

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, April 30, 1969

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

Prayer by the Rev. Mr. Lloyd Fuss of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate  
Indefinitely Postponed**

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of Bill "An Act Establishing the Quality Rating of Gasoline", Legislative Document No. 1208, 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 report the results of its study at the next regular or special session of the Legislature (S. P. 445)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Relative to this Order, I have a letter from the Attorney General and let me just, I'm not going to bore you this morning, I just would like to read some phrases from it. Speaking to the bill itself, "it might be impossible," "I raise grave doubts as to the constitutionality of such provision," "vague as to be unenforceable," and I would move that this Order be indefinitely postponed.

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

**Reports of Committees  
Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Admission of Treatises and Books in Malpractice Actions" (S. P. 43) (L. D. 126)

Came from the Senate read and accepted.

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

**Ought to Pass with  
Committee Amendment**

Report of the Committee on State Government on Bill "An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections" (S. P. 412) (L. D. 1368) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-103) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

**Non-Concurrent Matter**

An Act relating to Safety Devices for Railroad Utilities (H. P. 440) (L. D. 564) which was passed to be enacted in the House on April 22 and passed to be engrossed on February 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Rideout of Manchester, the House voted to insist and ask for a Committee of Conference.

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

Messrs. RIDEOUT of Manchester  
HARDY of Hope  
HASKELL of Houlton

**Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies" (H. P. 494) (L. D. 648) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 24.

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

In the House: On motion of Mr. Cote of Lewiston, tabled pending further consideration and specially assigned for tomorrow.

**Non-Concurrent Matter**

Resolve in favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722) on which the House accepted the Majority "Ought to pass" Report of the Committee on Claims and passed the Resolve to be engrossed on April 23.

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

In the House: On motion of Mrs. Lincoln of Bethel, the House voted to insist and ask for a Committee of Conference.

**Non-Concurrent Matter**

Bill "An Act Concerning the Training of Barbers" (H. P. 661) (L. D. 848) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 22.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. PORTER: Mr. Speaker and Members of the House: I presented this bill for the barbers and there has been constant bickering ever since; and it is a pleasure this morning to move that this House recede and concur with the Senate.

Thereupon, the House voted to recede and concur with the Senate.

**Non-Concurrent Matter**

Bill "An Act relating to Full-time State's Attorneys" (S. P. 243) (L. D. 1294) which was referred to the Committee on State Government in non-concurrence in the House on March 19.

Came from the Senate with that body voting to insist on its former action whereby the Bill was referred to the Committee on Judiciary.

In the House:

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

Mr. RIDEOUT: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentleman from Manchester, Mr. Rideout, moves that the House adhere to its former action.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This strikes me as a rather novel situation. Apparently something has happened to this matter and the following matter, which may or may not have anything to do with the merits of the bill. Now it would be my understanding that if the House just goes along and adheres with its former action we are still going to be in non-concurrence with the Senate.

Now this matter is a very important matter and I do think that it should have its appropriate hearing, and simply by adhering it's just putting the matter at limbo, and so I hope that the House will not go along this morning and simply adhere; I would hope that we would do something more constructive.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Manchester, Mr. Rideout, that the House adhere.

Mr. Carey of Waterville then asked for a vote.

The SPEAKER: A vote has been requested on the motion. All of those in favor of the House adhering to its former action will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

66 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

#### Non-Concurrent Matter

Bill "An Act to Provide for Full-time County Attorneys" (H. P. 1013) (L. D. 1321) which was referred to the Committee on State Government in the House on March 11.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mr. Richardson of Cumberland, the House voted to adhere.

#### Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta

April 29, 1969

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

Dear Madam Clerk:

The Senate has voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass report in non-concurrence on Bill, "An Act Adding Services to Alcoholics and Drug Addicts to the Responsibilities of the Bureau of Mental Health." (H. P. 629) (L. D. 817).

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two Branches of the Legislature on Bill, "An Act Increasing Compensation of Members of Board of Hair-dressers" (H. P. 227) (L. D. 283):

Senators:

QUINN of Penobscot  
GREELEY of Waldo  
DUQUETTE of York

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two Branches of the Legislature on Bill, "An Act to Provide for Forfeiture of Vehicles used to Transport Narcotics" (H. P. 734) (L. D. 952):

Senators:

TANOUS of Penobscot  
VIOLETTE of Aroostook  
MINKOWSKY of Andros-  
coggin

Respectfully

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Petitions, Bills and Resolves Requiring Reference

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

#### Legal Affairs

Bill "An Act relating to Sick Leave under Lewiston City Charter" (H. P. 1160) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

#### Orders

Mr. Crommett of Millinocket presented the following Joint Order and moved its passage:

WHEREAS, Mr. Richard Herbert, formerly of Millinocket, has devoted 41 years of active service to Great Northern Paper Company and is their oldest living retiree; and

WHEREAS, Mr. Herbert is a life member of the International Brotherhood of Firemen and Oilers and the oldest living member of unionized labor in the State of Maine; and

WHEREAS, Mr. Herbert will celebrate the 100th anniversary of his birth on Thursday, the first day of May, 1969; and

WHEREAS, the citizens of Millinocket, along with leading national, state and local union officials, will assist his family and friends in the celebration of this special anniversary at Portland; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Maine Legislature join the celebration by extending to this distinguished senior citizen its heartiest congratulations and special recognition of this memorable occasion; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be transmitted forthwith to Mr. Herbert. (H. P. 1161)

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

**House Reports of Committees  
Leave to Withdraw  
Tabled and Assigned**

Mr. Snow from the Committee on Natural Resources on Bill "An Act to Create a Use Regulation Commission" (H. P. 1042) (L. D. 1372) reported Leave to Withdraw.

Report was read.

(On motion of Mr. Bragdon of Perham, tabled pending acceptance of Report and specially assigned for Friday, May 2.)

**Covered by Other Legislation**

Mr. Laberge from the Committee on Towns and Counties on Bill "An Act relating to Municipal Park and Conservation Commission" (H. P. 938) (L. D. 1199) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Ought Not to Pass**

Mr. Moreshead from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to a Surcharge on Fines Resulting from Moving Motor Vehicle Convictions" (H. P. 894) (L. D. 1155)

Mr. Jameson from the Committee on Natural Resources reported same on Bill "An Act relating to Certain Exemption to the Law Regulating the Alteration of Wetlands" (H. P. 291) (L. D. 367)

Mr. Snow from same Committee reported same on Bill "An Act relating to Cutting of Trees Near Waterways and Highways" (H. P. 148) (L. D. 174)

Mr. Hawkins from the Committee on Towns and Counties reported same on Bill "An Act relating to Approval of Appointment of Assistant County Attorney for Washington County" (H. P. 299) (L. D. 375)

Reports were read and accepted and sent up for concurrence.

**Referred to Committee  
on Legal Affairs**

Mr. Dyar from the Committee on Towns and Counties on Bill "An

Act Increasing Compensation of Councillors of Town of Mechanic Falls" (H. P. 1105) (L. D. 1424) reported that it be referred to the Committee on Legal Affairs.

Mr. Fortier from same Committee reported same on Bill "An Act relating to Compensation of Councilmen of City of Biddeford and Prohibiting Contracts of Councilmen and Mayor with the City" (H. P. 1055) (L. D. 1387)

Reports were read and accepted, the Bills referred to the Committee on Legal Affairs and sent up for concurrence.

**Referred to Committee on  
Appropriations and Financial  
Affairs**

**Tabled and Assigned**

Mr. Fortier from the Committee on Towns and Counties on Bill "An Act Increasing the Salary of the County Attorney for Washington County" (H. P. 300) (L. D. 376) reported that it be referred to the Committee on Appropriations and Financial Affairs.

Report was read.

(On motion of Mr. Bragdon of Perham, tabled pending acceptance of Report and specially assigned for tomorrow.)

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

Mr. Mosher from the Committee on Agriculture on Bill "An Act to Tax Licensed Marine Worm Diggers" (H. P. 946) (L. D. 1207) reported same in a new draft (H. P. 1158) (L. D. 1479) under title of "An Act to Tax Licensed Marine Worm Dealers" and that it "Ought to pass"

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Deleting the Population Requirement from the Revenue Producing Municipal Facilities" (H. P. 737) (L. D. 955) reported same in a new draft (H. P. 1159) (L. D. 1480) under title of "An Act Reducing the Population Requirement from the Revenue Producing Municipal Facilities" and that it "Ought to pass"

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

### Ought to Pass Printed Bills

Mrs. Brown from the Committee on Natural Resources reported "Ought to pass" on Bill "An Act relating to Classifying Certain Waters of the St. John River Basin" (H. P. 639) (L. D. 827)

Mr. Laberge from the Committee on Towns and Counties reported same on Bill "An Act relating to Municipal Park and Conservation Commissions" (H. P. 749) (L. D. 967)

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

### Tabled and Assigned

Mr. Finemore from the Committee on Transportation reported "Ought to pass" on Bill "An Act Repealing the Motor Vehicle Dealer Registration Board" (H. P. 881) (L. D. 1124)

Report was read.

(On motion of Mr. Crosby of Kennebunk, tabled pending acceptance of Report and specially assigned for Friday, May 2.)

### Ought to Pass with Committee Amendment

Mr. Chick from the Committee on Education on Bill "An Act relating to Duties of School Committees Concerning Salaries of Persons Employed by Them Who are Absent" (H. P. 270) (L. D. 346) reported "Ought to pass" as amended by Committee Amendment "A" (H-257) submitted therewith.

Mr. Cox from the Committee on Legal Affairs on Bill "An Act relating to Referendum Provisions under Charter of City of Waterville" (H. P. 959) (L. D. 1240) reported "Ought to pass" as amended by Committee Amendment "A" (H-258) submitted therewith.

Mr. Cushing from same Committee on Bill "An Act relating to Bond Issues under Waterville City Charter" (H. P. 960) (L. D. 1241) reported "Ought to pass" as amended by Committee Amendment "A" (H-259) submitted therewith.

Mr. Norris from same Committee on Bill "An Act to Eliminate Public Debt Amortization Fund

under Waterville City Charter" (H. P. 961) (L. D. 1242) reported "Ought to pass" as amended by Committee Amendment "A" (H-260) submitted therewith.

Mrs. Wheeler from same Committee on Bill "An Act to Grant a Council-Manager Charter to the Town of Gray" (H. P. 170) (L. D. 209) reported "Ought to pass" as amended by Committee amendment "A" (H-261) submitted therewith.

Same member from same Committee on Bill "An Act relating to Powers and Duties of the Civil Service Commission of the Town of Old Orchard Beach" (H. P. 995) (L. D. 1279) reported "Ought to pass" as amended by Committee Amendment "A" (H-262) submitted therewith.

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

### Third Reader Tabled and Assigned

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

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for Friday, May 2.)

### Passed to Be Engrossed

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)

Bill "An Act relating to Maine Babe Ruth Baseball, Inc." (S. P. 426) (L. D. 1426)

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

**Third Reader  
Amended**

Bill "An Act relating to Electrician's Licenses" (S. P. 438) (L. D. 1461)

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

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

House Amendment "A" (H-269) was read by the Clerk and adopted, and the Bill was passed to be engrossed as amended in non-concurrence and sent to the Senate.

Bill "An Act Amending the Post Conviction Statute" (H. P. 560) (L. D. 741)

Bill "An Act to Create Traffic Violations Bureaus in the District Courts" (H. P. 768) (L. D. 988)

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

**Third Reader  
Amended**

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)

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

Mr. Jalbert of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-264) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This amendment would take from the bill, L. D. 802, the adult rights problem. Back in the latter part of March, I went to the Attorney General's office and I asked them to give me their thinking on a constitutional amendment and a statutory law being on the same measure at the same time, and the gist of their reply was that the present question is deceptive and may create a problem for the voters; it would be I know for me as an individual trying to vote on this matter,

the argument being that both should be separated.

It is my thinking, Mr. Speaker and Members of the House, in any event that one is a constitutional amendment, the other is statutory. I would like to have this original thinking stand on its own merits. I think that should the people decide to vote granting the voting privileges to the men and women at the age of twenty, then would be the time to discuss adult rights which would involve the liquor problem. It is my further thinking that even if the two questions would be separated on the ballot, that this would create a problem for those whose thinking is of reducing the voting age.

As I know we all do, I feel very strongly wherein it concerns itself with the young men and women of not only our State but of America. I feel as I have stated before that they certainly deserve a piece of the action. I feel very definitely that we should give them the opportunity to work and campaign in their own behalf and to sell the people the idea that this right should be given to them. I don't think that it should be confused by having the bill under one program or even having the measure having two questions before the electorate, because it is my concentrated opinion as it is the opinion of many that the entire program would be discussed at one and the same time; coupled with the fact that I am not overly happy about statutory rights such as the adult rights being into our Constitution, leaving the field of our Statutes.

For that reason, Mr. Speaker, I would move the adoption of House Amendment "A" and when the vote is taken I would request a roll call.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In my individual capacity I wish to speak against the amendment offered by the gentleman from Lewiston, Mr. Jalbert. I move its indefinite postponement for the following reasons.

We have heard a great deal of discussion and debate throughout this session about the necessity, as



Mr. Jalbert says, of giving the young people of Maine under the age of twenty-one a "piece of the action." Now those of you who oppose granting full adult rights and responsibilities to eighteen-year-olds made the argument that the eighteen-year-old doesn't have the necessary capacity, the maturity of judgment, to enable him to cast an intelligent vote. And applying apparently the same logic you by your vote indicated that he did not possess the requisite qualifications to enter into binding contracts for the purchase of a car or refrigerator or some other mundane item of day to day existence.

This bill in its present form grants full adult rights and responsibilities, including the right to vote, to the twenty-year-old, and I question whether any among you would seriously suggest that a twenty-year-old does not possess the necessary maturity, the educational background, the ability to make decisions affecting his life and ours. It is for this reason that I see no reason and logic whatever to say that the right to vote is the least important of all rights and therefore we can trust the twenty-year-old with that, but we can't trust him with the rights and responsibilities and primarily the responsibilities that follow his right to vote, that follow his right to make a decision affecting elective office, because if he is going to make those decisions it seems to me that the "piece of the action" should include a generous chunk of responsibility for the action he takes.

It is for this reason that I oppose this amendment and I hope that you will join me in defeating it and then join in adopting this legislation. Now there is some question raised here about whether or not we are interfering with the statutory situation. If the people of the State of Maine approve this bill in its present form, adopt the amendment as I believe they will and should, then it is merely a matter of mechanics, of cleaning up the legislation which is inconsistent with it and would be held invalid on a constitutional basis.

Now time and time again it has been suggested that this is a political device designed to kill this bill. I deny that. I say to you that if you really believe that a twenty-year-old has the requisite judgment and maturity to make these decisions, as I believe they do, then you must of necessity accept the proposition that they also possess the judgment to enter into a binding contract.

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

Mr. VINCENT: Mr. Speaker and Members of the House: Last week the gentleman from Cumberland was in the possession of a book of mine called Aesop's Fables and he took from these Aesop's Fables a story of the fox robed in sheep's clothing, and the moral of the story which was presented before this body is that appearances are often deceiving. This bill is deceiving in the appearances of it and the amendment seeks to remedy the problem in this bill. Full adult rights can be granted here in this chamber with a simple majority and it does not have to be sent out as a referendum, but sent out as a referendum I would suggest that it would just defeat the bill. Hence I would ask support and the adoption of the amendment.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I agree with everything that has been said by the gentleman from Cumberland, Mr. Richardson, except that I think it should be pointed out that our present provisions with regard to the age at which a person reaches majority is not in the Constitution, it is a matter of statutory law; and I see no necessity for engraving this provision in the Constitution. The Constitution is the place for the basic principles of our government to be set forth and not the place to write in statutory provisions, and I therefore disagree with Mr. Richardson and I would feel that we should adopt this amendment.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I find it awkward myself to be in disagreement with my good friend from Cumberland, but this is the bill that we have been waiting for. As Mr. Lund has pointed out, the statutory law can be handled after the referendum on the twenty-year-old voting bill is passed upon. I think it is time we recognized that our young adults do constitute a vital segment of our society and I think it is high time that we gave a vote of confidence to these people, disregarding the SDS and all those kooks that are in the minority in our young people.

Our population median is getting lower in age and we should recognize this. I think that the young people recognize the system should be changed from within and not from without. I think that the contribution of John Kennedy and Gene McCarthy and Barry Goldwater have awakened the sleeping giant in our youth and they realize that we have a good system and that it can be changed from within.

So I hope you would support the amendment of Mr. Jalbert.

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

Mr. McTEAGUE: Mr. Speaker, I would ask to pose a question to the gentleman from Cumberland, Mr. Richardson regarding this matter. First, do you think it desirable to have twenty-year-olds permitted to vote; and second, do you think it desirable to allow twenty-year-olds to consume hard liquor in bars?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he so chooses; and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I thought I made it crystal clear that I do believe in the right of the twenty-year-old person to cast his vote. With respect to the

second issue I think—there is no question in my mind that the person twenty years old possesses the necessary maturity—in fact perhaps a good deal more than some of the older people that I have seen, to handle alcoholic beverages. And I see no reason why we do not grant to twenty-year-olds full adult rights and responsibilities, and I would include within that the right to drink.

What I object to is the idea that the voting right is somehow the least important of all; and we are going to give them this right, but we don't trust them with other things like alcohol or responsibility for legal contract, or responsibility under the law for their actions.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: It is on record in this House that last year I voted both in committee and here in these halls for a bill very similar to this, and I will support it now. But I feel that we are making a mistake if we include these adult rights with the twenty-year-old vote. We are making a mistake because these things are in the statutes now. Now if we want to give full adult rights to our twenty-year-olds we can do it now, we can do it this session, right here; and I believe that if this is what we want we should do it here.

We don't need to turn this over to the people. There is only one item in this bill that needs to go to the people, by constitutional law, and that is the change in the voting age; that is the one item. Now if we believe that our twenty-year-olds should be allowed to sign contracts to buy the mundane items of everyday life, as the gentleman from Cumberland has said, and I think they should, then lets do it, let's do it now. Let's issue an order to have some committee produce a bill to do exactly this same thing; and it is for this reason, for the fact that I don't think that we should clutter our Constitution with statutory measures, that I will support Mr. Jalbert's amendment, and then go on and let's try to settle the main issue,

the issue of whether the twenty-year-olds should be allowed to vote. This is the main issue. We can settle the other one here. We can argue on it until doomsday.

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

Miss WATSON: Mr. Speaker and Ladies and Gentleman of the House: Once again we are faced with the question of lowering the voting age and once again we are called upon to show our confidence in the young people of this state. Once again we are asked to allow them to participate in the governmental process in which they have so much at stake. They asked us for the vote at eighteen, and we said no. They asked us to compromise at nineteen, and we said no. Now they are asking us for what can be considered only a hollow victory, and that is to lower the voting age only one year to twenty; and they are asking us for the vote only. They don't want the issue clouded or the referendum jeopardized by full voting rights.

We have said no to our young people so many times in the past. Let us for a change today give them a resounding yes.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentleman from Lewiston, Mr. Jalbert. In his resume of the answer from the Attorney General's office, did the Attorney General's office indicate that there might be a conflict in the area of the voting rights and changing the age to twenty as voting rights and then all privileges attached to the same thing?

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

Mr. JALBERT: Mr. Speaker, I will read the answer:

"You have asked two questions which relate to L. D. No. 802.

None of those statutes using an age figure would be affected. A present statute using 'minors'

would not be affected, either. As presently written, Section 6-B would be most confusing for future legislatures.

1. The language of proposed Section 6-B does not now affect persons under 21 years of age. It only prohibits the legislature in the future from enacting laws.

We have consistently suggested the following language for Section 6-B.

'A person having attained his twentieth birthday shall have reached his majority for all purposes.'

Such language would be proper for constitutional purposes.

Although many provisions in our statutes relate to age and specify the age, there are also some provisions which use the word 'minors'. Naturally, in those instances where the statutes use the age, a change in the Constitution such as is indicated in L. D. 802 will not affect the statutory provision.

Many of the provisions of the liquor laws use ages rather than 'minor'. See section 201 relating to the granting of licenses uses 21 years of age; Section 852 relating to employment by licensees uses 'the age of 21 years'; Section 1001 in the first paragraph uses 'under the age of 21 years', but in the second paragraph uses the word 'minor'. The third paragraph also uses 'under the age of 21 years'.

There are statutes relative to administration of estates which use 21 years of age. . . .

2. Your second question is relative to the form of the question written in 802. The present form of the question does not give the voter any choice. He is either forced to vote to grant adult rights to persons 20 years of age and allow them to vote, or he has to vote against both."

So that is why he recommended that the questions be separated so that the answer would be in the affirmative.

I would continue if I may, Mr. Speaker. I would like to just further comment on the question of adult rights. In order for us, as has been stated by the gentleman from Manchester, Mr. Rideout, the gentleman from Kingman Town-

ship, Mr. Starbird, and the gentleman from Augusta, Mr. Lund, it takes for a Constitutional Amendment two thirds of the people, two thirds of both branches in order to allow this to go before the people. It takes a bare majority to change the statutory rights, of the adult rights, and I might suggest that even now as you would look at the calendar—the gentleman himself from Cumberland, Mr. Richardson, very graciously signed a bill that I wanted, it is now on the calendar today, which certainly indicates that it is not my intention to reopen the calendar, the closed cluture, but it still is possible to introduce measures that would grant by majority the adult rights.

For that major reason I certainly hope that my amendment would have passage.

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

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I would oppose my good friend Mr. Richardson on his idea of keeping this whole thing together on a referendum for one very good reason, and that is the liquor question; because I know very well, I have talked to them—there are many people in my district, that the minute they realize or the minute they feel if the question is involved of lowering the age whereby a person can drink, they can no longer see the whole question, they focus on the question of liquor and they will vote against lowering the voting age just because it will involve lowering the liquor age.

I feel it would be far better for us to send this out as just a Constitutional Amendment to lower the voting age, see what the people want in November—and I am quite confident that we will be back in special session here next January. Then if the people have lowered the voting age to twenty, we can lower the adult right age to twenty, and everything will be done just a few short months apart. Thank you.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to take much time, I feel I want to support Mr. Richardson very much—I think that he has it in a nutshell. This bill comes the nearest to something that I could support than anything in the two sessions on lowering the voting age.

I recall before hearing, both two years ago and this year, many people who appeared who were questioned relative to adult rights. There were many including myself who stated that they felt they should be integral, they definitely should be tied in together; and I feel that the issue is being clouded by this attempt to separate the two. There may be legal problems, one is statutory, the other is constitutional—all well and good.

Nevertheless, it is easily understood from what Mr. Corson has stated, that we here are only doing part of it—if we pass this it still has got to go to the people. And I have felt right along and I have stated that one should be contingent upon the other. If, as Mr. Richardson has so ably stated, if our young people at age twenty are so well equipped to face the world and to help take a hunk of life and to vote, I feel and many others feel that they should also assume full responsibilities; and I feel that if we send this out to the people, subtracting that ahead of time, it is going to be a little bit unfair to them even, because they're not going to have that same issue to face. They're not going to have the issue saying, well now we feel, that the Legislature feels that these people are old enough to vote and to assume their place in society as a full adult, with all of its responsibilities.

Now if we pass it that way, why shouldn't we expect the people to have the same fair chance of facing that same issue? If they feel that they should not have this responsibility, that they should not be able to hold their liquor as an adult, I think that a lot of them

and a lot of us feel that they should not also have the voting rights. Now I am on record as opposing lowering the voting age, but with this bill here, with its imposing all of the adult rights, I am on the fence. I don't know but what I—I am not sure whether I would support it or not. But I certainly will not support its going out piecemeal and then getting it voted on by the people, just as lowering the voting age and then trying to tie on adult rights at some later time.

I strongly oppose the acceptance of this amendment.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: We are deliberating a very meaningful issue today in the consideration of the lowering of the voting age for the young people of the State of Maine. We can give them a vote of 149 to 2 for a bill that is realistic in scope and certainly more palatable to the younger generation, because it would grant them the same rights and privileges that their neighbors have, those neighbors who have reached the important milestone of one score plus one in this great space age.

However, before you vote on the bill which is being debated today, you should be made aware of the following facts about establishing a voting age or lowering a voting age. Fact number one. Ancient Rome once set a minimum of twenty-five. Just before the fall of the Roman Empire youths of seventeen and even sixteen had full political rights. In Newfoundland, a newly created province to the northeast of Maine, the minimum age for men is twenty-one and twenty-five for women. Finland alone, among the new countries adopting a new constitution in the 1920's and 30's, set the voting age at twenty-four. In Nazi Germany during Mr. Hitler's height of power, the voting age was lowered to eighteen.

The question of reducing the voting age has most frequently risen during periods of war or national emergencies. The British War in

1812, the Civil War in 1861, the Spanish-American War in 1898, World War I in 1914 to 18, World War II in 1942 to date, the Korean conflict, and the Vietnam affair. Georgia became the first state in 1943 to lower the voting age to eighteen. On the national level, from the 79th to the 91st Congress now in session, the measures relative to voting age died in committee. These measures died in the Senate during the 82nd and 83rd Congress in 1951 and 1954. To preclude such a lack of faith toward our young people of Maine, our bill will not die in committee nor will it be killed by the grand old men who legislate on this Floor on the south end of the building.

Please support a twenty-year-old suffrage bill with all rights attached. Political leaders and educators support the eighteen-year-old voting proposal at the federal level. General Eisenhower was for it, Vice President Humphrey, President Kennedy, President Johnson; but however, against it was President Truman and the ranking Congressman, Emmanuel Celler of New York.

Here is what Mr. Truman had to say about it: "The more a man knows, the more intelligently he can vote. A man ought to have a greater education especially in the history of the country before he can vote. I don't think they have the knowledge at eighteen—it's bad enough the way they vote now. Twenty-one is a better age; twenty-four still would be better."

Only two states have a voting age at eighteen, Georgia and Kentucky; Alaska, nineteen years of age; Hawaii, twenty years of age. In 1964 the Purdue opinion showed that only thirty-two percent of the nation's high school students favored lowering the voting age to eighteen.

For those reasons, ladies and gentlemen of the House, I implore your vote in due time to enact a piece of legislation that will prove to our young people that we love them and want them to begin now to participate and share in the responsibilities of our democratic process in these declining years of the Twentieth Century and to let them take the helm of our ship as

solid responsible citizens at the beginning of the Twenty-first Century, which is only thirty years and seven months away from today.

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

Mr. McNALLY. Mr. Speaker and Members of the House: I can't say exactly as to how everybody in Hancock County would vote, and I don't believe anybody else could as to their counties; but I am quite firmly convinced in my mind that, if this amendment is allowed to pass that you might just as well have killed the bill right here.

I have preserved a letter that was sent around by Dr. Bowman as of March 5, 1969, when he was backing the eighteen-year-olds and for full rights, and it goes along with this idea that the people won't vote on account of the liquor, and he says in his letter that he sent to us when he was lobbying for the eighteen-year-old to have full rights, he says, "As far as the drunks charge is concerned, it is true that some people are probably drinking too much, but there are people in their twenties, in their thirties, their forties, their fifties, their sixties and their seventies who drink too much. However, no one is in his right mind who would take adult rights away from a man of fifty-five and tell him it is because he drinks too much. I think the objectors' motives originate somewhere else."

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, that House Amendment "A" be indefinitely postponed. The Chair would inquire if the gentleman from Lewiston, Mr. Jalbert, moves that the vote be taken by the yeas and nays?

Mr. JALBERT: I do, Mr. Speaker.

The SPEAKER: 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 Cumberland, Mr. Richardson, that House Amendment "A" to 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, House Paper 614, L. D. 802, 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, Bragdon, Brown, Buckley, Bunker, Carey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cottrell, Crommett, Crosby, Cummings, Cushing, Dennett, Donaghy, Durgin, Erickson, Evans, Farnham, Finemore, Hanson, Hardy, Harriman, Henley, Hewes, Hichens, Huber, Immonen, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, MacPhail, McKinnon, McNally, Millett, Mills, Mosher, Norris, Page, Payson, Porter, Pratt, Richardson, H. L.; Rocheleau, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Susi, Thompson, Trask, Tyndale, Wight, Williams.

NAY — Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Burnham, Carrier, Carter, Coffey, Corson, Cote, Couture, Cox, Croteau, Curtis, Dam, Drigotas, Dudley, Dyar, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gilbert, Giroux, Good, Hall, Haskell, Hawksens, Heselton, Hunter, Jalbert, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lund, Marquis, Marstaller, Martin, McTeague, Meisner, Mitchell, Moreshead, Morgan, Nadeau, Noyes, Ouellette, Rand, Richardson, G. A.; Ricker, Rideout, Sahagian, Santoro, Sheltra, Starbird, Stillings, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler, White, Wood.

ABSENT — Casey, Curran, D'Alfonso, Danton, Gauthier, Quimby.

Yes, 68; No, 76; Absent, 6.

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

Is it now the pleasure of the House to adopt House Amendment "A"?

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

Mr. DONAGHY: Mr. Speaker at the earliest parliamentary point I would like to table this motion for two legislative days.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that this matter be tabled for two legislative days pending the adoption of House Amendment "A".

Mr. Jalbert of Lewiston then asked for a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of tabling this matter for two legislative days pending the adoption of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

46 having voted in the affirmative and 95 having voted in the negative, the motion to table did not prevail.

Thereupon, House Amendment "A" was adopted.

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

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby we adopted House Amendment "A" and when you vote vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby it adopted House Amendment "A", and the Chair will order a vote. All of those in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

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

#### Amended Bills

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries" (S. P. 71) (L. D. 193)

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

#### Third Readers

##### Tabled and Assigned

Bill "An Act relating to Pecuniary Damages in Actions for Injuries Causing Death of a Minor" (S. P. 86) (L. D. 249)

Bill "An Act relating to Cost of Replacement Motor Vehicles as Damages in Civil Actions" (S. P. 87) (L. D. 250)

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for Friday, May 2.)

Bill "An Act relating to Construction or Acquisition of School Buildings for Mentally Retarded Children" (S. P. 133) (L. D. 417)

Bill "An Act relating to Operation of Purse Seines Within Territorial Waters of Washington County" (S. P. 302) (L. D. 995)

Bill "An Act relating to Lack of Privity as a Defense in Action Against Manufacturer or Seller or Supplier of Goods under the Uniform Commercial Code" (H. P. 167) (L. D. 206)

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

#### Third Reader

##### Tabled and Assigned

Bill "An Act relating to Installation of Sprinkler Systems in Hotels" (H. P. 260) (L. D. 336)

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

Mrs. Boudreau of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-214) was read by the Clerk.

The SPEAKER: The pending question is the adoption of House Amendment "A". Is it the pleasure of the House to adopt House Amendment "A"?

The motion prevailed.

Whereupon, on motion of Mr. Lewin of Augusta, tabled pending passage to be engrossed as amended and specially assigned for tomorrow.

### Third Reader

#### Tabled and Assigned

Bill "An Act to Authorize Bond Issue in the Amount of \$7,541,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (H. P. 319) (L. D. 406)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be engrossed as amended and specially assigned for Friday, May 2.)

Bill "An Act Permitting Approval of Early Childhood Education Programs" (H. P. 378) (L. D. 487)

Bill "An Act Amending the Marriage Laws" (H. P. 1034) (L. D. 1344)

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.

Bill "An Act relating to the Open Season on Beaver" (S. P. 79) (L. D. 239)

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.

### Passed to Be Enacted

An Act Requiring the Licensing of Sewage Treatment Operators (S. P. 434) (L. D. 1452)

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 Revising the Savings and Loan Laws (H. P. 314) (L. D. 401)

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

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be enacted and specially assigned for tomorrow.)

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

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.

### Orders of the Day

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

MAJORITY REPORT (9) — "Ought not to pass"—Committee on State Government on Bill "An Act Placing all State Forestry Department Employees on the Merit Service Step System" (H. P. 301) (L. D. 377) and MINORITY REPORT (1) reporting "Ought to pass" in New Draft (H. P. 1156) (L. D. 1478) under title "An Act Placing All Unclassified State Forestry Department Employees in the Classified System"

Tabled—April 25, by Mr. Mills of Eastport.

Pending—Motion of Mr. Rideout of Manchester to accept Majority Report.

Mr. Rideout of Manchester withdrew his motion to accept the Majority "Ought not to pass" Report.

Thereupon, on motion of the same gentleman, recommitted to the Committee on State Government and sent up for concurrence.



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

REPORT "A" (5)—"Ought to pass"—Committee on State Government on Bill "An Act relating to Executive Reorganization" (H. P. 444) (L. D. 568)—REPORT "B" (5)—"Ought not to pass"

Tabled—April 25 by Miss Watson of Bath.

Pending—Motion of Mr. Rideout of Manchester to accept Report "B"

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

Miss WATSON: Mr. Speaker, I would hope that someone might table this for one legislative day since the sponsor is not here this morning.

Thereupon, on motion of Mr. Dennett of Kittery, retabled pending the motion of Mr. Rideout of Manchester to accept Report "B" and specially assigned for tomorrow.

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

Bill "An Act relating to Legislative Ethics" (H. P. 909) (L. D. 1170)

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

Pending — Passage to be engrossed.

On motion of Mr. Fortier of Waterville, retabled pending passage to be engrossed and specially assigned for Friday, May 2.

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

Bill "An Act Providing for Presidential Preferences in Primary Election" (H. P. 1151) (L. D. 1473)

Tabled—April 25, by Mr. Carter of Winslow.

Pending — Passage to be engrossed.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Relative to this bill, you received on your desks this morning a very complicated amendment under Filing H-265. In order

that we may understand and digest this amendment, I would request that somebody table this for two legislative days.

Thereupon, on motion of Mr. Scott of Wilton, retabled pending passage to be engrossed and specially assigned for Friday, May 2.

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

Bill "An Act to Authorize the Portland Water District to Engage in Sewer Collection and Treatment to Protect the Purity of Sebago Lake" (S. P. 324) (L. D. 1086) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-85) (In House, Committee Amendment "A" adopted)

Tabled—April 25, by Mr. Rideout of Manchester.

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 sixth tabled and today assigned matter:

An Act relating to the Requirement for a Board of Registration (H. P. 1103) (L. D. 1421)

Tabled—April 25 by Mrs. Boudreau of Portland.

Pending—Passage to be enacted. On motion of Mrs. Boudreau of Portland, retabled pending passage to be enacted and specially assigned for tomorrow.

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

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

Tabled—April 25, by Mr. Erickson of Warren.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I move that we substitute the bill for the report.

Whereupon, Mr. Birt of East Millinocket, asked for a vote on the motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that the House substitute the Bill for the "Ought not to pass" Report. A vote has been requested. 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. 33 voted in the affirmative and 89 voted in the negative.

Whereupon, Mr. Hewes of Cape Elizabeth requested a roll call.

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

A vote of the House was taken.

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

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: The bill that we are discussing, L. D. 1258, is an Act that would provide reimbursement to various municipalities by the State for real estate, land that is, that is in the communities that are owned by the State and cannot be taxed by the towns because to tax is to destroy. I would like to call your attention to an excerpt from the Maine Sunday Telegram editorial page of April 20, 1969, a week ago last Sunday. In that there was a discussion of property taxes in general and among the highlights of the editorial was the statement that the particular property tax that they were discussing, which is not this L. D., but it said that that other bill makes no provision for rebates to towns which are burdened with tax exempt property. Now I am going to quote from the editorial.

"A town which contains a State institution or an area hospital or area school, for example, should receive back from the State a

compensation from those exemptions taken from its tax rolls."

I submit that this bill is a good bill, it would help communities that have property in it that is owned by the State, and I urge your support of the L. D.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the good gentleman from Cape Elizabeth, Mr. Hewes, in what he is attempting to do but I think before we get involved into an area of this type we better take a long look at just what the cost and the overall implications are involved. If you take two or three of the areas in the state which have large amounts of state-owned property — the City of Augusta would be one, the Town of Orono would be another, there are quite a few others that have similar situations, and what the ultimate cost to the State would be, I am afraid that we will have to put a much larger income tax than is even being considered by this Legislature now.

This is a piece of legislation which would require a great deal more study and I would certainly hope that the motion to substitute the bill for the report does not receive passage at this time.

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

Mr. ROSS: Mr. Speaker and Members of the House: This bill came before the Taxation Committee and it would give preferential treatment to certain towns. Now they do have tax-exempt state property, but in general this tax-exempt property generates business for these towns and payrolls. And the cost of this legislation would be extremely high to the State so that is why it had a unanimous "ought not to pass" report.

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

Mr. ERICKSON: Mr. Speaker and Members of the House: I agree with my friend, Mr. Hewes, as I feel the State must now assume the responsibility it has

shrugged off in the past. Why should one town have to provide fire protection, municipal service and maintain the roads to State property, educate children, when its neighbor town not having State land within its boundaries does not share in this cost? I feel that in a lot of cases the State is justified in buying land around their facilities, but they cannot justify taking this property out of the tax structure of a town or city involved without payment.

In a recent meeting with the Warden of the Maine State Prison in Thomaston, he indicated that he needed but a small portion of eleven hundred acres that the State has acquired in Warren. I feel this situation is duplicated many times over the State and if this legislation is passed, I am sure the State will take a good hard look at their holdings. I am sure that decisions to sell unneeded and unused property will be much easier when they have to pay their rightful share to the municipality involved.

I would like to bring to your attention an Act relating to payments by the State of Maine to the Town of Masardis in lieu of taxes and I quote. "The seed potato board is authorized to pay to the town of Masardis in lieu of taxes a sum, in the discretion of the Board, which will compensate said town in whole or in part for loss of real estate taxes due to state ownership of real estate now used for seed potato purposes."

Ladies and gentlemen, the State has raised potatoes in the town of Warren for as long as I can remember, yet the municipality has received nothing in reimbursement.

Local farmers pay about sixty cents in taxes per acre per year to the town, the State pays nothing, but in the town of Masardis where the State owns 504 acres that town receives \$1560 yearly or more than three dollars per acre per year.

I feel it is high time the State assume its rightful responsibility to all towns and all cities involved with State-owned land. I favor passage of L. D. 1258. Thank you.

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

Mr. CHANDLER: Mr. Speaker and Ladies and Gentlemen of the House: I feel I must rise in defense of the position of Orono inasmuch as it has been commented upon by my good friend from Bath, Mr. Ross. Let's look for just a moment if we may at the University of Maine in Orono and some of the problems that it creates for the townspeople of Orono. We have undoubtedly a school system impacted with the children of faculty, administration, staff and so forth. We have undoubtedly a situation in which our fire and police services and all other municipal services are impacted by the presence of the University. I would submit to you that no other community in this State has as large an industry within its bounds, creating the very cost of government that the University of Maine creates for Orono, without payment of property taxes.

I would like to pose a question to the gentleman from East Millinocket. Where would East Millinocket be if the Great Northern Paper Company did not pay taxes? Where, I might pose the same question to Mr. Ross of Bath, would the Town of Bath be if the Bath Iron Works did not pay taxes? This is an inequitable situation. I would refer for a moment back to Mrs. Lincoln's comment of a few weeks ago in regard to another matter, talking about State reimbursement. She said these are inequities, I am not quoting directly, of course. She said these are inequities and we must assume responsibility, but this was not the way. The measure at that moment was one before the Claims Committee requesting specific payment for fire services in the towns of Warren and Thomaston I believe.

The problem here is one in which we in Orono, and certainly in those other communities in this state which have large tracts of State-owned property, find ourselves in an extremely tight financial bind. I can only suggest to you that business and population and certainly industry will not grow and will not develop in communities like Orono, Thomaston and Warren and so on if there is not a recognition by the State of Maine of its rightful responsibility.

I could only ask for your enthusiastic support of this measure on the grounds that it is a limited amount of money. We have heard claims this morning that there will be untold huge amounts of money, that this will be precedent setting. I suggest to you once and for all that what is needed is an incentive factor, something that we can go back to the businessmen in Orono and the townspeople in Warren and Thomaston, and so on in the other communities of the state, and tell them the State is interested, the State does have a heart, the State does have compassion for your needs. Let us do the right thing this morning. I strongly support the motion of Mr. Hewes.

The SPEAKER: The Chair would like to alert at this time the Pages of the House that when a roll call has been ordered the House is secure and no member may leave until the roll call has been taken. So please secure the House. A member may come into the House during voting but they may not leave.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I rise in support of Mr. Hewes' motion and I would like to point out that Mr. Ross made the statement that when the State owns property in a town or has business in the town there are payrolls and jobs made available. I would like to point out to Mr. Ross that in the case of a private industry having a similar business in any town there would be the same payrolls and the same jobs available but the private business would also pay taxes for the property it was using in the particular community in which it was situated. So I would therefore submit that any town in the state that had State-owned property or State business in the town would be better off financially to have a comparable private industry rather than State-owned property.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, in answer to some of the questions posed, this bill provides relief for taxes for State-owned land only,

not for buildings, merely for land. And as to the cost, before submitting the bill I spoke with officials in the State Assessor's office and down in the Bureau of Public Improvements. We have an estimate as to the value of all the land in the various towns in Maine and it was concluded that the cost to the State would be \$225,000. This does not give credit for buildings or for highways, merely for land owned by the State and municipalities, and with the towns crying for aid, in the City of Portland with the University of Maine in Portland in the Falmouth Street area taking property, and that is just an example of what is happening throughout the state, I urge the acceptance of this motion. Thank you.

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

Mr. SUSI: Mr. Speaker and Members of the House: As one of my fellow members on the Taxation Committee has reported, we did have the hearing on this in Taxation, we did report it out unanimous "ought not to pass." I think that the basis of the problem on this as with many of our problems is that we are relying to a disproportionate extent on real estate taxation and it has just blown these problems all out of proportion as to what they would be if we were using some other source rather than real estate to the extent that we are.

However, I do not change my mind, nor do I think the rest of the members of the Committee who heard this and the evidence on it, that the bill shouldn't go into effect. It no doubt does create some problems in those areas but there are particular real estate problems in various areas of the state in various fields. Yesterday we heard one on the farm taxes, and the communities that are strongly agricultural certainly have problems particular to the makeup of their communities, and I think that eventually the answer to the problems that have been generated around real estate taxes are reducing our reliance on it and not to attempt to give class or relief in particular areas.

I would hope that you would vote against the motion because I don't think that it is solving what is really an overall problem.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House substitute the Bill for the "Ought not to pass" Report on Bill "An Act relating to Reimbursement by State to Municipalities in Lieu of Taxes on State-Owned Property," House Paper 970, L. D. 1258. All in favor of substituting the Bill for the Report will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Binnette, Brennan, Burnham, Carey, Carrier, Casey, Chandler, Cox, Crosby, Dyar, Erickson, Evans, Faucher, Foster, Fraser, Good, Hall, Hardy, Heselton, Hewes, Hichens, Huber, Jameson, Johnston, Kelley, R. P.; Kilroy, Leibowitz, LePage, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marsteller, Millett, Mitchell, Moreshead, Morgan, Mosher, Noyes, Ouellette, Payson, Pratt, Rocheleau, Santoro, Shaw, Snow, Starbird, Tanguay, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler, Wood.

NAY — Allen, Baker, Barnes, Bedard Benson, Berman, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Brown, Buckley, Bunker, Carter, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Couture, Crommett, Croteau, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Emery, Eustis, Farnham, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Gauthier, Gilbert, Giroux, Hanson, Harriman, Haskell, Hawkens, Henley, Hunter, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Keyte, Laberge, Lawry, Lebel, Lee, Levesque, Martin, McKinnon, McNally, McTeague, Meisner, Nadeau, Norris, Page, Porter, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Sheltra, Soulas, Stillings, Susi, Thompson, Trask, White, Williams.

ABSENT — Curran, D'Alfonso, Danton, Mills, Quimby, Wight.

Yes, 57; No, 87; Absent, 6.

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

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

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

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

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

Pending—Motion of Mr. Rocheleau of Auburn to indefinitely postpone.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: In the year of 1923, March 16, the Maine State Legislature enacted into law an act to incorporate the Auburn Water District. This is contained in the Public Laws of the State of Maine, Chapter 60, starting on page 469. Section 2 gives to the Auburn Water District title, control and management and all the rights necessary for the purpose of maintaining a public water system.

The whole crux of this simple bill comes about because of a recent development — to wit, the building and operation of an institution that we the citizens of Maine are justly proud of. I speak of the Central Maine Vocational Technical Institute. These buildings are on state land that borders Lake Auburn, a lake that provides an unfailing supply of pure water to Lewiston inhabitants as well as to Auburn.

The issue involved is the right of the Water District to control the water level of the lake. Section 7, page 471, chapter 60, confers the absolute right to the Water District to do this. This the Water District has done expertly and prudently since 1923 under previous superintendents of the Water District, and now the present Engineer and Superintendent Earle Tarr.

Correspondence between the Board of Trustees of the Auburn Water District and the Department of Education and the Attorney General's office will much more clearly explain the situation.

I first will read a letter from the Department of Education dated April 23, 1968. I will just read an excerpt because this is lengthy, and I don't think this really needs to take up as much time as has been involved in going through this. "Through experience with similar questions" — this comes from the Department of Education dated April 23, 1968, to the Board of Trustees, Auburn Water District. "Through experience with similar questions pertaining to sovereign powers of the State, it appears to us that there was a question whether a subordinate political subdivision" — meaning Auburn or any other city — "could exercise the power of eminent domain against the sovereign power and a formal opinion as to the legality of the district's action was requested of the Attorney General. A photocopy of his opinion is enclosed.

"Although it would be a policy matter for the State Board of Education to decide, and no commitment can be given which would bind them, it is not anticipated that there would be any objection by the Board to the district's obtaining the necessary flowage rights over State-owned land through legislative action and, indeed, the legislature could grant them notwithstanding any objections by the board. However, these rights must be secured only through the process of special act of the Legislature and to attempt to obtain them otherwise would create a permanent flaw in the rights of the District to its water storage area."

I will read to you also a letter from the Central Maine Vocational Technical Institute addressed to Earle Tarr, Superintendent of the Auburn Water District. This was dated April 28, 1969. "Dear Mr. Tarr: The survey unit at Central Maine Vocational Technical Institute established the level of water in Lake Auburn at 261.60 (the proposed height after raising the lake 1 foot), and find this

level would cause no problems to our shoreline nor inconvenience of any nature. I trust that the Commissioner of Education, or anyone with authority, may grant this permission based on the information contained in this letter.

"After my review, I find no problem or situation of inconvenience by raising the water level one foot from the present level of 260.58." The syllabus from the Attorney General's office in substance says: OPINION: As a sovereign power, the right of eminent domain belongs to the State alone, 29 A, whatever that means, C. J. S. "Eminent Domain" sec. 2, and this right cannot be surrendered, alienated or contracted away; 29 A C. J. S. "Eminent Domain" sec. 4. By P. & S. L. 1923, Ch. 60, secs. 7, 8 and 9, the Legislature conferred upon the Auburn Water District the power of eminent domain for certain purposes. However, it did not and could not confer that power as against the State. In our opinion subject taking was invalid and only can be corrected by an act of Legislature.

Ladies and gentlemen, this control of Lake Auburn has been within the jurisdiction of the Water District since 1923 and this controversy only arose because of the fact that the State acquired land along the lake and it should well be heard and read, you have heard me say, rather you have heard the opinion of the Attorney General that the subordinate political subdivision cannot assume control over land that is owned by the State.

I now make a motion to the effect that the motion to indefinitely postpone does not prevail and I ask for a division.

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

Mr. EMERY: Mr. Speaker and Members of the House: I rise in opposition to L. D. 1077. I have yet to be convinced of the necessity for this bill. I believe that there are sleepers in this bill that would eventually hurt property owners abutting Lake Auburn. If this bill is enacted it is evident that the Auburn Water District will

raise the level of Lake Auburn and settle with the involved property owners at a later date, in Court, with the property owners paying a lion's share of the Court costs.

I have had conversations with many property owners and find that instead of a scheduled public meeting between the Water District and the property owners, all that has happened is that the property owners have been asked to relinquish their properties for one dollar. This bill would allow the lake to rise to a point where it would almost flood the State-Aid road at the north end of the lake. Eventual rebuilding of this quite lengthy piece of road will be necessary at a cost of thousands of dollars to the State and to the taxpayers of Auburn. If a new road should be necessary, it certainly would benefit certain members of Auburn's city family.

Another excuse for this bill is that icing is claimed to be a problem during winter months. After speaking to elderly residents and former employees of the Auburn Water District, no one, and I emphasize no one, can remember of a time in the past fifty odd years when icing was a problem. Engineering surveys have shown that at least six feet of water always cover the intake of the Auburn Water District.

Algae has been stated to be another problem. This also is untrue. No problems in this respect exist. One shore property owner, a retired gentleman stated if this bill is enacted he would lose fifteen hundred square feet of land and another stated another foot of elevation in the lake level would flood the basement of his store. Many parties claim that higher water levels would result in flooding of the wooden sills of their boat-house structures in times of maximum high water.

In reading a survey report prepared by the engineering firm of Camp, Dresser & McKee of Boston, Massachusetts, in regards to this lake elevation rise, I could not find that these consultants have stated any need for a rise in lake level. I would again point to the fact that this bill would cost untold financial loss to many and almost certainly

cost the State of Maine and the City of Auburn tax dollars that it can ill afford to squander on the whims of a few local officials for a new scenic highway around the north end of Lake Auburn.

This land in question was always owned by the City of Auburn until the Maine Vocational School was built. Now that an aluminum plant wishes to come to Auburn the question of the rise of the lake appears to be very important all of a sudden.

In view of the protests and of the lack of clarity of the intent of this bill, I feel that I must join my colleague, the gentleman from Auburn, Mr. Rocheleau, in asking that this bill be indefinitely postponed. Thank you.

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

Mr. DRIGOTAS: Mr. Speaker, I can't understand the argument being presented by my colleague, Mr. Emery from Auburn, to the effect that now arises a dangerous situation in the City of Auburn by the raising of the water level one foot. This condition in Auburn has existed, there have been snows and floods and droughts and everything since 1923 and time immemorial. I say 1923 because that is when the charter was given to the Auburn Water District. There has never been any serious flooding at any time around the lake. We had heavy rains this spring we must all agree. At no time was there any part of the roads inundated around Lake Auburn. I frequently travel around it. Sunday I rode by just to observe and there was absolutely no evidence of flooding even at this stage.

Number two, my colleague from Auburn says that many many people would suffer hardship. Out of the fifty-seven property owners around Lake Auburn already only about twelve have not signed, of these twelve that have not acknowledged the right of the Water District to raise the level, there are five who are going to sign who have not got around to it.

Also, he mentions the fact of damages. In section 9 on page 472 of Chapter 60, assessment of damages by County Commission-

ers, Procedure on Appeals, if any person sustaining damages by any taking as aforesaid shall not agree with said District upon the sum to be paid therefor, either party upon petition to the County Commissioners of Androscoggin County may have said damages assessed by them. The procedure in all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

Again I urge a vote against the motion for indefinite postponement.

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

Mr. COTE: Mr. Speaker and Members of the House: I hate to get in this controversy about the Auburn Water District but several people from the City of Lewiston own cottages around the lake front and they are very much opposed to this bill. It seems that they would be losing quite a little bit of land, they bought that land in good faith and now they are trying to take it away from them. They have called me up and asked me to oppose the bill and for this reason I shall have to go along with the gentleman from Auburn, Mr. Rocheleau, in indefinite postponement of the bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think there's a thing, something that we should consider in this bill that hasn't been talked about by either party. In the lake law, and there is a lake in the town where I live, and it became necessary on account of the fish hatchery in that town to raise the water level approximately one foot. Thereupon I had plenty of people come to me who were losing property and so forth and they were very concerned but they thought this was going to be for the whole year. Now this Water District is like the one home, and I assume it will be, only raises the water for a short time in the spring to

hold it and during the summer it gets lower than this foot, it goes way down and it is only for a short time in the year that it is raised. I want to bring out this point. This was the case in the lake at home and I'm sure it will be the same case in Lake Auburn. They are not asking to raise this water for the whole year because they can't hold it at that level. When July and August roll around it goes way below this level, and this is what happened up home.

Now in this day and age these communities are taking much more water with automatic washers and all the many uses for water that they didn't used to have years ago. I'm sure every city needs more water and as the city grows they are going to need more storage, and I think it might be wrong if we indefinitely postpone this bill in view of the fact that these people are not going to be hurt like they think they are because it is my opinion that this water will only be high for a short time and until the water is used up.

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

Mr. ROCHELEAU: Mr. Speaker, in answer to Mr. Dudley, the issue at hand is not whether the water elevation will be for a three months' period or a month's period. I had a meeting with Mr. Drigotas, Representative Laberge and Mr. Tarr on Monday and again they clouded the issue by telling me that it was a Vocational Training Institute. They have used issues whereas they claimed that the algae formation on the lake and the framing of the intake. I think they are just clouding up the issue and my greatest objection is that they will be taking land from the landowners. And in good faith I have asked Mr. Tarr if this could be postponed until the next legislature in order that all camp owners could meet with myself and Mr. Tarr in order to debate, and this was not granted. Therefore I ask for indefinite postponement.

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



ing question is on the motion of the gentleman from Auburn, Mr. Rocheleau, that Resolve to Authorize the Grant of Flowage Rights to the Auburn Water District, House Paper 839, L. D. 1077, be indefinitely postponed. A vote has been requested. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 62 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

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

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

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

Tabled — April 25, by Mr. Ross of Bath.

Pending — Motion of Mr. Dam of Skowhegan to indefinitely postpone.

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

Mr. ROSS: Mr. Speaker and Members of the House: I was one of the signers of the "Ought not to pass" Report. At the present time veterans receive an exemption of \$3,500 in value on their property; and this bill proposes a flat actual amount of \$100 deduction.

In some places it probably would be an advantage, and in a great many others it is a decided disadvantage.

The hearing was packed with veterans, and they were opposed at the start of the hearing. But they sat through, and they listened patiently and with dignity to all of the arguments. And at the end they were still not convinced that this bill would help them. And they were still unanimous in their opposition to it.

I support their position now, and I support the indefinite postponement motion.

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

Mr. SHAW: Mr. Speaker and Members of the House: It's a very popular thing to welcome home a returning veteran, and commend him for the wonderful work he has done. Then we bury the dead ones and get the disabled out of sight.

When it comes to benefits for these people, it becomes good business to make them as small as possible. This bill, 961, will cut the benefits of a great number of qualified people. Forty percent of these people are disabled veterans, widows, and orphans.

The present system has been working reasonably well, with no great hardship on anyone. I think this bill will hurt a lot more than it will help. And I request the vote be taken by the yeas and nays.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Very briefly I would like to say, at the present time, with the exemption of \$3,500 in my town, the veterans are receiving about \$350. And under this bill they would receive \$100. And due to the fact that most of them have a frozen income, and prices going the way they are, I hope we vote on the motion with the gentleman from Skowhegan, Mr. Dam, for indefinite postponement.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I have heard several times, even in these Legislative Halls, that all taxes are unfair. I hope that was said facetiously, because I certainly do not concur with that philosophy. Even the Bible, I believe, says otherwise.

I believe that a fair distribution of the cost of a just government is always fair. We have often heard remarks of the inefficiencies and inadequacies of our local assessments. And here I am talking solely about municipal taxes, be-

cause this is the only thing which this bill, which we are now discussing, would involve. The inadequacies and inefficiencies of these assessments have become so radical that last week the Taxation Committee heard a bill which would make compulsory assessment districts, which would take the right of the municipalities from controlling their own assessments.

The bill, as presented, would even — it creates a situation where some municipalities could be as long as ten years without a representation on the Executive Committee which would assess their taxes. This is even worse than Henry the Eighth ever thought of.

If we continue our inefficiencies, our injustices, our unfair treatment of different citizens, this is some of the things that we could lead to.

I would wish that I would not be classed as opposing servicemen. I doubt if there is anyone in this hall who appreciates the services of these veterans any more than I do. But I appreciate all the veterans, and do not think that it's fair to segregate a small number of them, and treat them differently than any others.

And I would simply like to give you a few statistics to prove what is really happening under the present law. For example, in the City of Lewiston last year, that veteran's exemption of \$3,500 amounted to \$89.60. Consequently, under this proposed bill, the veterans would get more than they are now getting. In my home town of Rumford, last year the veterans got \$75.60. There again, he would get more than he is now getting.

In a quick perusal of the tax rates of different towns — because I only received these lists this morning — I find at least 46 communities who would get more under this proposed law than they are now getting.

In a letter which I believe most of you had on your desk yesterday, I would like to quote from this letter a postscript which reads like this: "We feel that the \$3,500 exemption is little enough relief at this time." Now, this may not

be very debatable, but how about the veterans of the 46 other municipalities who do not receive as large an amount as we here suggest?

And how can you properly explain this situation? In one town last year, the veterans received the magnificent credit of \$55.13. In another municipality they could have been entitled to a credit of \$14,000. These, my friends, are all veterans. I believe that the blood was just as red in the veins of one as in the veins of the other. I don't believe there was any difference in the thickness of their blood.

This has not been done within the law. This has been done in spite of the law. It has been done by the inefficiency of these local assessors which we have heard so much about.

Are we here today going to legalize, going to put the seal of approval of this Legislature upon things which we have decried over for years? I do not believe that this is the intent of the people we represent here. And I do hope that you will vote against the indefinite postponement of the motion.

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

Mr. JAMESON: Mr. Speaker and Members of the House: I have served four terms in this Legislature. And this same bill has come up and defeated each bill, but always under a different title, and it always means the same.

And there's nothing more than a direct crack at the World War I veterans. And the World War I veterans won't be around too much longer. Our ranks are dwindling something awful. We're all over 70 years old, and you won't have to put up with us much longer.

And as this bill came out of committee, 8 to 2 "ought not to pass", that ought to be enough to convince you ladies and gentlemen that it's a lousy bill, and we ought to get rid of it. So I move that it be tabled to the Year of Our Lord Two Thousand. (Laughter)

The SPEAKER: The Chair would consider the motion a face-

tious one, and it will not be entertained. The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: I would like to call your attention to three letters that we had on our desks a couple days ago from the American Legion and the V.F.W. Now the American Legion clearly takes the position that this is not a good bill. They also state that they are continually studying the veterans' tax exemption laws in Maine, and it has been and remains the policy of the Legion to preserve these laws as they presently exist.

Going back to the V.F.W., they state in their letter, "We have studied the proposals set forth in L. D. 961 in depth and do NOT concur with the sponsor's contention that it is a 'better' tax exemption plan than the one already in the Maine Statutes. To the contrary, we believe it subtracts from the benefits which exist under present law."

Going to a letter from Gerald Bond, Chairman of the Legislative Committee of the American Legion, he says in one part of his letter, "It is the unanimous opinion of the American Legion and the Veterans of Foreign Wars that the issue has been purposely clouded by the Maine Municipal Association as to the cost of their newly proposed program."

So I ask you gentlemen here today, you ladies and gentlemen, to support my motion to indefinitely postpone this bill. As when you find your largest organizations of veterans, the V.F.W. and the American Legion, are opposed to this bill, I think that is conclusive evidence that this is not a good bill if it is passed.

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

Mr. MILLS: Mr. Speaker and Members of the House: There is one point here, Mr. Speaker, that I don't hear discussed, and it's the one I had to contend with over the weekend. I am known in Washington County in veterans' circles, and I was deluged over the weekend with opposition coming from

the Veterans' Post, and from other people who were not connected with any Veterans' Post. Some were municipal fathers in my district.

I won't belabor this question. I simply will approve Mr. Dam's indefinite postponement motion.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I believe it's been said here this morning that everyone here has a great deal of sympathy and thought for our veterans. And I think it is rightfully so that we should. They have done a tremendous task for us in the past. And by the letters that have been read here this morning by the gentleman from Skowhegan, Mr. Dam, I heartily concur with his statements. And I believe we should vote for indefinite postponement of this bill.

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

Mr. BURNHAM: Mr. Speaker and Members of the House: I think we're all—I think we all believe in justice. Now, under the present law, as administered, there's no justice to it. Under this bill, which I think is a good, fair and just bill, all veterans will be treated equal.

Now, if there's any question as to the amount of tax abatement, there could be an amendment put on, if that should be raised. But I think it's a good bill, and I won't belabor the subject any further.

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

Mr. SUSI: Mr. Speaker and Members of the House: I believe that Mr. Cottrell has had an amendment distributed amongst us. And I presume that if this bill lives through this vote that the amendment will be offered.

I personally believe that Mr. Cottrell's amendment might solve this problem of the inequities. World War I veterans, I believe, have probably keyed their economic lives to the exemption as it's now written into the law, which provides \$3,500 of assessed valuation.

Now at the present time it is mainly World War I veterans who are beneficiaries of this exemption. And inasmuch as they have planned their lives on the basis of this exemption, and probably can do very little about changing their economic status at this time, this amendment would provide for the continuance of the exemption as it is now in the law, or granting of \$100 exemption, whichever is most beneficial to the World War I veteran.

Now there is another element in this. There is no evidence that this law will be taken from the books. I think it's clearly evident that it's inequitable as it's written. It's also rather obvious by looking around here, that some of us World War II veterans are soon going to be eligible under this exemption. And it would be a logical time, in my opinion, to make this more equitable under the amendment which Mr. Cottrell presumably will offer, so that at least going into this next generation, the World War II veterans we will have an equitable exemption law.

I suggest that you allow the bill to live long enough so that this amendment can be offered. Thank you.

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

**Mr. McNALLY:** Mr. Speaker and Members of the House: Sunday afternoon, after the meeting in Bangor of the World War I veterans, of which I am a member, although I didn't have the opportunity to attend, I received several telephone calls. And the thing that they were concerned with, in the Acadia Barracks that I belong to out of Bar Harbor, is the fact of this very amendment. They're perfectly satisfied with the bill the way it is, and they think that they are no better than World War II veterans, or the Korean veterans, or the veterans from Vietnam. And I hope that you go along with the motion of Mr. Dam to indefinitely postpone this bill.

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

**Mr. COTTRELL:** Mr. Speaker and Members of the House: It is a very unpleasant duty to serve on the Taxation Committee. And this is one of the times that it is most unpleasant.

I was one of the eight who voted to accept the Majority Report of the committee, "Ought not to pass" on this bill. I have been familiar with the bill and the veterans, and am most sympathetic to their cause.

The whole trouble is the fact that there are so many different tax rates in our different communities. Here is the list of some of them: \$142 per thousand, \$167 per thousand, \$212 per thousand, \$162, \$115, \$108, \$105, \$91, \$91, \$256, \$186. And then in some of our towns the rate is \$18, it's \$20.

So that is our problem. It is the property assessment system that we have in our state. Now, I don't know when this exemption was set up, but it was a good one; it was intended well. But since it has become popular to revalue, the whole thing is askew.

Now, I certainly would not vote against these veterans, ever. They're real patriots, and I have constructed a motion—not myself personally, but in talking over this total situation with others. I think it was Bill Rogers, wasn't it, when he was one of the leaders of the veterans, who said, "We've got to do something about this eventually." I think sometime we'll come in with a flat rate sort of a bill, so that all veterans, no matter where they are, are treated fairly.

Now, most of these veterans who are using this exemption today are World War I veterans. And they're in their seventies. And their whole budgets are arranged at this time with the exemption that they have been getting. And to me it would be awful to have the 70-year old veterans forced to rearrange their budgetary programs. When you get in your seventies, you're not active; your earning power has gone.

Now, I will offer this amendment, under House Filing Number 247, and I will move for its adoption. Well, I'd rather move for its consideration. But I'll have to move for its adoption.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, now offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" (H-247) was read by the Clerk.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I'd like to read this amendment so that everybody knows exactly what it is. "World War I veterans shall receive a property tax credit equal to that which they received in 1969." And it means continuously. "And in no case shall such veterans receive less than \$100 property tax credit."

In other words, that takes care of all the veterans who are not now getting \$100. And it doesn't disturb World War I veterans in their budgets.

I don't think I'll say any more on this. I think I've said all that is necessary in this situation.

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

Mr. ROSS: Mr. Speaker and Members of the House: Like many of you, I am a veteran of World War II. I don't believe that we should differentiate between our veterans and call one a first class veteran, and one a second class veteran. So I move that this amendment and bill be indefinitely postponed.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves the indefinite postponement of House Amendment "A", which is the only matter before the House at this time. The Chair recognizes the gentleman from Bangor, Mr. Jameson.

Mr. JAMESON: Mr. Speaker and Members of the House: I'll be more careful this time. Ladies and gentlemen, I attended a World War I meeting Sunday in Bangor. And I asked them this question. Are they — do they wish to be favored if this amendment is brought in, if they wished to accept the exclusion that it would not harm the veterans of World War I? Which is a large group — Commander Whitten is here in the gallery, he

was present—and they called for a vote on that. It was unanimously against this amendment. And they wanted to go on record, ladies and gentlemen, asking for no exclusion, all the veterans to be used alike; they didn't want to be set apart. I thank you.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I do not wish to go on record either for or against this amendment. But I do think that before the Members of the House are called on to vote, that they should have all the facts.

And I have here just a few figures which might help you come to a decision. These statistics are as of the tax rolls of 1967, which were the last ones that I could get. There were approximately 114,000 veterans. Of this number, in 1968, 14,644 received exemptions on their property taxes. Of this 114,000, 11,000—or slightly less than 10 per cent—are World War I veterans.

Now, I appreciate the fact that this amendment would continue and perpetuate part of the inefficiencies or inadequacies of our present setup. On the other hand, it would foresee the elimination, in due time, before the problem became even more serious than it is now.

I think practically every speaker has recognized the fact that something will have to be done. It is just a question, are we going to do it today or are we going to have it forced upon us by these compulsory assessment districts, which are coming about, and more drastic legislation? Thank you.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

93 having voted in the affirmative and 37 in the negative, the motion prevailed.

The SPEAKER: The pending question now is the motion of the gentleman from Skowhegan, Mr. Dam, that L. D. 961 be indefinitely postponed. The Chair recognizes

the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I'd like to take just a moment to rationalize this thing a little bit. This bill was proposed to assist the veterans. If we are proposing legislation to assist veterans, why do we not pay more attention to those same veterans, as to how they feel about it?

I have not had the opportunity, and I don't have the chance, of investigating as to figures. I do realize there are inequities in our taxing processes, of course. But this bill was discussed, or proposed, last summer at the University of Maine at a three-day tax conference. It was proposed, and it was discussed at quite some length.

In the round-table discussion, it was pretty well decided by the most of us there that the veterans at least, and all of us that were discussing it, decided we'd rather leave it just as it is.

Now, there's one, seems to me, vital point which has not been brought out. The Maine Municipal desires this legislation. Why? If it is going to give the veterans more money, would they be for it? It looks to me as though somewhere along the line the veterans feel that they are going to lose collectively. If that is the case I say we should go along with the recommendation to indefinitely postpone this bill, because it is the veterans that we are doing it for. So let's do it the way they want it. I am in complete accord with the proponents of indefinite postponement.

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

Mr. SHAW: Mr. Speaker and Members of the House: We seem to have more or less taken care of the World War I veterans, but I would like to remind you that forty percent of the people involved in this are widows, orphans, and disabled veterans, which it would affect.

I think the thing to do with this is to indefinitely postpone this bill, and let the military organizations work it out with the Tax Department, and come up with a bill that is satisfactory to everybody. And

I can't see any great hurry about this.

If this bill under consideration now goes through, we're going to be stuck two years from now with a \$3 million tax bill to pay for it. We're having troubles enough right now raising money. I don't believe in committing the next Legislature to that much money in advance. I have already asked for the yeas and nays, and I support the indefinite postponement.

The SPEAKER: All those in favor of a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that Bill, "An Act Granting Veterans a Property Tax Credit in Lieu of an Exemption", House Paper 743, L. D. 961, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed, you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Berman, Bernier, Binnette, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Bunker, Carey, Carrier, Carter, Casey, Chandler, Chick, Clark, H. G.; Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Drigotas, Dudley, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, M.; Foster, Gauthier, Giroux, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, LePage, Levesque, Lewin, Lewis, Lund, MacPhail, Marstaller, Martin, McKinnon, McNally, Meisner, Millett, Mills, Mitchell, Moreshead, Mosher, Nadeau, Norris, Noyes, Ouellette, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra,

Soulas, Stillings, Tanguay, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wight, Williams, Wood.

NAY — Burnham, Fortier, A. J.; Fraser, Gilbert, Heselton, Hunter, Immonen, Kelley, K. F.; Lincoln, Marquis, McTeague, Morgan, Page, Payson, Ricker, Snow, Starbird.

ABSENT — Barnes, Birt, Clark, C. H.; Curran, D'Alfonso, Danton, Durgin, Good, Leibowitz, Quimby, Susi.

Yes, 122; No, 17; Absent, 11.

The SPEAKER: One hundred twenty-two having voted in the affirmative, and seventeen in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

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

MAJORITY REPORT (7) — "Ought not to pass" — Committee on State Government 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) and MINORITY REPORT (3) reporting "Ought to pass" (In Senate, Majority Report Accepted)

Tabled — April 29, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Dennett of Kittery to accept Majority Report in concurrence.

The pending motion to accept the Majority "Ought not to pass" Report in concurrence prevailed.

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

Joint Order directing Legislative Research Committee to study the subject matter of S. P. 265, L. D. 869, Bill "An Act relating to Solicitation of Eye Services and Appliances"

Tabled—April 29, by Mr. Carey of Waterville.

Pending — Passage.

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

Mr. CAREY: Mr. Speaker and Members of the House: I realize that this subject matter has been

thoroughly debated. But I believe that this order is a fair way to resolve the problems of the optometrist, the opticians, and most of all the buying public.

Under our present laws opticians are not regulated as they are in many states. The Legislative Research Committee, with its power to hold public hearings, its right to subpoena witnesses and records, can explore all the aspects of the industry involved, and determine whether there is a problem that affects the public. And if there is a problem, can this problem—can this proposed objective legislation correct it?

This approach would seem to assure greater protection for all involved. And this does a better job than accepting a proposal which is advanced by one of the parties in interest.

It is rather unusual that a group will ask to be regulated. But this order has been proposed by the opticians. And they are willing to lay all their cards on the table. They are willing to be licensed and have that license subject to revocation for any violation of regulations that a licensing board may impose upon them.

And this would be in the area of advertising, merchandising, or quality of product. In other words, they are willing to be regulated in all phases of their operation, rather than have a determination by the Legislature that advertising on the part of opticians, who have been advertising since glasses have been made, suddenly becomes evil.

Now, if optometrists are concerned about the conduct of some of their members, then the Research Committee will have the opportunity to reevaluate the present laws pertaining to optometrists. And they can propose legislation which will correct that situation.

The overall study should also determine ways to protect the public health without destroying competition that results in lower prices for glasses. And I would certainly urge the passage of this order.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: Once again I rise to defend the action of my Committee. This bill has been debated, and debated to a point of exhaustion. We voted this out of committee unanimously "ought to pass," received favorable action in both branches, and now needs a final vote in this House to be enacted. The opposition refuses to let go, so now they are suggesting a study committee; what they really mean is that they haven't been able to gain enough support through due process, so this is just another back door method to kill a good bill.

As previously stated, this bill received a fair hearing, both branches have debated the merits of the bill. The Attorney General's office released a statement in support of this legislation. If we allow the study committee, then we are opening a door to kill all legislation in this manner. Why should we stop here? Why not allow a study committee of all L. D.'s and eliminate all committees? Why Plus the fact that study committees do cost money. Why should the taxpayers pay money for a select few businesses who aren't willing to practice under ethical and acceptable procedures?

I have personally visited the opticians and optometrists in my immediate area and they all favor the bill. Only one business has been against this bill. This company has only just recently settled in Maine. This I don't like. Why should we in Maine be used by a big city enterprise, to use us unethically to fatten their bank accounts?

I move the indefinite postponement of this order and when the vote is taken I request a roll call.

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

Mr. RICHARDSON: Mr. Speaker, I would inquire of the gentleman from Waterville, Mr. Carey, whether or not my reading of the order is correct, that is I read it to be that the Legislative Research Committee is to report to the 105th Legislature which will result in a year and a half delay

in our determination of this question. I wonder whether or not he would consider it more appropriate to have the order direct the Legislative Research Committee to report to the next special or regular session of the legislature?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson poses a question through the Chair to the gentleman from Waterville, Mr. Carey who may answer if he chooses. The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, in answer to the gentleman from Cumberland's question, I would certainly have no objection to this and I would hope that somebody might table this for a day so that the amendment may be prepared.

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

Mr. RICHARDSON: I move this item lie on the table for one legislative day.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that the Joint Order be tabled until Thursday, May 1 pending the motion of the gentleman from Bangor, Mr. Soulas that the Order be indefinitely postponed.

Mr. Soulas of Bangor then asked for a vote on the motion to table.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until the next legislative day 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 in the negative, the motion to table prevailed.

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

Bill "An Act relating to Distribution of Malt Liquor" (S. P. 441) (L. D. 1464) (In Senate, passed to be engrossed)

Tabled—April 29, by Mr. Hichens of Eliot.

Pending — Passage to be engrossed.

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



Mr. HICHENS: Mr. Speaker, due to the fact that an amendment is being prepared and has not come before us yet, I would like to have someone table this for two days.

Thereupon, on motion of Mr. Tanguay of Lewiston, retabled pending passage to be engrossed and specially assigned for Friday, May 2.

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

Bill "An Act relating to Short Term Permits for Trucks to Haul Loads" (H. P. 631) (L. D. 819) (Committee A m e n d m e n t "A" adopted H-191)

Tabled—April 29, by Mr. Cote of Lewiston.

Pending — Passage to be engrossed.

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

Mr. FINEMORE: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

(Cries of "Yes")

The SPEAKER: The Chair hears objection. A two-thirds vote is required for suspension of the rules. All those 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.

67 having voted in the affirmative and 55 having voted in the negative, 67 not being two thirds, the rules were not suspended.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would now like to move for the indefinite postponement of L. D. 819 and speak briefly to the motion.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore now moves that L. D. 819 be indefinitely postponed. The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Members of the House: The

only thing I will say this morning, since the weekend I find that eighty-five percent, or nine months so-called, is much more needed than I was aware of. So that now that the amendment is defeated I would like to say that you will notice in the letter placed on your desk yesterday that the registration of this type truck is nearly \$200 less in Massachusetts. You have got intra- and interstate trucks now that are registered in Maine that would be licensed in some other New England states. I spoke this morning to Mr. Fox of Fox & Ginn, and Fox & Ginn register trucks in Maine and in Massachusetts both. Upon vote of the corporation, they can register them all in Massachusetts. Mr. Fox does not say that they will license them all in Massachusetts nor that they will license them all in Maine, but if we lose some of these trucks we will lose the sales tax on all new equipment plus the excise tax in the different cities.

So therefore I hope you will go along with the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Members of the House: The information that you received on your desk yesterday I might say a few words about. The suggestion was made in that letter that elimination of nine-months' short term permits would put the truckers out of business in Maine. I would suggest to you that this is not true.

I have some figures from the Road User and Property Taxes Booklet published in 1968 by the United States Department of Transportation. And based on those figures the taxes required to put a vehicle of the type Mr. Finemore is talking about on the road, a diesel powered unit registered for 72,000 pounds, for example, in Maine pays \$217.58 less than the average paid in the other five New England states. A vehicle registered for 62,000 pounds in Maine pays an average of \$232.38 less than the average in the other

five New England states. A vehicle registered for 55,000 pounds in Maine pays \$245.59 less than the average in the other five New England states.

I would further suggest that according to information in this Department of Transportation booklet—again these are taxes required to put the vehicle on the road—Maine registration fee \$605, property tax \$306.03, other taxes \$4, which is—I haven't added these up but this is somewhere in the vicinity of \$915 or \$916. Massachusetts registration fee \$462, property tax \$627, other taxes and fees \$2. This is somewhere in the vicinity of \$1,091. So I would again just suggest to you that this is not true; this is not an attempt to put the trucking industry out of business in Maine.

I would urge, of course, that you vote against the motion that the bill be indefinitely postponed.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Just briefly let me remind you the bill as amended came out of the Highway Committee ten to nothing "ought to pass." This was fully debated last Friday and we passed it as amended 77 to 49 and I ask you to stick to your guns regardless of the lobby. The present law provides a gimmick whereby one can haul all year long on short term permits in the frozen road law. If you liken this to the income tax, the Federal Government wants us to pay all we justly owe, but not one red cent more nor one red cent less. This bill also asks just that.

All this bill as presently amended does is to require that if one hauls twelve months a year he shall pay the required fee without the loophole which is legitimately designed to assist those who do not haul twelve months per year. Now what's unfair about this?

The present law does not belong in the general law. It rightfully belongs in the Private and Special Laws because it is just that—a special provision for a few to avoid

paying their just fees other than the legitimate part-time truckers. If the yearly fees are too high, that is another question completely. I submit that the only ones that would lose by this would be the people of Maine and I urge you to defeat the indefinite postponement of this bill.

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

A vote of the House was taken.

47 having voted in the affirmative and 76 having voted in the negative, the motion to indefinitely postpone did not prevail.

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 fourteenth tabled and today assigned matter:

Bill "An Act relating to Powers of Attorney on Accounts in Banks and Associations" (H. P. 660) (L. D. 847) (Committee Amendment "A" adopted H-243)

Tabled—April 29, by Mr. Scott of Wilton.

Pending—Passage to be engrossed.

On motion of Mr. Hewes of Cape Elizabeth, retabled pending passage to be engrossed and specially assigned for Friday, May 2.

#### (Off Record Remarks)

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

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

Thereupon, the House recessed.

#### After Recess

Called to order by the Speaker.

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

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)

Tabled—April 29, by Mr. Jalbert of Lewiston.

Pending—Passage to be enacted.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: Since we have all just returned from our respective party caucuses where I know the respective merits and demerits of this tax program have been discussed at great length, I shall not debate it at any great length now. I simply wish to remind every one of you that the Part I program, which this package will fund, received a unanimous report from the Committee on Appropriations and Financial Affairs. In their considered best judgment, this was the amount necessary to continue existing State services at their present level, to meet the built-in costs of these programs in order to continue them at present levels and to meet the existing State deficit.

This program allows us to gain an additional month of very much needed revenue to keep the State of Maine on a solvent financial basis.

If there is any such thing as a popular tax, I haven't heard of it yet; except perhaps, it might have been the "Tom cat tax" that some of you have heard described.

No one likes taxes, and I know that the auto dealers don't like this tax. But we are faced with a real, serious, genuine crisis in state government if we today fail to give this the necessary votes to fund this Part I budget.

It is for this reason that I urge each and every one of you to vote yes on enactment, which is the pending question.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As was indicated by the Majority Floorleader, preceding, that the Current Services budget has been agreed by the ten members of the Committee. It may not

be a perfect package, but I fail to see in my tenure of office here in this House where any committee reported out a bill that was one hundred percent satisfactory to everyone.

So these are some of the fallacies of our operation of state government that we still believe is the best system in the world until somebody else comes up with a better system of trying to serve the needs of the people.

So to the members of the House this morning, the Current Services budget is presently in the other branch, and we must provide for the funding of these current services that are being passed by law, to be provided for the next course of the biennium.

Now as I indicated, when this bill was before us a few weeks ago, this is not my way of financing state government. It's not probably an ideal way of funding state government. The Governor and the members of this House and the other branch have some of their own particular reservations as to how to fund the operations of state government. However, the Majority Party felt that at this stage of the game that this was the way that they wanted to pursue the operation of state government, by dividing the different budgets and a way of financing that they thought was going to be the best way of being acceptable to the members of the Legislature.

So this I want to point out to the members of the House, and to the general public for that matter, that the present form of taxing is by far, in my humble estimation, not the proper way of taxing to alleviate some of the difficulties on the people that are on fixed income, on social security, the people that are in the lower earning capacity of \$4,000, \$5,000 or \$6,000 a year, that have got large families. But be that as it may, I still have to accept the basic fact that any other proposal might not be salable at this session of the Legislature.

This is the responsibility of the Majority Party to make sure that they take the right course of action. So this I leave with your

approval or disapproval this morning. But I sincerely hope that the members that voted last week in support of the measure that is presently before us, will see fit to do so again this morning. Thank you.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, moves that the vote 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 members 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 a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the enactment of L. D. 1458. This being an emergency measure, under the Constitution it requires for its enactment as an emergency measure a two-thirds affirmative vote of the entire elected membership of the House. All of those in favor of its enactment as an emergency measure will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Benson, Birt, Boudreau, Bragdon, Brennan, Brown, Buckley, Bunker, Carter, Casey, Chick, Clark, H. G.; Corson, Couture, Cox, Croteau, Cummings, Curtis, Cushing, Dam, Danton, Dennett, Donaghy, Drigotas, Durgin, Dyar, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Foster, Gauthier, Gilbert, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Huber, Immonen, Jalbert, Johnston, Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Waxman, Wheeler,

White, Williams, Wood, The Speaker.

NAY — Bedard, Bernier, Bourgoin, Burnham, Carey, Carrier, Coffey, Cote, Cottrell, Crommett, Crosby, Emery, Fortier, M.; Fraser, Giroux, Hichens, Hunter, Jameson, Kelleher, Kelley, K. F.; Laberge, Lebel, Marquis, McKinnon, Moreshead, Rand, Ricker, Rocheleau, Scott, G. W.; Tanguay, Temple, Vincent, Watson, Wight.

ABSENT — Barnes, Berman, Binnette, Chandler, Clark, C. H.; Curran, D'Alfonso, Dudley, Erickson, Jutras, Quimby.

Yes, 106; No, 34; Absent, 11.

The SPEAKER: One hundred and six having voted in the affirmative and thirty-four in the negative, the Bill is passed to be enacted as an emergency measure, it will be signed by the Speaker and sent to the Senate.

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

Mr. JALBERT: Mr. Speaker, I now move we reconsider our action whereby we passed this bill to be enacted, and when you vote, vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby this bill was passed to be enacted. All those in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

21 having voted in the affirmative and 108 in the negative, the motion to reconsider did not prevail.

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

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

Tabled—April 29, by Mr. Benson of Southwest Harbor.

Pending—Passage to be enacted.

On motion of Mr. Richardson of Cumberland, retabled pending passage to be enacted and specially assigned for tomorrow.

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

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

Tabled—April 29, by Mr. Huber of Rockland.

Pending—Passage to be enacted.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I move that we enact L. D. 869. We all know this is a good bill. It has been debated and debated to no end. I hope you will vote to enact this bill. I am sure the study committees can always come on later on if the bill isn't working too well. But I hope in addition to voting for this, I hope you will vote against any tabling motion so we can get the business of the day taken care of. Thank you very much.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I support the motion of the gentleman from Bangor, Mr. Soulas, and I would point out again, as he has said previously, that this bill came out of Committee unanimously "ought to pass."

Now it appears that the opposition has confused the issue by claiming that optometrists are trying to seek a monopoly on selling eyeglasses, whereas they are but selling a service. Their fees are for professional advice and services in the care of visual performance and health of the eyes of their patients.

The proposed bill is not intended to put the legitimate optician out of business at all.

Under this bill the dispensing optician can still advertise that he is in the community and that he does fill the prescriptions of ophthalmologists and optometrists. The bill does prohibit him from advertising eyeglasses, contact lenses and the materials which go into ophthalmic prescriptions. He also must not solicit eye examinations or visual services restricted by law to be provided by optometrists and ophthalmologists. These prohibitions are in the interest of the public and are intended to prevent

common abuses that might mislead and confuse people regarding ophthalmic materials and services involving their visual health care.

Again I say, and I stress, that the intent of this bill is not to give a monopoly or even an advantage to optometrists as has been claimed. The purpose is to protect the people from exploitation of visual care as though it were a commodity of the market place.

I hope you will support the motion of the gentleman from Bangor, Mr. Soulas.

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

Mr. HUBER: Mr. Speaker and Members of the House: In view of the order that is pending consideration on tomorrow's table, I should think that we would be rather inconsistent if we didn't do the same with the bill, and I would urge that somebody table this for one day.

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

Mr. MARQUIS: Mr. Speaker, I so move this item please be tabled for one legislative day.

Thereupon, Mr. Soulas of Bangor requested a vote on the tabling motion.

The SPEAKER: All those in favor of this matter being tabled until the next legislative day pending passage to be enacted will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 63 having voted in the affirmative and 69 having voted in the negative, the motion to table did not prevail.

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

Mr. CAREY: Mr. Speaker, this morning we didn't consider my order. There is to be an amendment prepared and it will be before the House tomorrow morning, and it is unfortunate that we were not able to table this for one day.

I talked to the gentleman from Bridgewater this morning, Mr. Finmore. I would not elaborate on what he told me on the cost of the glasses pertaining to opti-

cians and optometrists. I would hope that he will get up and give you the cost, and I think this will sell you on the mark up the optometrist has on his glasses. But I am quite concerned with this thing the gentleman from Bangor, Mr. Soulas, mentioned, and I would say he mentioned if the bill is not working too well then we can take care of it later. Well if there is already concern in the gentleman's mind that the bill may not work too well, I would say let's send it over to the Legislative Research Committee so they can come out with something proper.

We have currently a pile of legislation in front of us, and some of it may not work too well, but we've been able to dispose of that.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I being a member of that Health and Institutional Committee, I heartily concur with our chairman in regards to what he stated. But I also want to state this—an optometrist and others in the eye care practice are very concerned, and they have a right to be, with the advertising and promotion of the sale of eyeglasses and contact lenses in Portland by a Georgia and Texas based national chain of optical stores.

From the viewpoint of good visual care and the economies of our people, the need for vision care should stem from professional advice rather than being stimulated by a retail optical store. Rules of the health practices of physicians, dentists and optometrists prohibit advertising, and the same safeguards for the public apply to the materials used in their prescriptions.

Twenty-six states have legislation relative to advertising of ophthalmic materials. The constitutionality of controlling the advertising of corrective lens and eyeglass frames has already been ruled upon by the United States Supreme Court. The Maine Dental Law has prohibited regulations dealing with soliciting and advertising relative to dentures and bridges.

When the Legislature sees fit to control advertising relating to devices prescribed for the mouth, it seems reasonable that there should also be controls over advertising on devices related to human vision.

Now I have a copy of a letter written by an optician, and I would like to read it. This is from a Dr. Edward L. Vining—no, he's just an optician — Edward L. Vining. "I have been an optician in Lewiston, Maine, from the same address, 199 Main Street, for thirty years, and I have been a dispensing optician for fifteen years. I think this bill that is coming up, or being heard, should be passed." And that is what our committee did unanimously, they passed it.

Now I also have a few medical doctors who have approved of this bill. They are eye doctors — Dr. Otis Doufinette, Dr. Richard Goduti, Dr. Stuart Maguire, Dr. John Libby, Dr. Jou Tchao, Dr. Ralph Goodwin, Dr. Kevin Hill.

Now I really believe that if we are trying to look out for the health and welfare of our citizens, we should make every effort to substantiate the statements of our professional people who have a code of ethics which I believe is fairly right. Thank you.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.