Dennett, and I also agree with the gentleman from Waterville, Mr. Fortier, but I think if ever there was a situation that might need to spend some time to draft something that might be proper, this is it, and it is very possible that we might do this by presenting an order to study this thing, to have the Legislative Research study this situation.

I sometimes boil when I see split reports come out, and they come out very often. I am hoping to have more come out if we are going to get out of here either split or unanimous from that great Committee of Judiciary; but, however, I sometimes boil when I see these reports come out. Then I look at the other side of the coin. These

people are knowledgeable men in their field, and, certainly, they are the ones that are going to have to fight in the courts for the programs and the laws that we do or we do not sponsor here. The same thing goes for the liquor thing, because, sometimes, as far as I am concerned, is there anything wrong at all in being in a legal industry? Is there anything wrong at all with being in the insurance industry?

I will warn here that if this bill would pass in this form here, then everybody in this House at sometime or another are in conflict of interest, I would warn, and I am with the mill people that probably tomorrow there might be one or two around here who might be in a conflict of interest on the price control bill, but so what? I don't see anything wrong with that.

Mr. Speaker, I would hope — because I would like to see adjournment sometime today — that we go along about our business and possibly have the able gentleman from Waterville, Mr. Fortier, draft another order having the Research Committee study this problem, which is very worthwhile.

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 expression made before the House this morning that our present code of ethics could possibly stand some revision in certain areas, and in view of the remarks just made by the gentleman from Lewiston, Mr. Jalbert, I would hope that the House would vote for substituting the bill for the report this morning, and we could probably be working on substantial amendments that could support this legislation for the future for all of our own use. So, therefore, I would be very much in support of this legislation, that it receive passage, and then we could find the suitable amendments to go to the bill.

The SPEAKER: Is the House ready for the question? The pending question is the acceptance of the "Ought not to pass" Report, which was accepted as of yesterday. All those in favor of accept-

ing the "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. 56 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

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

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: I now respectfully move that we accept the "Ought to pass" Report.

The SPEAKER: The Chair understands that the gentleman from Waterville, Mr. Fortier, moves that the House substitute the Bill for the "Ought not to pass" Report on Bill "An Act relating to Legislative Ethics," House Paper 909, L. D. 1170. Is this the pleasure of the House?

The motion prevailed and the Bill was given its two several readings and tomorrow assigned.

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

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

Tabled—April 22, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for tomorrow.

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

MAJORITY REPORT (9) — "Ought not to pass"—Committee on Agriculture on Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 847) (L. D. 1089) and MINORITY REPORT (1) reporting "Ought to pass"

Tabled—April 23, by Mr. Evans of Freedom.

Pending—Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Mosher.

Mr. MOSHER: Mr. Speaker, as Representative Ross, the sponsor of this bill, is not in his seat, I

request that this be laid on the table until the next legislative day.

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

Mr. CAREY: Mr. Speaker, I move that it lie on the table for two legislative days.

Mr. Evans of Freedom requested a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until Tuesday, April 29, pending the acceptance of either report, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 74 having voted in the affirmative and 42 in the negative, the tabling motion prevailed.

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

MAJORITY REPORT (9) — "Ought not to pass" — Committee on Agriculture on Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 848) (L. D. 1090) and MINORITY REPORT (1) reporting "Ought to pass"

Tabled—April 23, by Mr. Jalbert of Lewiston.

Pending—Acceptance of either Report.

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

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

"An Act relating to Open Season on Muskrat and Mink" (H. P. 1122) (L. D. 1443)

Tabled—April 23, by Mr. Cox of Bangor.

Pending—Passage to be enacted.

On motion of Mr. Porter of Lincoln, retabled pending passage to be enacted and specially assigned for Tuesday, April 29.

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

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

Tabled—April 23, by Mrs. Cummings of Newport.

Pending—Motion of Mr. Millett of Dixmont to adopt House Amendment "A" H-202.

On motion of Mr. Richardson of Stonington, retabled pending the motion of Mr. Millett of Dixmont to adopt House Amendment "A" and specially assigned for Tuesday, April 29.

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

Bill "An Act to Provide for the Expunging of Certain Records of Arrest" (S. P. 223) (L. D. 663) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-33) as amended by Senate Amendment "A" (S-45) thereto) (In House, passage to be engrossed reconsidered, Amendments S-33 and S-45 indefinitely postponed.)

Tabled—April 23, by Mr. Richardson of Cumberland.

Pending—Passage to be engrossed.

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

Mr. BRENNAN: Mr. Speaker, an amendment is being prepared to restore this bill to its position prior to yesterday, so I hope someone would table it so we may offer it Tuesday.

Thereupon, on motion of Mr. Richardson of Cumberland, retabled pending passage to be engrossed and specially assigned for Tuesday, April 29.

On motion of Mr. Evans of Freedom,

Adjourned until nine o'clock tomorrow morning.