

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 29, 1969

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

Prayer by the Rev. Mr. George Whittier of Augusta.

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

The journal of the previous session was read and approved.

**Papers from the Senate
Reports of Committees
Ought to Pass**

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Establishing the Quality Rating of Gasoline" (S. P. 328) (L. D. 1208)

Report of the Committee on Public Utilities reporting same on Bill "An Act relating to Extension of Water Service" (S. P. 275) (L. D. 913)

Came from the Senate read and accepted.

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

**Ought Not to Pass
Bill Substituted for Report**

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Lengthening the Open Season on Beaver by the Commissioner of Inland Fisheries and Game" (S. P. 79) (L. D. 239)

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

In the House, the Report was read.

On motion of Mr. Lewin of Augusta, the Bill was substituted for the Report in concurrence.

The Bill was then given its two several readings.

Senate Amendment "A" (S-104) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

**Ought to Pass
Printed Bills**

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

on Bill "An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits" (S. P. 88) (L. D. 278)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Maine Babe Ruth Baseball, Inc." (S. P. 426) (L. D. 1426)

Report of the Committee on Sea and Shore Fisheries reporting same on Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game to Manage Alewife Fishing Where No Rights Have Been Granted to Others or Where Municipalities Fail to Act" (S. P. 277) (L. D. 872)

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

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Education on Bill "An Act relating to Construction or Acquisition of School Buildings for Mentally Retarded Children" (S. P. 133) (L. D. 417) reporting "Ought to pass" as amended by Committee Amendment "A" (S-92) submitted therewith.

Report of the Committee on Judiciary on Bill "An Act relating to Pecuniary Damages in Actions for Injuries Causing Death of a Minor" (S. P. 86) (L. D. 249) reporting "Ought to pass" as amended by Committee Amendment "A" (S-96) submitted therewith.

Report of same Committee on Bill "An Act relating to Cost of Replacement Motor Vehicles as Damages in Civil Actions" (S. P. 87) (L. D. 250) reporting "Ought to pass" as amended by Committee Amendment "A" (S-97) submitted therewith.

Report of the Committee on Sea and Shore Fisheries on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries" (S. P. 71) (L. D. 193) reporting "Ought to pass" as amended by Committee Amendment "A" (S-94) submitted therewith.

Report of same Committee on Bill "An Act relating to Operation of Purse Seines within Territorial Waters in Washington County" (S. P. 302) (L. D. 995) reporting "Ought to pass" as amended by Committee Amendment "A" (S-95) 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 Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, for his Duties and for Vacancies in the Office of Governor (S. P. 325) (L. D. 1087)

Report was signed by the following members:

Messrs. WYMAN of Washington
LETOURNEAU of York
— of the Senate.
Messrs. DENNETT of Kittery
MARSTALLER of

Freeport
STARBIRD of Kingman
Township
DONAGHY of Lubec
RIDEOUT of Manchester
— of the House.

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

Report was signed by the following members:

Mr. BELIVEAU of Oxford
— of the Senate.
Miss WATSON of Bath
Mr. D'ALFONSO of Portland
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

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

Whereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Dennett of Kittery to accept the Majority "Ought not to pass" Report and specially assigned for tomorrow.

Final Report

Final Report of the following Joint Standing Committee:

Election Laws

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act relating to Safety Equipment on Boats Operated on Waters of the State" (H. P. 119) (L. D. 135) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 16.

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

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

Non-Concurrent Matter

Bill "An Act relating to Biennial Elections of Penobscot Indians" (H. P. 415) (L. D. 526) which was passed to be engrossed in non-concurrence in the House on April 17.

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

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

Non-Concurrent Matter

Bill "An Act relating to Retirement Benefits for Call Firemen under State Retirement System" (H. P. 834) (L. D. 1072) which was indefinitely postponed in the House on April 23.

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

In the House:

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

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

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

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

Mr. BENSON: Mr. Speaker and Members of the House: I think we would be embarking on a very dangerous course if we moved to recede and concur with the Senate. I hope that the motion is defeated so that we can then move to adhere and lay this gently to rest.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: As a member of the Pensions and Retirements Committee I would like to bring out that this bill had a unanimous "ought to pass" report. This is permissive legislation; the municipalities can do whatever they like with it. Therefore, I hope you will go along to recede and concur with the Senate.

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

Mr. CAREY: Mr. Speaker, I would ask anyone in the House if they could answer a question and that question is, "How long will the Union allow you to have it as permissive legislation?"

The SPEAKER: The gentleman from Waterville, Mr. Carey poses a question through the Chair to any Member of the House who may answer if they choose.

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

Mr. TEMPLE: Would you repeat the question?

The SPEAKER: An inquiry relative to the question, the question being, "how long would the Union stand for this being permissive legislation?"

Mr. TEMPLE: Mr. Speaker and Members of the House: At the present time the State Retirement System has gone along with permissive legislation for the municipalities. This has gone on ever since the Retirement System allowed participating districts to participate in the Retirement System. I don't see where the Union has anything to do with this whatsoever.

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

Mr. CAREY: Mr. Speaker and Members of the House: Having served as a municipal officer in the City of Waterville for over six years I am well aware of the negotiations that are conducted between the fire unions, the police unions and the municipality. And I say that while this may be permissive legislation today, I would tell you that it will be in the immediate future when the unions insist that this become part of the negotiations package.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Portland, Mr. Temple, that the House recede from its former action and concur with the Senate. The Chair will order a vote. All those in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

47 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Benson of Southwest Harbor, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles" (H. P. 1131) (L. D. 1453) which was indefinitely postponed in non-concurrence in the House on April 24.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed and asking for a Committee of Conference, with the

following Conferees appointed on its part:

Messrs. BARNES of Aroostook
REED of Sagadahoc
GORDON of Cumberland

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to insist and join in the Committee of Conference.

Non-Concurrent Matter

Bill "An Act relating to Approval of Appointment of Assistant County Attorneys for Hancock and Washington Counties" (H. P. 1137) (L. D. 1459) which was passed to be engrossed in the House on April 22.

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

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

Messages and Documents

The following Communication:

THE SENATE OF MAINE
AUGUSTA

April 28, 1969

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

Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regarding the Membership of School Committees and Boards of School Directors" (H. P. 1088) (L. D. 1342).

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

Senators:

KATZ of Kennebec
STUART of Cumberland
KELLAM of Cumberland

Respectfully,

(Signed) JERROLD B. SPEERS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE

AUGUSTA

April 28, 1969

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

Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics" (H. P. 734) (L. D. 952).

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Compensation of Members of Board of Hairdressers" (H. P. 227) (L. D. 283).

Respectfully,

(Signed)

JERROLD B. SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: The Chair will call your attention to Supplement No. 1.

STATE OF MAINE

Office of the Secretary of State
April 29, 1969

To the Honorable
David J. Kennedy,
Speaker of the House of
Representatives of the One
Hundred and Fourth Legislature:

In compliance with the Constitution and Laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative to the One Hundred and Fourth Legislature in the City of Lewiston at a special Election held April 21, 1969, according to a review of the returns made by the Governor and Council, to fill the vacancy caused by the resignation of Lorenzo Gaudreau of Lewiston, as follows:

Anthony J. Petropulos of Lewiston received 480 votes.

George F. Ricker of Lewiston received 1,002 votes.

JOSEPH T. EDGAR

Secretary of State

The Communication was read and ordered placed on file.

STATE OF MAINE

Office of the Secretary of State
April 29, 1969

To Bertha W. Johnson,
Clerk of the House of
Representatives of the One
Hundred and Fourth Legislature:

In compliance with the Constitution and Laws of the State of Maine, I hereby certify that a Special Election was held in the City of Lewiston on April 21, 1969, for the purpose of electing a Representative to the One Hundred and Fourth Legislature to fill the vacancy caused by the resignation of Lorenzo Gaudreau of Lewiston; that at said election George F. Ricker of Lewiston, having received a plurality of all votes cast in said election, as contained in a report submitted to the Governor and Council under date of April 29, 1969, appears to have been elected a Representative to the One Hundred and Fourth Legislature.

(Seal)

IN WITNESS THEREOF,
I have caused the Great
Seal of the State of Maine
to be hereunto affixed
this twenty-ninth day of
April in the year of our
Lord one thousand nine
hundred and sixty-nine
and of the Independence
of the United States of
America, the one hundred
and ninety-third.

JOSEPH T. EDGAR

Secretary of State

The Communication was read
and ordered placed on file.

By unanimous consent, Mr. Benson of Southwest Harbor presented the following Resolution out of order and moved its adoption:

RESOLVED that George F. Ricker of Lewiston is hereby declared duly elected representative to the One Hundred and Fourth Legislature.

The Resolution was adopted.

Orders

On motion of Mr. Lebel of Van Buren, it was

ORDERED, that Denise Gauthier, Becky Smith, Jolene Parent and Michele Pelletier of Sanford

be appointed to serve as Honorary Pages for today.

Tabled and Assigned

Mr. Carey of Waterville presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill: AN ACT Relating to Solicitation of Eye Services and Appliances, S. P. 265, Legislative Document No. 869, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee is directed to place special emphasis in the following areas of study:

1. Creating a board to be known as the State Board of Dispensing Opticians.

2. Review of laws pertaining to optometrists.

3. Study prices and mark-ups on the sale of glasses; and be it further

ORDERED, that a report of such study, together with any recommendations deemed necessary, be made to the 105th Legislature.

On further motion of the same gentleman, tabled pending passage and specially assigned for tomorrow.

House Reports of Committees Leave to Withdraw

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Alimony and Separate Maintenance in Divorce Actions" (H. P. 1033) (L. D. 1343) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Funds to Aid Sweetser Children's Home at Saco" (H. P. 86) (L. D. 95)

Report was read.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, I move that we substitute the bill for the report and would speak to that motion.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, moves that the House substitute the bill for the report.

The gentlewoman may proceed.

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to present to you some of the facts on the Sweetser Children's Home which is a child treatment center in Saco, Maine that treats emotionally disturbed children. I was asked to submit this bill because the Home cares for forty-four children who are wards of the State on the average during each year out of a total of around eighty.

The costs of the Sweetser Children's Home have been very low indeed. The State supports the children who are State wards to the tune of \$2,200 a year. The cost per child per year is \$5,000. The bill which you have before you now is a bill which would raise this for the State to \$3,345 a year for the child. This agency has been extremely successful in its operation from a financial point of view in comparison with other comparable agencies in New England and in the United States.

May I give you some examples. In Burlington, Vermont there is one that charges \$10,500; in New Hampshire, in Tilton, there is one that charges \$11,600; in Baldwinville, Massachusetts, there is one that charges \$9,000; Springfield, Massachusetts, 12 to \$14,000; New York State has treatment centers that cost 11 to \$15,000. Philadelphia has one that is \$12,000 per year. So the Sweetser Children's Home shows up as an extraordinarily intelligently and well run organization.

I would like to submit to you that if the State cannot help out further with the cost of the care of its state wards, that the Sweetser Children's Home will be forced to take in children from other states who will be able to pay more money

than the State of Maine is willing to pay here for the care of their own children. Massachusetts has offered 7 to \$8,000 a year in order to get their children into our children's treatment home here in Maine.

I hope that you will look with favor upon the bill which is under consideration now. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would like to call attention of the House to the fact that there is in the recommendations of the Committee in the supplemental budget a fund of \$76,000 which would provide for increased payments to the Sweetser Home, to other Homes in the state, for the care of these State wards which the lady from Falmouth refers to. I would hope that this might satisfy her objection to this bill.

I would further call your attention to the fact that this bill had the unanimous report "ought not to pass" of the Appropriations Committee.

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

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: I heartily concur with the thoughts and expressions of the gentlewoman from Falmouth. The Sweetser Home is probably the most outstanding home of its kind in the country today. It has the respect of anybody in the field of humanities. I would suggest that perhaps the House might be willing to let this bill go on its way and get on the Appropriations table and let them fight it out from that point. I hope that you will support the gentlewoman from Falmouth.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The Appropriations Committee distributed, as the gentleman from Perham, Mr. Bragdon states, \$76,000 spread over all of these various Homes. Now I would have no objection to this going on its way to the Appropriations table. How-

ever, if it did I assure you of one thing, that every one of these other Homes should be included in it. The Committee felt that it had done a fairly good job of distribution. However, if one is to be treated one way, and I'm possibly aware of the fact that the Sweetser Home treats in one area where some other Homes treat in other areas, and I speak of St. Andre, Good Samaritan, Maine Children's Home, Maine Institution for the Blind, Opportunity Farm, St. Elizabeth's Asylum, St. Louis School for Boys. Now if this thing here is going to survive, then this bill should be amended to throw everything else in; and by the time we do that and come up with all things in other areas, let's get ourselves ready to vote for a big, whopping taxation package.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that the House substitute the Bill for the "Ought not to pass" Report. The Chair will order a vote. All in favor of substituting the Bill for the 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 affirmative and 86 having voted in the negative, the motion did not prevail.

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

Mr. Berman from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Disposition in the Superior Court of Persons Charged with Crime" (H. P. 1032) (L. D. 1362)

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bill

Mr. Berman from the Committee on Judiciary reported "Ought to pass" on Bill "An Act Amending the Post Conviction Statute" (H. P. 560) (L. D. 741)

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

Ought to Pass with Committee Amendment

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$22,855,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (H. P. 319) (L. D. 406) reported "Ought to pass" as amended by Committee Amendment "A" (H-250) submitted therewith.

Mrs. Cummings from the Committee on Education on Bill "An Act Permitting Approval of Early Childhood Education Programs" (H. P. 378) (L. D. 487) reported "Ought to pass" as amended by Committee Amendment "A" (H-251) submitted therewith.

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Lack of Privity as a Defense in Action Against Manufacturer or Seller of Goods under the Uniform Commercial Code" (H. P. 167) (L. D. 206) reported "Ought to pass" as amended by Committee Amendment "A" (H-252) submitted therewith.

Same gentleman from same Committee on Bill "An Act Amending the Marriage Laws" (H. P. 1034) (L. D. 1344) reported "Ought to pass" as amended by Committee Amendment "A" (H-253) submitted therewith.

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

Order Out of Order

On motion of Mr. Lewin of Augusta, it was

ORDERED, that Sue Hassen, Mark Foster, and James Sevey of Hodgkins School be appointed to serve as Honorary Pages for today.

Passed to Be Engrossed

Bill "An Act Requiring Immunization of Dogs Against Rabies" (S. P. 433) (L. D. 1450)

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

**Third Reader
Tabled and Assigned**

Bill "An Act relating to Distribution of Malt Liquor" (S. P. 441) (L. D. 1464)

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

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

Mr. HICHENS: Mr. Speaker, I request that this be tabled until the next legislative day.

Whereupon, Mr. Chandler of Orono asked for a vote on the tabling motion.

The SPEAKER: The gentleman from Eliot, Mr. Hichens, moves that L. D. 1464 be tabled until Wednesday, April 30, pending passage to be engrossed. A vote on the tabling motion has been requested. All in favor of tabling this matter until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

81 having voted in the affirmative and 33 having voted in the negative, the motion to table did prevail.

Bill "An Act to Prevent the Pollution of the Waters of China Lake" (H. P. 1153) (L. D. 1475)

Bill "An Act relating to Tuition Charges for Special Education Classes" (H. P. 1154) (L. D. 1476)

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

**Third Reader
Tabled and Assigned**

Bill "An Act relating to Hunting, Fishing and Trapping by Indians" (H. P. 1155) (L. D. 1477)

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

(On motion of Mr. Lewin of Augusta, tabled pending passage to be engrossed and specially assigned for Thursday, May 1.)

Amended Bills

Bill "An Act Repealing Right of Appeal from Decisions of Administrative Hearing Commissioner to the State Liquor Commission" (S. P. 149) (L. D. 430)

Bill "An Act relating to Inspection of County Jails" (H. P. 414) (L. D. 525)

Bill "An Act relating to Age Requirement for Kindergartens" (H. P. 458) (L. D. 595)

Bill "An Act relating to Working Capital of State Liquor Commission" (H. P. 619) (L. D. 807)

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 Readers
Tabled and Assigned**

Bill "An Act relating to Short Term Permits for Trucks to Haul Loads" (H. P. 631) (L. D. 819)

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

(On motion of Mr. Cote of Lewiston, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Bill "An Act relating to Powers of Attorney on Accounts in Banks and Associations" (H. P. 660) (L. D. 847)

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

(On motion of Mr. Scott of Wilton, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Bill "An Act relating to Truth in Packaging" (H. P. 951) (L. D. 1230)

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.

Bill "An Act Pertaining to Live Smelt Bait Dealers" (S. P. 432) (L. D. 1441)

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

The SPEAKER: The Chair recognizes the presence in the

House of the newly elected Representative from Lewiston, Mr. George F. Ricker, and the Chair would appoint a Committee to escort him to the Executive Suite to be sworn and subscribed to his oath of office.

Thereupon, the Speaker appointed the following members to the Committee to escort Mr. Ricker to the Governor's office:

Messrs. LEVESQUE

	of Madawaska
COTE	of Lewiston
TANGUAY	of Lewiston

Emergency Measure

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)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 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.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted

in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Creating the Winterport Water District (H. P. 1045) (L. D. 1373)

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

emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 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.

Emergency Measure

An Act Authorizing Penobscot County to Raise Money to Purchase and Develop Premises Adjoining County Buildings (H. P. 1099) (L. D. 1419)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 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.

On request of Mr. Birt of East Millinocket, ordered sent forthwith to the Senate.

Emergency Measure Tabled and Assigned

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, I move that L. D. 1458 be tabled until Wednesday, April 30.

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

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, moves that L. D. 1458 be tabled until Wednesday, April 30, pending passage to be enacted. A vote has been requested on the tabling motion. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

43 having voted in the affirmative and 83 having voted in the

negative, the motion to table did not prevail.

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

Mr. BINNETTE: Mr. Speaker, I would like to present an amendment and move for its adoption:

The SPEAKER: The Chair would advise the gentleman that this is a matter to be enacted and amendments are not to be offered at this time. Does the gentleman move that the rules be suspended?

Mr. BINNETTE: I so do.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that the rules be suspended. Is there objection? The Chair hears objection.

A two-thirds vote is required for suspending the rules. All in favor of the rules being suspended 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 53 having voted in the negative, the motion did not prevail.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 60 voted in favor of same and 69 against.

Mr. Benson of Southwest Harbor then requested the yeas and nays.

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

Mr. JALBERT: Mr. Speaker, I would make an inquiry, is the yeas and nays motion debatable? Is the matter debatable now that the motion for the yeas and nays is before us?

The SPEAKER: The Chair would advise the gentleman that the matter is open for debate. The yeas and nays have been requested.

The Chair would advise the gentleman that the matter is debatable.

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

Mr. BENSON: Mr. Speaker and Members of the House: We have before us the tax package which is intended to fund the Current

Services budget. Quite normally and as expected there has been considerable opposition generated over the last weekend by the automobile dealers of our state; I say normally and as expected, no one gracefully accepts an additional tax on their business. This is not taxing the automobile dealers as everyone well realizes. It is passed on to the consumer and once again we are taxing the people of the State of Maine. The automobile dealers quite normally resent this because it is, I'm sure they feel, hurting their business. Now I have had a number of automobile dealers contact me over the past weekend and register objections to this tax. I have asked each and every one of them if they would mind suggesting a tax measure which would generate the same amount of revenue to take its place. In each case the objector has said, "Oh, my, I wouldn't know what tax might take its place. I just think that this is an improper and unjust tax."

If I am correct, the automobile industry is the only one that presently enjoys an exemption of this kind. It has come very close to passing in the last two sessions of the legislature to generate revenues which were needed. I might remind you that it was advocated by two Democrat governors of our state. I see nothing unusual about the passage of this now. It is something that has been deferred for the several sessions that I have been here and I think that we can be in agreement that this is just as fair and it is just as equitable as any other tax that we could impose and pass on to the people of the State of Maine. I have talked with numerous people individually and they have not objected to this tax any more than any other tax. I feel that we should get on with the business of state, we should pass this to be enacted here today, fund the Current Services budget which I feel has very good acceptance in this session of the legislature, and I would ask you, ladies and gentlemen, when the vote is taken by roll call to face up to the responsibility that I feel is yours here

today, and to fund the Current Services that are going to operate the State Government for the next two years. I thank you.

At this point, the Committee returned and Mr. Levesque announced that it had performed the duty with which it was charged and that Representative George F. Ricker had taken and subscribed to his oath of office.

The SPEAKER: The House hears the message and the Chair thanks the Committee. The Chair welcomes Representative Ricker to this honorable body and will assign to him seat number 76.

Whereupon, Mr. Levesque of Madawaska escorted Mr. Ricker to his seat on the Floor of the House, amid the applause of the House, the Members rising.

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

Mr. ROSS: Mr. Speaker, if the main question on this tax package is the auto trade-in, perhaps we should have reconsidered our action and accepted that amendment so that we could have voted on that specific amendment. I therefore would request that someone table this until later in today's session.

Mr. Mills of Eastport then asked that the matter be tabled until later in today's session.

Whereupon, on motion of Mr. Jalbert of Lewiston, tabled pending passage to be enacted and specially assigned for tomorrow.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 124 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Providing for Sessions of the District Court for Central Hancock at Bucksport (S. P. 69) (L. D. 190)

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

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

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

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

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

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

Enactor**Tabled and Assigned**

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

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

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

Mr. ROSS: Mr. Speaker, I yield to the Assistant Majority Floor Leader of the House.

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

Mr. BENSON: Mr. Speaker, I move that this be tabled for one legislative day.

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

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, moves that L. D. 791 be tabled until Wednesday, April 30, pending passage to be enacted. A vote has been requested on the tabling motion. All in favor of tabling this until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 71 having voted in the affirmative and 50 having voted in the negative, the motion to table did prevail.

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

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

Enactor**Tabled and Assigned**

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

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

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

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

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

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

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

An Act relating to Open Season on Partridge or Grouse and Pheasant (H. P. 330) (L. D. 439)

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

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

An Act relating to Burial of Honorably Discharged Veterans (H. P. 501) (L. D. 655)

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

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

An Act relating to Reorganization and Revision of Public Rehabilitation Services (H. P. 711) (L. D. 925)

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

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

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

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

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

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

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

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

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

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

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

An Act relating to Mandatory Fines on Minors who Violate Certain Liquor Laws (H. P. 1135) (L. D. 1455)

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

Finally Passed

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

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

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

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

Orders of the Day

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

HOUSE REPORT — "Ought not to pass" — Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Flagstaff" (H. P. 413) (L. D. 524)

Tabled — April 24, by Mrs. Baker of Orrington.

Pending — Acceptance.

On motion of Mrs. Baker of Orrington, recommitted to the Committee on Legal Affairs and sent up for concurrence.

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

MAJORITY REPORT (6) — "Ought to pass" — Committee on Judiciary on Bill "An Act to Create Traffic Violations Bureaus in the District Courts" (H. P. 768) (L. D. 988) and MINORITY REPORT (4) reporting "Ought not to pass"

Tabled—April 24, by Mr. Dennett of Kittery.

Pending—Acceptance of either Report.

On motion of Mr. Dennett of Kittery, the Majority "Ought to pass" Report was accepted.

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

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

Bill "An Act Providing for Scholarship Aid for Students from Low Income Families" (S. P. 345) (L. D. 1211) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-84) (In House, Committee Amendment "A" adopted)

Tabled—April 24, by Mr. Benson of Southwest Harbor.

Pending—Passage to be engrossed.

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

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

Bill "An Act relating to Approval of Refuse Disposal Areas" (H. P. 739) (L. D. 957) (Committee Amendment "A" adopted H-208)

Tabled—April 24, by Mr. Carey of Waterville.

Pending—Passage to be engrossed.

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

Mr. EVANS: Mr. Speaker, I move that this be tabled until the next legislative day.

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

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves that L. D. 957 be tabled until Wednesday, April 30, pending passage to be engrossed. A vote has been requested on the tabling motion. All of those in favor of this matter being tabled until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 69 having voted in the affirmative and 41 having voted in the negative, the motion to table did prevail.

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

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 24, by Mr. Scott of Wilton.

Pending—Acceptance.

On motion of Mr. Scott of Wilton, the "Ought to pass" Committee Report was accepted.

The Bill was then given its two several readings.

Committee Amendment "A" (H-186) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

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

HOUSE MAJORITY REPORT (6)—"Ought to pass"—Committee

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

Tabled—April 24, by Mr. Rideout of Manchester.

Pending—Acceptance of either Report.

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

Mr. JALBERT: Mr. Speaker, I would now move the acceptance of the "Ought to pass" Report and speak briefly in explanation of my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the acceptance of the "Ought to pass" Report. The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: In making this motion, it would set up the bill to be given its first two readings so that it would be before us tomorrow for third reading and amendments. I have prepared an amendment which I will present tomorrow and at that time we can debate the issue in its entirety. I now move the acceptance of the Majority "Ought to pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted, the Resolve read once and tomorrow assigned.

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

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 24, by Mr. Dennett of Kittery.

Pending—Acceptance in concurrence.

On motion of Mr. Rideout of Manchester, the "Ought to pass" in New Draft Report was accepted in concurrence.

The New Draft was read twice and tomorrow assigned.

The Chair laid before the House the eighth 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 24, by Mr. Carey of Waterville.

Pending—Acceptance of either Report.

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

Mr. ROSS: Mr. Speaker and Members of the House: This item and item 20 on the next page are the Milk Control bills. Now in theory they are aimed at the same thing. Both intend to abolish controls above the dealer level.

This particular item is my bill and it is more specific than the other in that it spells out the producer-dealer relationship specifically in several items. It is a bit confusing to have two similar bills before us, so out of deference to the charming and delightful gentleman from Portland, Mrs. Wheeler, I will dispose of mine and then we will debate hers later, and if she should be successful I would later suggest adding an amendment which would insert my definitive phrases and those are spelled out in mine but not in hers. So I now move the acceptance of the Majority “Ought not to pass” Report.

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

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

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

Tabled—April 24, by Mr. Porter of Lincoln.

Pending—Passage to be enacted.

On motion of Mr. Kelley of Southport, under suspension of the rules, the House reconsidered

its action of April 16 whereby the Bill was passed to be engrossed.

The same gentleman then offered House Amendment “A” and moved its adoption.

House Amendment “A” (H-241) was read by the Clerk.

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

Mr. PORTER: Mr. Speaker and Members of the House: I would like to explain a little bit about this amendment, sir.

The SPEAKER: The gentleman may proceed.

Mr. PORTER: The trapping season in the northern zone will extend to May 15. Now the northern zone is north of the Canadian & Pacific Railroad which in the eyes of some people is just this side of the Arctic Circle. The trapping of muskrat at that time coincides with the opening of the water in the northern zone and at that same time there are occasionally ducks coming into that area. The usual procedure would be to set a spring trap or a jump trap on a log or a mound somewhere for the muskrat but unfortunately sometimes occasionally ducks get into those traps. Consequently we’re killing a lot of ducks when we are trapping muskrat.

So the amendment says that you can only use a killer trap in the late spring. Some have asked, “What is a killer trap?” I have one here; it is sometimes called a Conibear trap. It has to be set under water out of reach of the feet of the ducks but the muskrat can get into it. It’s a killer because once it is sprung it doesn’t catch the rat by the foot; you immediately kill him. This certainly saves the suffering of the muskrat; it certainly saves the killing of ducks in that season. So I hope we will go along with this bill as amended.

Thereupon, House Amendment “A” was adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the tenth 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 24, by Mr. Richardson of Stonington.

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

Thereupon, 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 tomorrow.

The Chair laid before the House the eleventh 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 24, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

Mr. Brennan of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-254) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

MAJORITY REPORT (7) — "Ought not to pass" as covered by other Legislation—Committee on Education on Bill "An Act relating to Minimum School Year" (S. P. 344) (L. D. 1210) and MINORITY REPORT (3) reporting "Ought to pass"

Tabled—April 25, by Mr. Waxman of Portland.

Pending—Motion of Mr. Richardson of Stonington to accept Majority Report in concurrence.

On motion of Mr. Waxman of Portland, retabled pending motion of Mr. Richardson of Stonington to accept Majority Report in con-

currence and specially assigned for tomorrow.

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

HOUSE REPORT — "Ought not to pass"—Committee on State Government on Bill "An Act Providing Accident and Health Insurance Program" (H. P. 486) (L. D. 640)

Tabled—April 25, by Mr. Jutras of Sanford.

Pending—Acceptance.

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

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

HOUSE REPORT — "Ought not to pass" — Committee on State Government on Bill "An Act relating to Costs of Insurance Premium of State Employees" (H. P. 872) (L. D. 1115)

Tabled—April 25, by Mr. Soulas of Bangor.

Pending—Acceptance.

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

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

REPORT "A" (5) — "Ought to pass" — Committee on Taxation on Bill "An Act Providing for a State Income Tax" (H. P. 615) (L. D. 803)—REPORT "B" (5) — "Ought not to pass"

Tabled—April 25, by Mr. Susi of Pittsfield.

Pending — Acceptance of either Report.

On motion of Mr. Richardson of Cumberland, retabled pending acceptance of either Report and specially assigned for Thursday, May 1.

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

Bill "An Act relating to Retirement of Chief Liquor Inspector" (H. P. 943) (L. D. 1204)

Tabled—April 25, by Mr. Levesque of Madawaska.

Pending — Passage to be engrossed.

Mr. Levesque of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-255) was read by the Clerk.

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

Mr. DENNETT: I move the indefinite postponement of House Amendment "A" and would speak briefly to this amendment.

The SPEAKER: The gentleman from Kittery, Mr. Dennett moves indefinite postponement of House Amendment "A" and the gentleman may proceed.

Mr. DENNETT: Mr. Speaker and Members of the House: Back in the latter part of the eighteenth century there was a man in England named Thomas Carlyle. Thomas Carlyle wrote the history of the French Revolution. In this classic work he vividly portrayed the events of that disastrous affair and also of its participants. He particularly portrayed the great leader of that Revolution, one Danton, who he described as sea green, incorruptible. Perhaps had Thomas Carlyle been a contemporary of ours and lived in the State of Maine, he might have also described our present Chief Enforcement Officer in that manner; but fate being what it was, Danton eventually fell victim of the guillotine.

I feel that this amendment is undoubtedly a device to lead the present Chief Enforcement Officer to the political guillotine. This amendment would absolutely render useless this bill. Now first of all, what does it do? It permits everyone the right to retire at age 70. This is nothing new. The time of the state employees can be extended today, except in the case of enforcement officers. That is why legislation extended the time of the chief of the state police and his deputy, and this is what this bill attempts to do in the case of the Chief Enforcement Officer of the Liquor Commission.

We went all over Mr. Murphy's record the other day. The fact that he was incorruptible certainly

stands in his favor, and it is no time to bring any chance of corruption into this vital and sensitive agency. I certainly hope that you will support my motion to kill this amendment, and when the vote is taken I ask that it be taken by the ayes and nays.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In some fashion or other I kind of agree with the gentleman from Kittery, Mr. Dennett this morning, that the Chief Liquor Inspector is a very deserving citizen of our state and should, if he so desires, have the rights and prerogatives of being able to further his services to the people of the State of Maine.

Last week, in the debate on this document, I couldn't help but feel, that I was just wondering for a split moment, as to whether they were trying to help the gentleman involved in the document or whether it was a planned eulogy for the gentleman. Somehow or other over the years every member of this House here has had some deserving state employee in our system that they would have liked possibly to be extended these rights and privileges. If we must do it for one gentleman, who because of his undying service to the people of the State of Maine, then I feel in due justice that there are also other deserving state employees who must have the same rights and prerogatives if they so desire.

Under the present system if they don't want to continue they may accept retirement, but because of their long service, because of their dedicated service, it is my very strong feeling that the other state employees who have worked hard and long in the service of the State of Maine should be extended the same courtesy that we are trying to extend to one member of the Liquor Enforcement Agency. So it is with this thought in mind that I offer this amendment and hope that the members of the House of Representatives will also feel that if the Chief Liquor Inspector has

served well, and undoubtedly and unquestionably he has served very well, then also we have other state employees that have done also remarkably well and may want the extension of this service. So therefore I ask every member of this House to vote against the motion to indefinitely postpone, and in support of the amendment that will extend the rights to other state employees to the age of 70. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I feel that possibly the gentleman from Madawaska, Mr. Levesque, might be a little bit confused in this area. The reason that there had to be a bill extending the tenure to seventy for the chief of the state police and the deputy chief of the state police was because it involved itself in enforcement, and this is the reason why a piece of legislation must be presented to extend the same privilege for Mr. Murphy. He is presently the Director of Enforcement and also the Chief Inspector of the Liquor Division. Consequently he is definitely, as Chief Inspector, he is definitely participating in enforcement that presently is permissible to law which is often times used on the books now, giving the privileges that the gentleman from Madawaska, Mr. Levesque, wants to extend now. By agreement or by recognition by various departmental heads and submission to the Governor and Council, these prerogatives can be extended and it is already presently in the law. So in my opinion, the amendment as presented by the gentleman from Madawaska, Mr. Levesque, would serve no useful purpose, and I join my colleague from Kittery, Mr. Dennett, in the indefinite postponement of this amendment.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: I believe that if we are sincere in wanting to retain the expert services of Mr. Murphy, I

am in full agreement that we should retain his services. However, wouldn't it be better to have these services in an advisory or consultative capacity? We are talking about the generation gap. Are we afraid to replace a man who has reached statutory retirement age, afraid to retire the man and put a younger person in his place? There is nothing wrong in that. Mr. Murphy is a wonderful man. He has my support. I will vote for a special appointment as a consultant or an advisor to the Liquor Commission with the Enforcement Division. I support Mr. Levesque's motion.

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

Mr. BERNIER: Mr. Speaker and Members of the House: This is a subject with which I am acquainted. Having been an employee of the government for thirty years, I have been through this time and again. I retired after thirty years, not at the age of 65, but at the age of 56. You just reverse the figures. It has been a good life; I do not regret my move. I believe that anyone who would make this same decision would be more than happy with what they do because I assure you that what you do all your life as a career tends to be a sort of a rut; you cannot see what happens on the outside, you are engrossed totally and only in what you are doing, and you think there is nothing else for a man to do. I assure you there are other things besides what you have done, as I have done, for thirty years, and I looked outside to better things, and I assure you that I have found them, and anyone working for the state or for the government, in any form whatsoever, can do the very same thing.

In the government where I worked it seems that everyone in authority thought himself or herself indispensable. No one could replace or do what he or she could do, and certainly if they could do it they could not do it as well; that was understood. In fact, one of my supervisors when he came to me just before he was retired—by the way, he was forced to retire, he came to me and in great

confidence he says, "But Bernier," he says "I am retiring," he says, "but you will see that the place will never be the same again." He says, "No one can run the post office the way I run it. I have been here for thirty-five years, and I only, I myself, can run the place"—a little Hitler, you know. The world is full of them. No one can replace them, they are the God Almighty; they are the only ones who can do things right.

Now just think of the men that are involved in back of this man. There are other men, for instance, who have been looking forward to this certain personality to retire at the age of 65. Well they have been waiting for probably twenty-five years. There are some such cases where they have received their appointment not too long after the man in charge received his, so they have to wait an interminable time before they get anywhere. Now this man here is given an extra five years. These four men on down the line, not only the chief's assistant, but this man's assistant and the co-workers all the way down the line, they have to wait another five years before they get any kind of recognition. Is it fair to these men, really, for them, to ask them to wait another five years just so a man can set himself up at the praise and glory of the world.

There's no doubt but Mr. Murphy has done a good job, I do not question that particular feature of this bill. I glorify him, but I do not wish to stay on forever. I say that if you wish, if you want, if you must recruit good men for the state, for the government, in any line, you must give the men an opportunity to progress, an opportunity to advance, an opportunity to do good things for themselves as well as the man at the head. You cannot keep a man in office forever and expect to have good men that you can recruit for any particular job in the government or anywhere else for that matter.

This is a good law and it has been well thought out, and it is good for the people; it's good for the men in the department, and it's good for the men at the head of the department, because I tell you, the man who works too long at one

job will die in that job. A man should retire young. I know it has been said here by some young man that a man who retires young, he will quickly deteriorate. I question that, and I stand here as evidence that a man does not deteriorate when he retires young. I have been retired for three and one half years, and I feel better now than I ever did in my life. So that argument does not hold water.

Now this position of which we are trying to go on forever, keep him in office, this is a position that requires much determination. There's a lot of controversy involved here. An enforcement officer must make decisions that will necessarily make him enemies. It is a good field to develop a good bunch of ulcers. And I say, if a man can reach the age of sixty-five and still be healthy, do him a service and put him out on pension. If he wishes to do other work—I mean he has been here with the State House for a long while, I don't know just how long, but why does not he do as some of us do after we retire, continue here in the House either as legislators or in other types of work. Let him see how the other people live, not just an enforcement officer. I say the man who has made it a code of ethics all his life to uphold the law, he should not ask for a special law to keep him in office. Thank you.

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

Mr. TEMPLE: Mr. Speaker and Ladies and Gentlemen of the House: You shortly will be having come before you another piece of legislation pertaining to another law enforcement department of our state. This piece of legislation will be coming before you for concern to lower the retirement age for this department. If this bill passes this will force the five key employees of this department out of service with the State of Maine. I just hope that you will be consistent in your voting in the House in regards to state retirement benefits for our state employees, and that you will go along and support this amendment.

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

Mr. JALBERT: Mr. Speaker, I'd like to ask the gentleman from Portland, Mr. Temple, a question. Would this be forced retirement or permissive retirement?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Portland, Mr. Temple, who may answer if he chooses.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that House Amendment "A" 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 Kittery, Mr. Dennett, that House Amendment "A" to 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 of House Amendment "A" you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Bernier, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Couture, Crosby, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Erickson, Evans, Faucher, Finemore, Foster, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Johnston, Kelley, K. F.; Kilroy, Lawry, Lee, Leibowitz, Lewin, Lewis, Lincoln, Lund, McNally, Meisner,

Millett, Morgan, Mosher, Noyes, Ouellette, Page, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Wood.

NAY — Bedard, Binnette, Bourgoin, Brennan, Burnham, Carey, Casey, Chick, Coffey, Cox, Crommett, Croteau, Emery, Eustis, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hunter, Jameson, Jutras, Kelleher, Kelley, R. P.; Keyte, Laberge, Lebel, LePage, Levesque, MacPhail, Marquis, Marstaller, Martin, McKinnon, McTeague, Mills, Mitchell, Moreshead, Nadeau, Norris, Ricker, Rocheleau, Santoro, Sheltra, Starbird, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler, Williams.

ABSENT — Boudreau, Carrier, Carter, Curran, D'Alfonso, Danton, Farnham, Quimby, Sahagian, Soulas.

Yes, 86; No, 54; Absent, 10.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-four in the negative, the motion to indefinitely postpone House Amendment "A" does prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act to Permit Administrative Units to Operate Classes for Educable or Trainable Children" (H. P. 508) (L. D. 679) (Committee Amendment "A" adopted H-237)

Tabled—April 25, by Mr. Dam of Skowhegan.

Pending—Passage to be engrossed.

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

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

Bill "An Act to Amend the Charter of the Auburn Sewerage District" (H. P. 610) (L. D. 798)

Tabled — April 25, by Mr. Couture of Lewiston.

Pending — Motion of Mr. Drigotas of Auburn to indefinitely postpone Committee Amendment "A" H-238.

On motion of Mr. Williams of Hodgdon, retabled pending the motion of Mr. Drigotas of Auburn to indefinitely postpone Committee Amendment "A" and specially assigned for Thursday, May 1.

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

Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" (H. P. 907) (L. D. 1168)

Tabled — April 25, by Mr. Drigotas of Auburn.

Pending — Adoption of Committee Amendment "A" (H-239).

On motion of Mr. Williams of Hodgdon, retabled pending the adoption of Committee Amendment "A" and specially assigned for Thursday, May 1.

The Chair laid before the House the twentieth 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 25, by Mr. Jalbert of Lewiston.

Pending — Acceptance of either Report.

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

Mr. EVANS: Mr. Speaker and Members of the House: I move that we accept the Majority Report "Ought not to pass."

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker and Members of the House: This bill to abolish price controls on milk sold at the retail level, has been introduced to this Legislative

Session because I feel that we have a serious responsibility to the nearly 1,000,000 consumers of milk in this State. And it is far greater than one a few might have towards the several hundred Maine residents in the milk industry.

In the past weeks we have heard of the special interest groups who have come to Augusta to let their feelings be known regarding one sort of legislation or another. But it is my firm conviction that L. D. 1090 is in the best interests of all the people of the State of Maine. And I cite the following reasons.

Milk prices in Maine today, set April 1st by the Maine Milk Commission, called for a 56 cent per half-gallon level. The previous price was 59 cents. And yet in four other New England States the price for the same half-gallon is anywhere from four to six cents less; except in Rhode Island where the price is 48 cents per half-gallon.

Those other four states do not have price controls. Yet all of them have the same farmers' price as Maine, set by the Federal Government.

At present about forty per cent of the Maine milk farmers sell their milk under the Federal Milk Market Order out of the state. And the rest sell their milk within Maine for prices that average one and one-half cents per quart over this Federal price level.

This does not help the Maine farmer, because it invites milk from neighboring states to come into our state and effectively reduces the amount of Maine milk being sold here.

If this bill is passed, and the retail price control eliminated, we will have a free market that will force milk stores and dealers to work with a smaller margin of profit, but with a keener sense of competition that will, I'm sure, mean even better service and better milk products in Maine.

This bill is designed to save the benefit of a Milk Commission, without forcing the consumer to pay unrealistic prices for milk. No other commodity sold at the retail level enjoys the protection of a law that eliminates the natural law of supply and demand, and replaces it with an unnatural law of discrimination against one seg-

ment of the population in favor of another.

I urge every member of this House to search his conscience. Remember how seldom, if ever, the consumer has the ear of a legislator. And I urge you to vote against the motion of the gentleman from Freedom, Mr. Evans. And Mr. Speaker, when the vote is taken I move for the yeas and nays.

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

Mr. EVANS: Mr. Speaker and Members of the House: I'm not going to make a long speech on this, and I'm not a very good speaker. But I am one of the dirt farmers from Waldo County. We are a very small minority. We don't ask for too much. But we would like very much to keep this bill — defeat this bill, and keep the milk control prices on.

It has been said that this would help the consumer. I question that. I was in Connecticut yesterday, and I stopped in down there and bought some of this cut-rate price milk, and I'll tell you right now, it was putrid. And I didn't get a decent glass of milk till I arrived back into the State of Maine.

Now this price control has for a number of years provided the State of Maine with good, wholesome milk. And it hasn't raised the prices beyond what the consumer can pay. Now, I have a little sheet here that gives the price jump of different products since '60 to '67. Now, you take meat prices, 26 per cent have gone up; fruit prices, 84 per cent; fish prices, 69 per cent; bread and cereals, 12; tea and coffee, 24; milk prices, 4 per cent. Well, now, milk prices are not going into the air, and for what little extra the consumer has to pay, it does make a big difference to the farmers.

Sixty per cent of these farmers are selling milk on the Maine market in the State of Maine at the present time. And if we try to increase the consumption of milk in the State of Maine, in a little while we will have the consumption of the Maine farmers— 80 per cent of all the Maine farm-

ers on the Maine milk market, where they will get a better price. I know the farmers that ship to the Boston market don't have too good a price. But let's try to get the price better for them through the Boston market, and not through the Maine market by taking off price controls.

Ladies and gentlemen, you wouldn't ask a soldier to work with one shoe. You wouldn't ask a carpenter to use a saw that had no teeth. Well now, if you repeal this milk control price, that is exactly what you're going to do to the farmer and the Milk Control Board. You can imagine how they're going to be able to operate without the retail price control. So I urge you to vote for the acceptance of the Majority Report, "Ought not to pass." Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I too think very seriously about the consumer of milk in Maine. And of course this is a case where the larger families buy the most milk, and I realize that, too. But I also want to bring to the attention of this House a visit I had just recently on the West Coast. A similar thing has happened out there. I can tell you what the result was.

Maine now has a lot of small producers, or small pasteurizers, whatever you want to call them, that have small areas. And they're doing a good job supplying the milk, and the price is being regulated.

Now, here's what seemed to have happened on the West Coast. The price of milk did — after they done away with milk controls — the price did temporarily go down a little, long enough to force all the small people out of business. There's no more small pasteurizers. They're all big. And the part of California I was in, the name of the company was Foremost Dairies, and they had taken over. There was nobody in the milk business, just this one outfit, Foremost Dairies. You couldn't buy a quart of milk from Hood

or Sheffield, or any other outfit. This particular area I was in was just one outfit. They had forced all the little ones out. Once they got rid of the little fellow, then the price of milk went up about 12 cents a quart. So the net result was that the poor people that thought they were going to get a bargain, ended up paying not just a little more, but a whole lot more.

And I'm afraid of this very thing in Maine. If we were to do away with milk controls in Maine, that would allow the big fish to eat up the little fish, and then the poor people, once they got the little fish eaten up, the poor people would surely pay then. This is what happens when you don't have competition. And I hope you'll consider this when you vote.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: From my understanding of this, and the area that I come from, there's a good deal of apprehension on the abolishment of the Commission. If the Commission is abolished, the eventual result will be a Federal Marketing Order come in to control and handle milk production and distribution. But from every bit of information I can find out, the marketing order will not take effect in any area north of Bangor, because it's based on population, and the population density north of Bangor is so small that there will not be any — the marketing order will not control any milk production north of Bangor in pricing. And the people up in my area are quite apprehensive about this, because they feel there would be no controls at all and they would be completely at the mercy of the distributor. And I would certainly hope that this bill does not receive passage.

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

Mr. CHICK: Mr. Speaker and Members of the House: In reference to the question that's just been raised by the previous speaker, I do think that the House should consider that point very

carefully because I think it's very important.

It is my understanding that dairy interests have approached the United States Department of Agriculture to see what the possibilities of having Maine be included in the Boston Market Order. It is my understanding that apparently if Maine producers made an application, it is believed that they would allow the Maine cities, up through from, say, Portland through Lewiston, Augusta, Waterville, and probably including Bangor, but from the best information that I have been able to obtain, like Mr. Birt said, that they probably would not allow the territory to extend beyond Bangor.

Now however, the other very important thing that I believe you should consider is this. If this is done away with — the milk controls are done away with — the Maine milk controls — and the Federal Government, let's say, certifies an area up through and including Bangor, then this matter must be referred to all of the dairy producers in the New England area.

Now with the number of dairy people that would be included from Maine, that would mean somewhere around 9,200 to 9,500 producers. And probably Maine producers that would be trying to get into the Boston Order, would only be about between probably 750 and maybe 850. Now in order for Maine to be included in the Federal Order, you must have a two-thirds vote of all of the dairymen in that order. Now I think it's a real question whether or not some of the — two-thirds of the dairymen in the southern market would vote to include the other Maine producers that are not in the Boston Market to come in and share their market. So I think that should be a real concern to everyone here in the House.

Now I know the figures show that over the years the milk production in Maine has been above the average of the other New England States, which to me indicates that the consumers are well satisfied with the quality of milk they

have been receiving, as denoted by their purchases.

Now I have attended probably upwards of thirty public hearings of the Maine Milk Commission, and during that time I don't believe that at any hearing we have had over three consumers come in and testify as to the prices of milk. And most of the hearings there have been either one or no consumers testify. So I think that is proof in itself that the consumers are not too anxious to see this control taken away.

Now I think also one of the other speakers mentioned the fact, that I think our producers here in Maine would be in worse shape to leave the producer price, and remove all other price controls. Because in that event, if some of the dealers wanted to bring in milk from outside of the State to beat competition—and I think this is going to bring on a price war among your milk dealers — then the Maine producer would be in the situation where he wouldn't be able to sell his milk to meet competition from other areas. And he might be forced to dump his milk if he had no one to sell to.

Now, I think this bill has been rehearsed over all of the legislative sessions for a good many years, and I hope that the Legislature this year will see fit to accept the Majority "Ought not to pass" Report. Thank you.

Mr. Mills of Eastport then moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will vote yes; and those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

A sufficient number having voted, the motion for the previous question was entertained.

The SPEAKER: Now, the question before the House is: Shall the main question be put now? This question is debatable for not more than five minutes by any member.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't think any amount of debate could possibly change my mind on this measure. However, it is an important measure, and I think that people who want to be heard should be heard. I do hope that we do not place the question now.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: For the same reason that Mr. Jalbert from Lewiston has stated, this is a very important measure, and it is my sincere hope that those people that wanted to debate this measure would be afforded all the opportunity necessary for them to debate it. So I hope that the previous question will not be favorable at this time.

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

A vote of the House was taken. 19 having voted in the affirmative and 104 having voted in the negative, the main question was not ordered.

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

Mr. ROSS: Mr. Speaker and Members of the House: At the hearing before the Agriculture Committee, I mentioned the fact that cows, my dentist, and my wife had something in common. Because he told her years ago that the very best thing for chapped hands was bag balm. She tried it, and it works. And we always have a can of this on the kitchen table.

I didn't intend to ever mention that again. But only last week one of the charming gentlewomen in this House, when I came in, was sitting in my seat. And I asked her what I could do for her. And she said, Rodney, do you have that bag balm with you? And I said, no, I didn't. But I now have retrieved it from my kitchen. I do have it. I

will leave it here in my desk; my desk is never locked; and anyone, at any time, may use bag balm for their hands.

Now, many wonder how I happened to get into this act. Of course, basically, I have been interested that the consumer would be able to get his milk as cheaply as possible, while still protecting the dairy farmer. All of my adult life I have been in business of one kind or another, and I place a very high value on free competition.

The gentleman from East Millinocket, Mr. Birt, said he was worried what would happen if we do away with the Commission. We do not suggest doing this. In a complicated matter like milk-price fixing, there certainly should be protection for our dairy industry, because this is very important to the welfare of our state. And I'm sure that this business is most difficult in the State of Maine, and it is not very profitable and it does need some protection.

Now I first became interested in this in 1957 after a Research Committee report had suggested abolishing all controls. But I was never sold on that idea, although I still wanted to help our consumer. But the thing that rekindled my interest this year was the Cumberland Farms situation. I'm sure you are all familiar with that. They wanted to sell their milk cheaper, and they did, and they created all sorts of controversy, and all sorts of litigation. And finally the Maine Milk Commission granted them a special exemption. The reason was that they were a vertically integrated company. In other words, they owned all steps from producer through retail.

So this made me think, if they could do this, and do it legally, how about treating the other large retail stores the same way? And that's what the purpose of this bill is, to protect the producer but still let the other stores sell cheaper if they so desire. And I am now referring to very reputable concerns, like the George Shaw Company, I. G. A., A & P, Hannaford, H. P. Hood & Sons.

The question at the hearing was raised that if these stores reduced the price, who would absorb the

difference? As a businessman, to me the answer is obvious. If these companies are sincere, their increased volume would let them cut the prices. They would not have to pass it on to the farmer.

But now, because the Maine Milk Commission sets the prices that the consumer pays, the consumer is paying more than he would under this bill. The Commission sets the prices to the producers, the farmer, at one and one-half cent a quart above the Boston market price. So certain retail outlets are buying it outside now. This would not change that procedure, and I just think that it would protect the farmer, and still let the consumer buy milk a little bit cheaper, and I hope the motion does not prevail.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I shall try to be very brief this morning, as all of you are most likely hungry at this hour of the day. Only to bring out the fact that a lot of the farmers that you have heard talked about this morning, that may be going out of business, may be slightly fictional, rather than fact.

If the present control is to protect the farmer, and you will look over the years how many of the smaller farmers presently have had to go out of business because of the present restrictions and ways of operations, I fail to see where this type of legislation is going to hinder the farmer at all, and would only place the producers of milk in a competitive business with other businesses.

As milk is being consumed by every child in our state, I think probably, like all other businesses, milk should be on a competitive basis with some restrictions as far as the producer and the retailers are concerned. And I don't think that the present system has worked very well for all the small farmers that have had to go out of business. So I think probably it's due time for a change. And I think this particular piece of legislation will serve the farmers well, as well as the wholesalers and distributors.

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

Mr. CURTIS: I rise in support of the motion "ought not to pass" this morning. In my district there are fourteen dairy farmers, and if the controls are done away with they stand to lose approximately \$4,000 per farmer. Now these farmers averaged between \$5,000 and \$6,000 income this past year, and I don't think it takes much arithmetic to figure if they take \$4,000 off the top of their income that they certainly are going to have a losing proposition, business-wise.

I am not in the dairy business now, but I have been in the years past, and I know for a fact that dairies over the years have sold milk above the minimum price that has been established by the Control Board, and so I can see no reason why the prices will be lower. And also we had placed on our desk one day last week by one of the large dairies in the state stating that the price to the farmers would be lower, at least 25 cents a hundred, and if they would admit that this price would be that much lower, no one knows how much lower it would be. So I hope you will vote to support the "ought not to pass" report.

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

Mr. MOSHER: Mr. Speaker and Members of the House: Cumberland Farms this last year, their blend price over the State was \$5.84, and that is comparable to what Hood pays. Oakhurst paid me \$6.85. That is their blend price. And the reason for that is that the Oakhurst carries approximately, for the average of the year, about 15 per cent surplus. Whereas Hood and Cumberland Farms will have a 50 per cent surplus, which is the surplus of Class Two, for which they pay \$4.28. And that blend price is arrived at by 15 per cent, \$4.28, and a Class One price of \$7.31. So the difference is in the amount of Class Two price that—Class Two milk that is used. Now figuring out as near as I could, that would make about \$450 a month difference in my milk check. I thank you.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Freedom, Mr. Evans, that the House accept the Majority "Ought not to pass" Report. The gentleman from Portland, Mrs. Wheeler, moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote 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 of the House having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Freedom, Mr. Evans, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Repealing Milk Control Prices at the Retail Level", House Paper 848, L. D. 1090. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Baker, Barnes, Bedard, Benson, Berman, Bernier, Birt, Boudreau, Bragdon, Brown, Buckley, Bunker, Burnham, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Crosby, Cummings, Curtis, Dennett, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Evans, Faucher, Finemore, Fortier, A. J.; Foster, Fraser, Gilbert, Good, Hall, Hanson, Hardy, Harriman, Haskell, H a w k e n s, Heselton, Hewes, Hichens, Immonen, Jalbert, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Larry, Lebel, Lee, LePage, Lewin, Lewis, Lincoln, MacPhail, McNally, Millett, Mills, Mitchell, Moreshead, Mosher, Nadeau, Norris, Page, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Susi, Thompson, Trask, Tyndale, Wight, Williams, Wood.

NAY—Binnette, Brennan, Carey, Carrier, Coffey, Couture, Cox, Crommett, Croteau, D'Alfonso, Dam, Eustis, Fecteau, Fortier, M.; Giroux, Henley, Huber, Hunter, Jameson, Kelleher, Laberge, Leibowitz, Levesque, Marquis, Marsteller, Martin, McTeague, Morgan, Noyes, Ouellette, Ricker, Ross, Soulas, Stillings, Tanguay, Vincent, Watson, Waxman, Wheeler.

ABSENT—Allen, Bourgoin, Carter, Curran, Cushing, Danton, Donaghy, Farnham, Gauthier, Lund, McKinnon, Meisner, Quimby, Sahagian, Temple, White.

Yes, 95; No, 39; Absent, 16.

The SPEAKER: Ninety-five having voted in the affirmative, and thirty-nine in the negative, the motion to accept the Majority "Ought not to pass" Report does prevail and it will be sent up for concurrence.

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

MAJORITY REPORT (6) — "Ought not to pass"—Committee on Taxation on Bill "An Act Imposing an Individual and Corporate Income Tax" (H. P. 448) (L. D. 657) and MINORITY REPORT (4) reporting "Ought to pass"

Tabled—April 25, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Susi of Pittsfield to accept Majority Report.

On motion of Mr. Richardson of Cumberland, retabled pending the motion of Mr. Susi of Pittsfield to accept the Majority "Ought not to pass" Report and specially assigned for Thursday, May 1.

The SPEAKER: The Chair would like to call a matter to the attention of the members of the House. Now that business is picking up and we are pressed for time, I would advise the members not to introduce orders out of order unless they are of an emergency nature such as recognizing a page to serve for the day, because the other orders can be introduced the following morning. If you introduce orders that are not relative to honorary pages for the day there will be objection because it must be done by unanimous consent. So I advise the members of the House to refrain from now until the end of the session in introducing orders out of order with the exception that I have noted that they be in recognition of pages for the day.

(Off Record Remarks)

On motion of Mr. Fecteau of Biddeford,

Adjourned until nine o'clock tomorrow morning.