

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, May 1, 1969

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

Prayer by the Rev. Mr. Leonard LeClair of Augusta.

The journal of yesterday was read and approved.

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

Report of the Committee on Natural Resources on Bill "An Act relating to Issuance of Permits by the Water and Air Environmental Commission" (S. P. 271) (L. D. 909) reporting Leave to Withdraw.

Report of same Committee reporting same on Bill "An Act Creating the Water Development Authority" (S. P. 350) (L. D. 1216)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Operating Motor Vehicles on Parking Areas" (S. P. 341) (L. D. 1139)

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 Judiciary on Bill "An Act relating to the Guardianship of Mentally Retarded Persons" (S. P. 109) (L. D. 315) 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-108) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Exempting Sales to Certain Institutions from Sales Tax" (S. P. 240) (L. D. 715)

Report was signed by the following members:

Messrs. WYMAN of Washington  
HANSON of Kennebec

— of the Senate.

Messrs. SUSI of Pittsfield  
DRIGOTAS of Auburn

Mrs. WHITE of Guilford  
Messrs. COTTRELL of Portland  
FORTIER of Rumford  
ROSS of Bath

— of the House.

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

Report was signed by the following members:

Mr. MARTIN of Piscataquis

— of the Senate.

Mr. HARRIMAN of Hollis

— of the House

Came from the Senate with the Minority Report accepted.

In the House: Reports were read. On motion of Mr. Susi of Pittsfield, the Majority "Ought to pass" Report was accepted in non-concurrence.

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

**Divided Report**

Report "A" of the Committee on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (S. P. 131) (L. D. 393)

Report was signed by the following members:

Messrs. BELIVEAU of Oxford  
LETOURNEAU of York

— of the Senate.

Messrs. D'ALFONSO of Portland  
STARBIRD

of Kingman Township  
Miss WATSON of Bath

— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington  
—of the Senate.  
Messrs. DONAGHY of Lubec  
RIDEOUT of Manchester  
MARSTALLER  
of Freeport  
DENNETT of Kittery  
—of the House.

Came from the Senate with Report "B" accepted.

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House accept Report "B" "Ought not to pass" in concurrence with the Senate. Is this the pleasure of the House?

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: For the sole purpose of possible further discussion on this bill it would be my hope that we could accept or reject Report "B" and go in some discussion in Report "A" on the ability or the acceptability of the Chief Executive being able to restrain from vetoing a total document if just one small area in a document is not acceptable. I think probably a lot of the states that have accepted this sort of item veto find it very interesting and very beneficial to the operation of state government and also the legislature where a big document is in total relatively acceptable but only to find that there may be one or two small items that are not acceptable.

I think this would make for better operation rather than to put a small insignificant bill that is of absolutely no value and might be punitive to some segment of our society, that the opportunity would be that the Governor in exercising this item veto would have the opportunity to bring out these items of completely not acceptable but the rest of the bill would be acceptable.

It is my hope this morning that the question of adopting Report "B" "Ought not to pass" would be defeated so that we could accept the merits of debate on Report "A" the "Ought to pass" Report and for further discussion in both branches.

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

Mr. DENNETT: Mr. Speaker and Members of the House: This item which is before us this morning is a Constitutional Resolve and as such would require a two-thirds vote to pass. I will realize the position of the gentleman from Madawaska, Mr. Levesque. He must due to his position stand up and defend the "Ought to pass" Report, but truly I believe that at this moment, and I think we all realize it, this is truly an exercise in futility.

It is difficult, it is impossible to pass this thing with a two-thirds vote. Now I think we have some very very serious legislation facing this body and I think we should get on with it rather than spending a lot of time arguing, which I think is truly about nothing. I think that the item veto could be used to great disadvantage. I think if errors creep into bills they can be corrected in the body because no one wants bills going out with errors, and I don't think they have to run the entire gauntlet up to a gubernatorial veto. I truly hope that this morning that you will accept Report "B" the "Ought not to pass" Report, and when the vote is taken I ask for a division.

Mr. Levesque of Madawaska then requested the yeas and nays.

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

Mr. ROSS: Mr. Speaker and Members of the House: I suppose that I should get into this because I have had more experience with vetoes than any member of the House. The only two vetoes the Governor has handed us this year were on my bills and I mentioned the other day that perhaps he should have a blanket veto for me. But, and although I am a Republican, I have always favored item

vetoes on budgetary measures so if you see me vote this way this is why I will do it this morning.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report "B" "Ought not to pass" in concurrence with the Senate. If you are in favor of accepting the Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEAS — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Durgin, Dyar, Erickson, Eustis, Evans, Finemore, Good, Hall, Hanson, Hardy, Haskell, Hawkins, Henley, Hewes, Huber, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, LePage, Lewin, Lewis, Lund, Marstaller, McNally, Meisner, Millett, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Rideout, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, White, Williams.

NAYS — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Cottrell, Cox, Crommett, Croteau, D'Alfonso, Dam, Drigotas, Dudley, Farnham, Fecteau, Fortier, A. J.; Fraser, Gauthier, Gilbert, Giroux, Harriman, Hunter, Immonen, Jalbert, Jameson, Kelleher, Keyte, Kilroy, Lamberge, Lawry, Lebel, Leibowitz, Levesque, Lincoln, MacPhail, Marquis, Martin, McKinnon, Mills, Mitchell, Morgan, Nadeau, Ouellette, Ross, Santoro, Starbird, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT—Chandler, Coffey, Couture, Curran, Danton, Emery, Faucher, Fortier, M.; Foster, Heselton, Hichens, Jutras, McTeague, Moreshead, Richardson, G. A.; Richardson, H. L.; Ricker, Rocheleau, Sahagian, Sheltra, Soulas, Tanguay, Wight, Wood.

Yes, 69; No, 57; Absent, 24.

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

#### Final Report

Final Report on the following Joint Standing Committee:

Sea and Shore Fisheries.

Came from the Senate read and accepted.

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

#### Non-Concurrent Matter

Bill "An Act relating to Outdoor Advertising" (H. P. 670) (L. D. 861) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 11.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Members of the House: As I read this amendment, this does help the cities and the larger places where they have zoning in industrial areas set aside; but in smaller towns where these areas are not set aside, then any business that even would want a directional sign would not be able to have such a sign. I think this bill, even with the amendment, throws out the baby with the bath water, and I think that in our economy we do need directional type signs. I would hope that somebody might table this for two days while we might work on an amendment to bring in opportunity to have directional type signs to our businesses here serving the tourists in Maine. Thank you.

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

Mr. MILLS: Mr. Speaker, I so move.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that the matter be tabled until the next legislative day pending further consideration.

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

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

For what purpose does the gentlewoman rise?

Mrs. BROWN of York: Mr. Speaker, I would like a count by the yeas and nays, please.

The SPEAKER: The yeas and nays have been requested on the tabling motion. 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 Eastport, Mr. Mills, that L. D. 861 be tabled until the next legislative day pending further consideration. If you are in favor of tabling this bill until tomorrow you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEAS—Bernier, Binnette, Brennan, Burnham, Carey, Carrier, Carter, Casey, Clark, H. G.; Cote, Cottrell, Cox, Croteau, Curtis, D'Alfonso, Dam, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Evans, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hanson, Haskell, Hewes, Huber, Hunter, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Leibowitz, Levesque, Lewis, Marquis, Marstaller, McKin-

non, Mills, Mitchell, Morgan, Norris, Quimby, Rand, Rocheleau, Santoro, Starbird, Temple, Wheeler, Williams.

NAYS — Allen, Baker, Barnes, Bedard, Benson, Berman, Birt, Boudreau, Bourgoin, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Corson, Crommett, Crosby, Cummings, Cushing, Dennett, Erickson, Eustis, Farnham, Finemore, Good, Hall, Hardy, Harriman, Hawkes, Henley, Immonen, Jalbert, Jameson, Johnston, Kelley, K. F.; Laberge, Lee, LePage, Lewin, Lincoln, Lund, MacPhail, Martin, McNally, Meisner, Millett, Mosher, Nadeau, Noyes, Ouellette, Page, Payson, Porter, Pratt, Richardson, G. A.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, White.

ABSENT — Chandler, Coffey, Couture, Curran, Danton, Foucher, Foster, Heselton, Hichens, Jutras, McTeague, Moreshead, Richardson, H. L.; Ricker, Sahagian, Sheltra, Soulas, Tanguay, Wight, Wood.

Yes, 59; No, 71; Absent, 20.

The SPEAKER: Fifty-nine having voted in the affirmative and seventy-one in the negative, the motion to table does not prevail.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel a little bit sorry that we were not able to table this this morning as these amendments in the Senate are quite long and I do have some very serious reservations in regard to this measure, and one of them being this.

I was raised in a part of Maine where I was brought up to believe that what was mine was mine and what belonged to you belonged to you, and along this line I was brought up that it was wrong to take anything from you that didn't belong to me without paying for it. In other words, if I was to take your jackknife I suspected to pay for it. And along this same line, if I was to knock down somebody's sign along the highway I would suspect to pay him for it, because I would consider this a very serious precedent when you take

something from anybody — I don't care what it is. If you take something from anybody living in the State of Maine without paying them for it, in my opinion this is a very serious precedent, and I would hope that one of these amendments would take care of that.

And the other thing that I have in mind, just because I live in the country I don't want to be penalized and I want the same rights that the city slickers have. Whatever they have in the city I think we are entitled to in the country. Our country folks — just by virtue that we live in the country, we don't feel as though that we should be penalized and one group of people say they can put up a sign by virtue they live in the city or city limits, and just because I have the misfortune of having to live in the country I don't want to be penalized. And for this, this is another reason I hope that we would table it until I could see that the country folks got used the same as the city folks. And I hope that this bill stays in its present form and we don't have to look after it, that you people will see fit to put it down the drain where it belongs. That's where it should be, put some place to rest where we won't hear any more about it. I hope you will see fit to do that. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: As I have said before, this bill reflects the thinking of a great many private citizens, many interested statewide organizations, and we feel the passage of this bill is a tremendous step forward for the State of Maine.

Now in answer to Mr. Dudley, I think the bill states that even in the rural areas there are places for signs. It also does nothing with on-premise advertising. It also states under Section 3 on page five, 2715, "if such building is not adjacent to a public way designated by a state or federal highway route number, such advertisements or structures shall be within 300 feet of the junction of the nearest such highway and the way, public

or private, which provides access to the building and these signs shall not exceed 2 in number."

We are not discriminating against the businesses that are not on the primary highways. Those on the primary highways are allowed their on-premise signs, they are allowed signs on the unzoned commercial areas. I do not feel that this is restrictive in the rural areas except that it is trying to save the landscape of many of our fields which I feel we who live here, those who come to visit, have a right to some of the scenic values and not just for specific selfish interests use to up our scenic areas.

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

Mr. ROSS: Mr. Speaker, I move that we recede from our former action and concur with the Senate.

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

A vote of the House was taken.

99 having voted in the affirmative and 26 having voted in the negative, the motion to recede and concur did prevail.

#### Non-Concurrent Matter

Bill "An Act relating to Location of Schools and Size of School Projects" (H. P. 683) (L. D. 882) which was passed to be engrossed in the House on April 23.

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

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

#### Petitions Bills and Resolves Requiring Reference

The following Bill and Resolve, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar,

were received and referred to the following Committee:

**State Government**

Bill "An Act to Grant Adult Rights to Persons Twenty Years of Age" (H. P. 1162) (Presented by Mr. Corson of Madison)

Resolve Authorizing Forest Commissioner to Exchange Land in T2 R6 (Big Squaw) BKP EKR, Piscataquis County (H. P. 1163) (Presented by Mrs. White of Guilford) (Ordered Printed)

Sent up for concurrence.

**House Reports of Committees**

**Leave to Withdraw**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of State Police Officers" (H. P. 796) (L. D. 1037) reported Leave to Withdraw.

Mrs. Kilroy from the Committee on Education reported same on Bill "An Act relating to Tuition and Transportation of Regional Vocational-Technical Centers" (H. P. 627) (L. D. 815)

Mr. Williams from the Committee on Public Utilities reported same on Bill "An Act Permitting Use of State Wharves in Portland Harbor" (H. P. 911) (L. D. 1172)

Reports were read and accepted and sent up for concurrence.

**Ought Not to Pass**

Mr. Chick from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to the Pownal School Administrative District" (H. P. 1094) (L. D. 1411)

Mrs. Cummings from same Committee reported same on Bill "An Act relating to Permitting Certain Programs on Educational Television" (H. P. 59) (L. D. 61)

Mr. Waxman from same Committee reported same on Bill "An Act relating to Secondary Education in the Town of Islesboro" (H. P. 509) (L. D. 680) (Later Reconsidered and Tabled)

Reports were read and accepted and sent up for concurrence.

**Tabled and Assigned**

Mr. Binnette from the Committee on Health and Institutional Services reported "Ought not to pass" on Bill "An Act relating to

Licensing of Children Day Care Centers" (H. P. 1089) (L. D. 1406)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

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

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, moves that the House substitute the bill for the report.

The gentleman may proceed.

Mr. MARSTALLER: Mr. Speaker and Members of the House: This bill would change the number of children that you may keep in your home during the day without a license from the State from two to four. In 1965 the Legislature passed a bill that would require any home taking care of children to have a license issued by the Department of Health and Welfare, if you took care of more than two children not related to your family.

This bill has caused a number of women to go out of the business of taking care of children because they didn't want to go through the red tape of getting a license. Now you say that this license is necessary for the protection of children. This legislation was sponsored by the Federal Government in the beginning, and as near as I can find out it was not sponsored by any group in the State but was part of a national effort to license all homes.

The cost of this licensing approximates \$40,000 a year here in the State of Maine. At the present time there are less than one hundred homes licensed under this Act. Now this cost at the present time is being paid for by the Federal Government, but very soon these federal funds like most federal funds will go for something else and we will be paying the bill.

In the hearing on this bill, it was admitted by those working on this licensing that they had only turned down one home during their inspections. If I take my children to a home to be taken care of during the day, I would look at that home and see what the conditions are. I don't need the State of Maine to spend \$400 or so to look



at that home and tell me it is all right for me to leave my children there, and I think this is sort of a ridiculous law that is costing us a lot of money and I think we could well change this figure from three to five, as the bill says, before a license is required and save the State a lot of business that it shouldn't be in in the first place.

Whereupon, on motion of Mr. Binnette of Old Town, tabled pending the motion of Mr. Marsteller of Freeport to substitute the Bill for the Report and specially assigned for tomorrow.

#### **Tabled and Assigned**

Mr. Burnham from the Committee on Highways reported "Ought not to pass" on Bill "An Act relating to the Determination of Limited-User Highways" (H. P. 1027) (L. D. 1336)

Report was read.

(On motion of Mr. Hardy of Hope, tabled pending acceptance of Report and specially assigned for Tuesday, May 6)

Mr. Williams from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act relating to a Change in the Exemptions Allowed in the Plumbing Laws" (H. P. 707) (L. D. 921)

Report was read and accepted and sent up for concurrence.

#### **Referred to Committee on Claims**

Mr. Soulas from the Committee on Health and Institutional Services on Resolve Reimbursing Town of Orono for Support of Nonsettled Cases" (H. P. 762) (L. D. 982) reported that it be referred to the Committee on Claims.

Report was read and accepted, the Resolve referred to the Committee on Claims and sent up for concurrence.

#### **Ought to Pass with Committee Amendment Passed to Be Engrossed**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Indian Affairs" (H. P. 209) (L. D. 259) reported "Ought to pass" as amended by

Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-270) was read by the Clerk and adopted.

On motion of Mr. Bragdon of Perham, the rules were suspended.

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

Mr. BRAGDON: An inquiry, Mr. Speaker, an inquiry to the Chair.

The SPEAKER: The gentleman may make his inquiry.

Mr. BRAGDON: I had wished to give some explanation on this bill and I possibly should have made it before this time. Am I barred from making this explanation before this bill—

The SPEAKER: The gentleman now may proceed. The rules have been suspended for the purpose of third reading. The gentleman may discuss the bill.

Mr. BRAGDON: Mr. Speaker and Members of the House: This bill is the bill that has long been before the Appropriations Committee to make up the deficit in the Indian Affairs Department. It has been held there pending an audit of that department by the State Auditor, to determine the exact amount of this deficit. In this interim period the Governor and Council have on a weekly basis provided \$4,000 a week to keep the department going. We held this in committee, feeling that we were entitled to know the exact amount that this deficit amounted to. That amount has now been determined and the Governor and Council are reluctant to continue their method of financing on a part-time basis, and for this reason I hope that you will see fit to give this bill passage through to the Senate today under suspension of the rules.

This amount, I neglected to say, this bill amounts to \$100,000 plus the \$20,000 which the Council has already provided. This is the amount that has been agreed upon as now due by the Auditing Department. I would hope that you would, under suspension of the rules, that you would now give this bill its third reading and pass it to be engrossed.

Thereupon, the Bill was given its third reading.

The SPEAKER: The Chair recognizes the gentleman from South-west Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: In addition to the remarks made by the gentleman from Perham, Mr. Bragdon, as a member of the Appropriations Committee I would like to merely add that the deliberations of the Committee on this matter were somewhat complicated by the fact that the Commissioner of Indian Affairs, Mr. Hinckley, resigned his position after finding things just a bit embarrassing with this amount of deficit, and then was immediately reappointed as a consulting person. This made it rather difficult for the Appropriations Committee to come up with a final deliberation on the matter, and this is one of the reasons why this bill has been in committee for the length of time that it has.

I just felt that it should be noted that the fact that the Commissioner of Indian Affairs resigned his position and was then reappointed as a consulting person, it made it rather difficult for us to come to a final decision.

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

#### Passed to Be Engrossed

Bill "An Act relating to Classifying Certain Waters of the St. John River Basin" (H. P. 639) (L. D. 827)

Bill "An Act relating to Municipal Park and Conservation Commissions" (H. P. 749) (L. D. 967)

Bill "An Act to Tax Licensed Marine Worm Dealers" (H. P. 1158) (L. D. 1479)

Bill "An Act Reducing the Population Requirement from the Revenue Producing Municipal Facilities" (H. P. 1159) (L. D. 1480)

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

#### Amended Bills

Bill "An Act Prohibiting the Expenditure of Public Funds to Pro-

mote or Oppose Measures to be Voted on at Elections" (S. P. 412) (L. D. 1368)

Bill "An Act to Grant a Council-Manager Charter to the Town of Gray" (H. P. 170) (L. D. 209)

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)

Bill "An Act relating to Referendum Provisions under Charter of City of Waterville" (H. P. 959) (L. D. 1240)

Bill "An Act relating to Bond Issues under Waterville City Charter" (H. P. 960) (L. D. 1241)

Bill "An Act to Eliminate Public Debt Amortization Fund under Waterville City Charter" (H. P. 961) (L. D. 1242)

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)

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.

#### Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and two against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

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

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.

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

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

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: This L. D. which grants free tuition to State colleges for students of low income families, and the amendment which has been added to it which extends this to students attending any college in the State of Maine, is a bill which I think we should give quite serious consideration to this morning, particularly in the area of funding.

I don't believe that there are any of us but what are probably interested or receptive to making opportunities for young people to go to college available as much as we can. Two years ago we passed, as has been pointed out on the Floor of this House, a very excellent student loan program considered to be one of the better ones in the country which makes available loaning up to a thousand dollars each year, which carries no interest until such time as the student graduates from college or nine months afterwards.

We also have on our desks this morning another L. D. which we are going to have to take a good long look at within a day or two and that is L. D. 1483, which is the Supplemental Budget; I will call your attention to it the first time. It has a price tag in excess of \$35,000,000. The passage of this bill is going to require a major effort on everyone's part. Now how we are going to find money to finance programs of this type, as much as we might enjoy seeing them become law, is a really serious question to me. I believe that we have got to give serious thought to the ability to fund these programs and not devote our thinking to "this would be nice if it could be done," and with the realization that the impracticability of funding this program at the present time I would move its indefinite postponement.

Mr. Carey of Waterville then asked for a roll call.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Certainly I can appreciate the remark of the gentleman from East Millinocket, Mr. Birt, wherein it concerns this measure or any measure with a price tag that would not be in the Part II budget. As he knows, a humble amount will be made available for various L.D.'s. Legislative Documents with a similar action of the price tag. I think we ought to judge these in the manner of their importance and I think, as we agree that some of these would not be of major importance, I agree with the gentleman, Mr. Birt, that they should be set aside or indefinitely postponed at least for the present session. However a measure of vast importance such as this one in my humble opinion certainly deserves to land on the Appropriations table on the other side of the House, and I certainly hope in deference and bearing in mind the respect I have for the gentleman from East Millinocket, Mr. Birt, I certainly hope that his motion to indefinitely postpone will not prevail.

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

Mr. CHICK: Mr. Speaker and Members of the House: I rise to oppose the motion to indefinitely postpone on similar grounds as the previous speaker. I grant that we are probably going to be faced with a shortage of funds. However I think that the proper way to handle this matter is to put it on the Appropriations table and at the end of the session if funds are not available then the matter can be taken care of at that time. So I hope that the motion to indefinitely postpone will not prevail.

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

Mr. PORTER: Mr. Speaker, I would pose a question, sir. Do I interpret this amendment properly that the State is going to be asked to subsidize out-of-state stu-

dents coming to our colleges, providing their income is less than \$5,000?

The SPEAKER: The gentleman from Lincoln, Mr. Porter, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. JALBERT: Mr. Speaker, it is my opinion that this would be restricted to, that the granting of these scholarships would be restricted to our Maine residents.

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

Mr. WAXMAN: Mr. Speaker and Members of the House: Mr. Jalbert's opinion is absolutely correct; you would have to be a Maine resident to qualify for this. Also I think it is a little deceiving, if you would look at the original title of this bill. It says, "Free Tuition at State Colleges." This bill was amended in committee to grant merely a \$100 scholarship aid to students going on to college in Maine who were Maine residents.

I would agree with the gentleman from East Millinocket, Mr. Birt, that our student loan program is an excellent one. But I can't think of a better way to augment that program than by offering this as an incentive to students from low income families so they can go on to college and better themselves. I would agree with the sentiment of Mr. Chick that we allow this to lie upon the Appropriations table. I am in hopes that the members of this House would vote against the motion to indefinitely postpone.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I have a copy of the Amendment "A" which says, "Further amend said Bill. . . . by striking out in the 3rd line the word 'resident.'" "Further amend said Bill. . . . by striking out in the 3rd line the word 'resident.'" "Further amend said Bill. . . . by striking out in the

2nd line the word 'resident.'" And then it drops the effective income from zero to seven thousand to zero to five thousand and that is net, that is after all deductions from your income tax of the total income of the student and the parent, and I hope that the motion to indefinitely postpone is maintained because this bill isn't going to be funded for any \$75,000, and besides that it includes all the private colleges.

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

Mr. WAXMAN: Mr. Speaker and Members of the House: I can readily understand Mr. McNally's objection on this point. The reason we struck out the word "resident" was that we have colleges throughout the state, the University of Maine in Augusta, the University of Maine in Portland, any college to which a student can commute, where a low income family student might want to attend but under the original wording of the law he would have to be a resident student at that college. It certainly would be a lot easier financially if this student could live at home and commute, so that "resident" referred to residents at the college; it does not refer to residents of the State of Maine, out of the state. It means that any student can attend a University within the state either as a commuter student or as a resident student on the campus, if he so chooses.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: Since the gentleman from Waterville, Mr. Carey, has requested a roll call and since I intend to vote in favor of the roll call and in favor of the motion to indefinitely postpone, I would like to in my individual capacity make it crystal clear why I am opposed to this sort of legislation.

During the last session of the Legislature we passed a twelve million dollar, or a program which has generated something in the area of twelve million dollars for student loans and I see nothing

wrong with extending a hand to qualified young people in this state and saying to them, "Yes, we have the faith in you to make available to you the monies against which you can borrow." And I don't think it imposes any terrible hardship on the young people of this state to ask them to pay back. As a graduate of the University of Maine I can tell you that when I went to school I had student loan programs and I didn't feel that it was any terrible hardship or that I was being discriminated against because I had to go to school on that basis.

Now the second thing that particularly concerns me is that by sending this bill to the Appropriations table, by buying that argument you are simply ducking your responsibility as responsible legislators. I don't buy that argument. If this program is worth passing, then pass it on the merits. If it is not, don't send it down to the Senate in the hope that they will kill it. I am not impressed by the argument of funding. If this is a good program I think we should fund it. I'm convinced that it is not a good program, that it is inconsistent with our ability to meet these programs and therefore I am going to vote for the motion to indefinitely postpone.

In the last election for the membership of this House much to-do was made about the record of the 103rd Legislature and a series of questions were put around and one of these questions, and those of you who were on the campaign trail know that the question was asked, "Why did you vote against the scholarship program?" Well I'm sure that none of you and I'm sure that I didn't have any difficulty in explaining that I voted for a student loan program and I would favor extending our student loan program to make even more funds available. Thank you.

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

Mr. McTEAGUE: Mr. Speaker, I concur with the gentleman from Portland that it would be very desirable to expand the student loan program. I also concur with Mr.

Waxman regarding his statement that this plan is a very fine augmentation to the loan program. It seems to me that in the State University and at the State colleges we already have a free tuition or at least a partial free tuition program available to all the students—as a matter of fact whether they are residents or not, because the cost of tuition as we know it does not come close to covering the per student cost of operating the University and the State colleges.

This system of State Universities at reasonable tuitions is well established and a very fine idea. I think though if we are realistic and we look at it as to where the students come from that go to the State Universities certainly many of the students are from middle income families, probably a majority, some are from upper income families, perhaps not enough and I feel not enough from lower income families. A student at any State college or at the University of Maine is subsidized by the people of this state.

The question is, when we require some payment of tuition we make the subsidy more available to the middle and upper income than we do to the lower income people. I don't think a hundred dollars a year is going to ruin anyone's incentive; I think a hundred dollars a year may encourage a few more boys and girls to go to college and I know we'll get it back as a state both in regard to what they will contribute after they graduate and because it will be equitable treatment for low income people.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that L. D. 1211 be indefinitely postponed. The gentleman from Waterville, Mr. Carey, moves that when the vote is taken it be taken by the yeas and nays. All of those who desire a roll call vote, and it requires one fifth of the members present and voting, 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 East Millinocket, Mr. Birt, that An Act Providing for Scholarship Aid for Students from Low Income Families, Senate Paper 345, L. D. 1211, 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

YEAS — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Clark, C. H.; Cottrell, Crommett, Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Eustis, Evans, Fraser, Harriman, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jameson, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marsteller, McNally, Meisner, Moreshead, Nadeau, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Tanguay, Thompson, Wheeler, Wight, Williams.

NAYS — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chick, Clark, H. G.; Coffey, Corson, Cote, Couture, Croteau, D'Alfonso, Dam, Drigotas, Emery, Faucher, Fecteau, F i n e m o r e, Fortier, A. J.; Fortier, M.; Gauthier, Glibert, Giroux, Good, Hall, Hardy, Haskell, Hunter, Jalbert, Johnston, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Morgan, Mosher, Norris, Ricker, Rideout, Rocheleau, Sahagian, Santoro, Starbird, Temple, Tyndale, Vincent, Watson, Waxman.

ABSENT—Chandler, Cox, Curran, Danton, Farnham, Foster, Hanson, Heselton, Sheltra, Trask, White, Wood.

Yes, 68; No, 70; Absent, 12.

The SPEAKER: The Chair will announce the vote. Sixty-eight hav-

ing voted in the affirmative and seventy in the negative, the motion does not prevail.

Thereupon the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

An Act relating to Safety Equipment on Boats Operated on Waters of the State (H. P. 119) (L. D. 135)

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

An Act relating to Biennial Elections of Penobscot Indians (H. P. 415) (L. D. 526)

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

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

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

An Act Defining the Term Just Value for Purposes of Property Assessment (H. P. 877) (L. D. 1120)

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

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

Mr. HEWES: Mr. Speaker and Members of the House: I would like to pose a question to anyone on the Committee relative to this bill. As you know, in Cape Elizabeth there is substantial farm property, but as Portland and greater Portland is growing, it can be available as residential property. I feel that as the megalopolis moves into Maine in the future, many farm areas will be enveloped in residential areas. It well may be that the farmers would prefer to use the farm land for the purpose for which it has been used for generations.

My question is, does this bill require the assessor to consider farm land as land for the best possible use, namely, residential use?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to any member who may answer if they choose.

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

Mr. RICHARDSON: Mr. Speaker, as the sponsor of the bill, I would like to answer the gentleman's question. All over the State of Maine we have seen the effect of a local assessment authority taxing or assessing land at its so called highest and best value without reference to its actual use. For this reason I have introduced this legislation which will define the term "highest and best" by saying its highest and best legally permissible use.

Therefore, in towns which have zoning, if the property is zoned agricultural, it cannot be taxed beyond that highest and best legally permissible use. What I'm trying to indicate to you is that we are attempting to provide a curb on assessment authorities driving agricultural lands into development, or taxing them at such a level that the owner cannot profitably retain ownership of them. And this is the reason for this legislation.

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

Mr. SUSI: Mr. Speaker and Members of the House: In connection with this question which has been raised, there are two other bills, one sponsored by Mr. Evans and the other sponsored by Mr. Kelley, both of which would bear on the problem that has been pointed out by Mr. Hewes.

These bills which have been sponsored by these other two gentlemen would provide for a change in the Constitution, which now provides that assessment must be done on the basis of highest and best use. The change would be that the assessment could be done on existing use. The practical effect of that would be that if land were, in fact, being used as agri-

cultural land, then if this Constitutional change were made and the change made in the statutes, then the assessors could assess on existing use, regardless of the highest and best use of it. Thank you.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I would ask through the Chair whether the sponsor of the bill would tell us about the use of land in the rural areas that are not zoned. I think in his explanation he referred to zoned areas.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: It is a very difficult problem to make an assessment officer recognize the actual use to which the land is being put, and the only way that — or one of the only reasonable ways that this can be done is to encourage small towns and those who have substantial amounts of agricultural land within their borders, to adopt zoning.

This bill does not meet the problem of non-zoned properties, and I can't suggest to you an alternative for those lands. This deals only with those which are zoned when we talk about legally permissible use.

I also have inadvertently suggested to the House that I was the sponsor of this legislation; that is incorrect. It was sponsored by that great American, Mr. Susi of Pittsfield.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

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

#### Enactor

##### Tabled and Assigned

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

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

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

Mr. CAREY: Mr. Speaker, Members of the House: It is my understanding that an amendment is being prepared for this bill, in light of the Sunday Bill that we passed recently, and I would hope that some member would table this for a day.

Thereupon, on motion of Mr. Hichens of Eliot, tabled pending passage to be enacted and specially assigned for Tuesday, May 6.

#### Orders of the Day

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

Mr. EVANS: Mr. Speaker, I would like to move that we reconsider our action whereby we accepted the Committee's report on L. D. 680 on page three, item six.

The SPEAKER: The Chair understands that the gentleman from Freedom, Mr. Evans, is referring to the Report "Ought not to pass" on Bill "An Act relating to Secondary Education in the Town of Islesboro," House Report 509, L. D. 680. Is it the pleasure of the House to reconsider its action whereby it accepted the "Ought not to pass" Report?

The motion prevailed.

Whereupon, on motion of Mr. Lee of Albion, tabled pending acceptance of the Report and specially assigned for Tuesday, May 6.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: There is no doubt in my mind that some

members who have been acquainted with me over the years could well be amazed at my statements that I am to make, in a way.

I would like to comment that over the many years it has been my privilege on several occasions to appear before our Judiciary Committee. And I would assure the members of the House that some of the mild discussions, that have turned out into what I would term "real rhubarbs," have occurred within the confines of that Committee room.

I have been told, and it is so, that there is nothing more dangerous than a law student. Having been one who unfortunately could not pursue to its finality my law studies, however, I would go along with the philosophy and the thinking that there is nothing any more dangerous, in the opinion of members of this great profession, than a law student. It appears that the minute I opened my first law book, I became a veritable chief justice of the United States Supreme Court, at least in my way of thinking.

I'm on my feet to remind us that today is Law Day U.S.A., and that personally my hopeful vocation would have been to become a member of this honorable profession. Regardless of my slight disagreements at times with the members of this fine profession, the fact remains that I envy every member of this honorable profession. We number among them certainly several as members of the Third House. All in their own rights, not only pillars in their community but a credit to their profession. Also certainly, the fine job and work that's being done and has been done over the years by the agency, the Attorney General's office and his staff certainly needs some commendation.

Within the confines of our bodies we have several members of the legal profession. We have on the other side in the—I would know, Mr. Speaker, the mentionable side today, the Senate, alphabetically, the Honorable Senator Severin M. Beliveau, Honorable Ronald L. Kellam, the Honorable Peter Mills, Honorable John T. Quinn, the Hon-



orable Wakine G. Tanous, the Honorable Elmer H. Violette. Numbering alphabetically again, on the side of this branch, in this branch we have the Honorable Malcolm Berman, the Honorable Joseph E. Brennan, the Honorable David M. Cox, the Honorable Nicholas W. Danton, the Honorable Frank B. Foster, the Honorable George W. Heselton, the Honorable Richard D. Hewes, the Honorable Jon A. Lund, the Honorable Patrick N. McTeague, the Honorable Charles E. Moreshead, and the Honorable, and last but not least, the Honorable Harrison L. Richardson.

I not only am proud of these men and the profession that they are in, but I also envy them. And I think on this day, Law Day U.S.A., Mr. Speaker, it would be most fitting that the members would rise and applaud these fine gentlemen who are in an honorable profession indeed. (Applause, Members rising)

(Off Record Remarks)

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

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

Consideration of which the House was engaged in at the time of adjournment yesterday, the pending question being passage to be enacted.

Mr. Soulas of Bangor then moved the pending question.

The SPEAKER: The gentleman moves that this Bill be passed to be enacted.

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

Mr. HUBER: Mr. Speaker and Members of the House: I think every one of us in this room recognizes the probability of a difficult problem within an industry in the State of Maine as evinced by L. D. 869. I think there is some disagreement as to what the solution should be. I would call your attention to the fact that item twelve on page eight is the tabled Order introduced yesterday by the Representative from Waterville, Representative Carey. It has been amended as was suggested yes-

terday. My personal opinion is that this would lead us down the path of solution if the problem evinced by 869 is in reality a serious state-wide problem.

Consequently my personal opinion again is that the orderly disposition of the L. D. itself, as well as the Order and the problem, would seem to be to give consideration first to the Order that was introduced yesterday; and I would think if you agree that we might table this until later in today's session.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I feel a word of explanation is in order to the Members of the House and particularly to my friend the gentleman from Bangor, Mr. Soulas, with respect to yesterday's activities. Because of the lateness of the hour I moved that the House adjourn because we had committee hearings set at one o'clock, and it was then something in the order of ten minutes of one. I did not mean by my motion to indicate any leadership position on the issue of this particular bill, I was simply trying to fulfill what I think is one of our responsibilities and that is to assist the House in conducting its business in an orderly fashion.

With respect to the merits of this particular piece of legislation, as an individual I intend to vote for it. The fact that it is claimed that it has been originated by those who have an interest hostile to the interests of the opticians is not convincing to me. I feel that we can in fact adopt this legislation today and that the Order which has been proposed by the gentleman from Waterville, Mr. Carey, should be directed not to the subject matter of this bill but to the question of licensing and setting up the governing board for the optician trade. And that is the reason that I am going to vote for the bill.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mr. SOULAS: Mr. Speaker, I now move that we reconsider our action where the bill was passed to be enacted and I hope you will all vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, now moves that the House reconsider its action whereby this Bill was passed to be enacted. Is the House ready for the question? The question is on reconsideration. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 19 having voted in the affirmative and 105 having voted in the negative, the motion to reconsider did not prevail.

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

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

Tabled—April 29, by Mr. Evans of Freedom.

Pending—Passage to be engrossed.

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

Mr. EVANS: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed, and I would like to speak on that motion.

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves that L. D. 957 be indefinitely postponed.

The gentleman may proceed.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: This bill may be worthy in lots of ways, but there are things in it that are very disturbing to me. For instance, on page two, under Section 1662, Definitions, down in number six, it says Solid waste, and it gives all the definitions of what solid waste shall mean, and it claims from "agricultural operations." In other

words, a dairy farmer or a chicken farmer would have to put in a written plan where he was going to spread the waste from his dairy cattle and from the chicken farm.

He would also, according to this, have to cover it or plow it under according to the way they stipulated, and I understand it says it's going to be every twenty-four hours. And according to this bill you have got to go through nine different departments to get a permit to dispose of it. Now say you had some land that was located near some brook or something, they could tell you how much fertilizer you could put on it and how you would use it.

Well I think that's going just a little bit too far. I would agree with them that perhaps we need a law to control some of it, but this one is too inclusive altogether; and I ask you all to vote for indefinite postponement.

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

Mr. BENSON: Mr. Speaker and Members of the House: The other day I asked that this bill be tabled for several days that we might work out an amendment to the bill making it more acceptable. One of the amendments that I would very much favor would be that to exclude the agricultural industry because I just don't feel that the bill was intended to include them in the first place. It was virtually impossible with the short period of time that we had to work in to work out a suitable amendment to the bill.

I do think that there are many things contained herein that could and should be adopted in the near future. If we are to be concerned as we are today with the pollution of our state, both the lands and the waters, then certainly this is one area that we should be very much concerned with. I hope that within the next few years the Legislature will be able to take a step in this direction and be able to enact a bill along the lines of this one, excluding agriculture, setting up sanitary land fill dumps in the several communities of our state and doing it so that it will

not impose a burden on these communities. There is a provision in here whereby each dump would be tended by a full-time attendant. I think this is a good provision, but once again we do not want to work hardships on our smaller communities.

I do not disagree with the motion to indefinitely postpone; I merely would like to leave with you the thought that this is something that we should be giving serious consideration to in the very near future. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Freedom, Mr. Evans, that L. D. 957 be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Sent up for concurrence.

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

Bill "An Act relating to Membership on the Board of School Directors" (H. P. 981) (L. D. 1265) Tabled — April 29, by Mr. Richardson of Stonington.

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

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

Mr. RICHARDSON: Mr. Speaker, I would present House Amendment "A" to House Amendment "A" and speak briefly to my motion.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, offers House Amendment "A" to House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" (H-256) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that the first House Amendment filed under No. H-202 does not go far enough. We are discussing the anti-nepotism law and this provides only for the spouse and only for a teacher. It would appear to me that it would be more logical

to add some of the other members of the family. If I might quote to you from the Federal anti-nepotism law which was passed on December 12, 1967, it says, "Any public official may not appoint, employ, promote, advance or advocate for employment, appointment, promotion, advancement in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control an individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion or advancement has been advocated by a public official serving in or exercising jurisdiction or control over the agency, who is a relative of the individual."

It goes on to spell out what relative means and I don't think we want to go quite this far in the State of Maine yet, but I think we should go a little further than 202. Relative means, with respect to a public official, an individual who is related to the public official, his father, mother, son, daughter, brother, sister, uncle, aunt and so forth. I think that House Amendment filed under H-256 does help to overcome the objections which I feel. Thank you.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise in support of the gentleman from Stonington, Mr. Richardson and I think he has done an admirable job. I am sorry that in the other bill of this type that we didn't think of this. It might be, since we are apparently all against nepotism, it might be a good idea to perhaps follow the law. I would be willing to go along with first and second cousins if he wants to but probably this is a good idea.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: I've lived in a small town all my life and I

believe this is a bad bill, I don't like it. Everybody has put a lot of hard work on it and there has been amendment upon amendment upon amendment. I therefore move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. MILLS: Mr. Speaker, when the motion is put I request a roll call vote.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I live in a town with less than five thousand. I will give you an example of what we have in Fort Kent. A member of the School Board is the oldest son in the family. His mother is teaching at SAD 27 in Fort Kent. One of his sisters is teaching in Caribou, a graduate of the University of Maine. And I believe this would eliminate the two teachers. The father just died about fifteen months ago and the boy who is on the committee is president of the business that his father had established. And I believe this would eliminate two teachers which are needed to the state. I believe this bill is going too far and I will support Mr. Lee in indefinite postponement of the amendment.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I note the absence of the sponsor of the bill, Mr. Binnette. I wonder if this would be worthy of tabling until, he's somehow in the House?

The SPEAKER: The Chair understands that the gentleman from Albion, Mr. Lee, moves the indefinite postponement of House Amendment "A" to House Amendment "A."

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Somehow this morning I feel some sympathetic notion

towards the remarks made by the gentleman from Fort Kent, Mr. Bourgoin, this morning, but I think probably rather than trying to ask the two teachers to resign, I think there are other worthy citizens in Fort Kent as well as other citizens in the State of Maine who could find themselves that they might be much better able to serve in other capacities in the municipal administration that they would be directly as far as teachers' salaries or other monetary items would be coming up.

So therefore to the amendment presented by the gentleman from Stonington, Mr. Richardson this morning I say, "amen" and it has been sorely needed in this state for a long time, because we can ill afford people that are serving the municipalities, whether it be on the municipal level itself or tied up to the school committee or school board, that this amendment will serve a just public. It is pretty hard in some communities they tell us that you have got to have someone who is either a brother or a sister or mother or father or a combination of aunts and uncles to completely control the School Board, and are unable to serve in other capacities in the community. I think this is very erroneous and I stand four-square in support of the amendment presented by the gentleman from Stonington, Mr. Richardson.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker, I think I was a little bit hasty. I think perhaps I should withdraw my motion until the amendment is taken care of, at which time I will make my motion.

The SPEAKER: The gentleman from Albion, Mr. Lee, withdraws his motion to indefinitely postpone House Amendment "A" to House Amendment "A".

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

Mr. STARBIRD: Mr. Speaker and Members of the House: To correct an impression apparently held by Mr. Bourgoin, I believe the original bill has a grandfather

clause that would cover anyone now in any situation described in the bill so they would not be affected.

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

Mr. MILLS: Mr. Speaker, I think a word of explanation is due the House on my request to have a roll call vote. In my district nepotism prevailed in one area for a period of ten years before the voters could remedy the situation. That was my purpose.

The SPEAKER: Is the House ready for the question? The pending question is the adoption of House Amendment "A" to House Amendment "A." Does the gentleman wish a roll call on the adoption of House Amendment "A" to House Amendment "A"?

Mr. MILLS: I withdraw the request, sir.

The SPEAKER: The request for a roll call has been withdrawn.

Thereupon, House Amendment "A" to House Amendment "A" was adopted.

House Amendment "A" as amended by House Amendment "A" thereto was adopted.

The SPEAKER: The pending question now is the engrossment of this Bill as amended.

The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I now make my former request for indefinite postponement of this bill and all its accompanying papers.

Whereupon, Mr. Binnette of Old Town requested a vote on the motion.

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

Mr. MILLS: Mr. Speaker, I would now have to request a roll call, sir.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes;

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

A vote of the House was taken. More than one fifth 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 Albion, Mr. Lee, that Bill "An Act relating to Membership on the Board of School Directors," House Paper 981, L. D. 1265, be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEAS—Birt, Buckley, Burnham, Chick, Clark, H. G.; Crosby, Cummings, Dam, Dennett, Donaghy, Durgin, Evans, Fraser, Gilbert, Giroux, Hall, Hewes, Hichens, Kelley, K. F.; Lee, Lincoln, McNally, Mitchell, Mosher, Nadeau, Ouellette, Porter, Quimby, Ricker, Rocheleau, Shaw, Snow, Stillings, Susi, Tanguay, Wight, Williams.

NAYS—Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Binnette, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Bunker, Carey, Carrier, Carter, Casey, Clark, C. H.; Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curtis, Cushing, D'Alfonso, Drigotas, Dudley, Dyar, Emery, Erickson, Eustis, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Gauthier, Hanson, Hardy, Harriman, Haskell, Hawken, Henley, Huber, Hunter, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, MacPhail, Marquis, Marstaller, Martin, McKinnon, McTeague, Millett, Mills, Morehead, Morgan, Norris, Page, Payson, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Santoro, Scott, C. F.; Scott, G. W.; Sheltra, Starbird, Temple, Thompson, Trask, Tyndale, Vincent, Waxman, Wheeler.

ABSENT — Chandler, Curran, Danton, Farnham, Foster, Good, Heselton, Johnston, Lund, Meisner, Noyes, Sahagian, Soulas, Watson, White, Wood.

Yes, 37; No, 97; Absent, 16.

The SPEAKER: Thirty-seven having voted in the affirmative

and ninety-seven in the negative, the motion does not prevail.

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

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

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

Tabled—April 29, by Mr. Waxman of Portland.

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

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

Mr. **WAXMAN**: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the two House members that signed the Minority "Ought to pass" Report and I would like to speak briefly why I felt that this bill should be enacted.

The bill deals with the number of school days each year that students and teachers will be together in the classroom. As it exists today the present law requires that students and teachers be together in a working situation a minimum of 175 days. If we enacted this L. D., we would raise that minimum requirement from 175 to 180 days of teachers and students being together.

I have three basic reasons why I believe this bill should be passed. First is that there has been an extreme explosion in the amount of knowledge that we have gained over a period of time. I am told that every ten years the amount of knowledge we possess doubles and if this bill were enacted it would be the equivalent of a full school year for 6500 students for an additional seven million classroom hours.

The second reason is that this is the trend in other states to increase the minimum school year

to 180 days. All the other New England states, except for Vermont, presently have a minimum of 180 days of classroom instruction required. The National Education Association reports that ninety percent of all teachers in the United States are employed on the basis of 180 minimum school days.

The third reason I supported this bill was that teachers' salaries in the State of Maine are increasing at a very rapid rate. I am sure that the members of the House are well aware of this and as we approach the time of negotiations this year I am sure that they will become even more fully aware of it. In fact in Maine in the last five years teachers' salaries have gone up at a proportionately higher rate than any other New England state. Of course we started from a much lower base but it seems to me that if we are attempting to pay our teachers the comparable wage they would get in other New England states, then we have every reason and are fully justified in requesting that they also work the minimum number of days that teachers in other New England states do.

And I would hope that the members of this House will vote against the Majority "Ought not to pass" Report and would support the Minority "Ought to pass" Report. Thank you.

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

Mrs. **PAYSON**: Mr. Speaker and Members of the House: This bill provides an avenue for the school committees of Maine to get more of their money's worth for their school systems. My town's school committee has gone on record in favor of it. I urge that you vote to support the "ought to pass" report to support the school boards of Maine. Thank you.

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

Mr. **STARBIRD**: Mr. Speaker, I have a query through the Chair to anyone who may be able to answer. I notice that the Majority Report said "ought not to pass" as covered by other legislation.

Could you tell me what the other legislation is?

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird poses a question through the Chair to anyone who may answer.

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

Mr. RICHARDSON: Mr. Speaker, under the amendments to the Errors and Inconsistencies in the Education Law, which has not come before the House yet but which will be before the House shortly, Section 3 on the minimum school year states, "It has a minimum school year of 180 school days of which not less than 175 shall be actual school days and no more than five may be devoted to in-service education of teachers."

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, I would like to point out that there were only to the best of my knowledge two proponents at the hearing, one was the Superintendent of Schools from Portland and the second one was Dr. Fish from Gorham State College. None of the proponents indicated that they felt or could assure the Committee that any of the children would learn any more. I think that this was one of the reasons that we reported it "ought not to pass." Both of them agreed that the month of June is a hot month and that none of the schools in the State of Maine are air-conditioned.

Now one of the proponents indicated that perhaps the thing that was the best was that the school teachers would have five more days to serve as babysitters for the youngsters. During the year 1955 and 1956, and these figures by the way come from the United States Department of Health, Education and Welfare and the Office of Education, Maine was among the top states in the nation for the average length of term and days. At that time we had an average year of 181.7 and were exceeded by only one other state. In 1967 and '68 our average school year was 183.52. I realize that Dr. Wells questioned these figures. Dr. Wells had a set of statistics of his own, but let me

point out to you that anybody speaking can present statistics to their advantage. Thank you. I would hope you would support the Majority "Ought to pass" Report.

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

Mr. WAXMAN: Mr. Speaker and Members of the House: I dislike taking issue with my friend, Mr. Richardson, but I think the statistics he quoted you had to do with total school days and they also included holidays which are counted as school days. They also included two days for a teachers' convention which are counted as school days. The proposition before us this morning, ladies and gentlemen, has to do with actual classroom days when the teacher and the pupil are together. At the present time even taking into consideration the errors and inconsistencies amendment which Mr. Richardson referred to, at the present time we will only have a hundred and seventy-five learning days.

The SPEAKER: Is the House ready for the question: All in favor of accepting the Majority "Ought not to pass" Report in concurrence will answer yes; those opposed will answer no.

A viva voce vote was taken.

Whereupon, Mr. Starbird of Kingman Township asked for a vote.

The SPEAKER: A vote has been requested on the acceptance of the Majority "Ought not to pass" Report. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

59 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in non-concurrence, the Bill was read twice and tomorrow assigned.

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

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

Tabled—April 29, by Mr. Lewin of Augusta.

Pending—Passage to be engrossed.

On motion of Mr. Starbird of Kingman Township, retabled pending passage to be engrossed and specially assigned for Tuesday, May 6.

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

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

Tabled—April 29, by Mr. Richardson of Cumberland.

Pending—Acceptance of either Report.

On motion of Mr. Susi of Pittsfield, retabled pending acceptance of either Report and specially assigned for Tuesday, May 6.

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

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

Tabled—April 29, by Mr. Williams of Hodgdon.

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

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

Mr. DRIGOTAS: Mr. Speaker, it is with great reluctance that I ask that this be tabled until next Tuesday, please.

Thereupon, the Bill was retabled pending that gentleman's motion to indefinitely postpone Committee Amendment "A" and specially assigned for Tuesday, May 6.

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

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

Tabled — April 29, by Mr. Williams of Hodgdon.

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

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

Mr. COUTURE: Mr. Speaker and Members of the House: Since this bill has been introduced just to change the name of Board to Authority, an amendment has been offered here and I went out of my way to take this matter up with the Director of the Public Works who is a member and he is in a conference in Boston and will not be back until Monday. I would appreciate someone tabling this matter until later on.

Whereupon, on motion of Mr. Cote of Lewiston, retabled pending adoption of Committee Amendment "A" and specially assigned for Tuesday, May 6.

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

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

Tabled—April 29, by Mr. Richardson of Cumberland.

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

On motion of Mr. Susi of Pittsfield, retabled pending that gentleman's motion to accept Majority "Ought not to pass" Report and specially assigned for Tuesday, May 6.

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

Bill "An Act relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies" (H. P. 494) (L. D. 648) (In House, passed to be engrossed as amended by Committee Amendment "A" H-231) (In Senate, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" S-110 in non-concurrence)



Tabled—April 30, by Mr. Cote of Lewiston.

Pending—Further consideration.

On motion of Mr. Wight of Presque Isle, retabled pending further consideration and specially assigned for Tuesday, May 6

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

HOUSE REPORT—“Refer to Committee on Appropriations and Financial Affairs”—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)

Tabled—April 30, by Mr. Bragdon of Perham.

Pending—Acceptance.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: We discussed this matter briefly in the Appropriations Committee yesterday and since we have not had any bills of this type before us this session and the Committee on State Government has evidently handled all of this type of bill, and I have discussed this matter with the House chairman of the State Government Committee, and he is agreeable that this bill go to that Committee, if I am in order I would now move that this bill be referred to the State Government Committee.

Thereupon, the Bill was substituted for the Committee Report and the Bill was referred to the Committee on State Government and sent up for concurrence.

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

Bill “An Act relating to Installation of Sprinkler Systems in Hotels” (H. P. 260) (L. D. 336) (Committee Amendment “A” H-186 and House Amendment “A” H-214 adopted)

Tabled—April 30, by Mr. Lewin of Augusta.

Pending — Passage to be engrossed.

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

Mr. LEWIN: Mr. Speaker and Members of the House: I present House Amendment “B”, and move its adoption, and request permission to speak to my motion.

House Amendment “B” (H-235) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: When L. D. 336 was originally drafted, it was done with one thought in mind: Further safety for our people, and for our visitors coming to our state. The time is long overdue for us as conscientious legislators to do something about proper fire protection. We stress safety on the highway, in the air, on the water, in hospitals and nursing homes, to name a few. Now what about our hotels, motels, and so forth?

I was asked by the Fire Prevention Division of the State Insurance Department to present a bill for your consideration. The provisions of this bill would pertain to both old and new buildings. The Committee Amendment pertains to new buildings only, which in fact defeats the overall purpose or intent of the bill. New buildings today are built under certain specifications to allow for fire protection. Old buildings are our concern also today.

It is not my intent this morning to work on your emotions, but only to mention a few facts and try to explain why it's high time that we took corrective action. Briefly I will mention a few recent fires. All known, I believe, to you. Fires in which several lives were lost.

First I would mention the 103 year old Colonial Inn in Belfast. In 1958 the fire destroyed the building, the flames spread through the building in a few minutes, and six persons — including a mother with a baby in her arms — perished. Had the fire occurred in midweek the toll would have included another 20 or more persons. There was no sprinkling system in this building. The 99th

Legislature was asked to do something to prevent a recurrence. But nothing happened.

Next I would comment on the fire in Squaw Mountain Inn last year, in which five persons lost their lives. It was an old building. It was only a twist of fate that I was not involved with others, as we had planned to attend. Two close friends died in that fire. A sprinkling system had been planned, but the installation delayed. Had there been an installation of this fire sprinkler, the occupants would have had timely warning. Those who died in the fire might be alive today. And the loss of life is small compared to the potential loss of life represented by those who were forced to jump from the roof to save their lives.

Now, next, the recent Biddeford fire, in the business-block rooming house in which five died in the early morning hours. It was a three-story brick building with wooden floors. There is no sprinkling system, and no alarm system. When discovered by one of the occupants, the fire had made so much progress that the five who died never had a chance.

It was believed this fire started in a plastic wastebasket. A fire which could be quickly extinguished by a sprinkler system, thus saving a tragic loss of life. This was an old building.

I would mention one other recent fire in Livermore Falls, in the Marceau Block. Tenants from four apartments were evacuated from the building early in the morning when a fire in a hallway set off the sprinkler system. I repeat, set off the sprinkler system. No one was injured, and the slight fire damage was confined to the hallway.

These are all facts as reported in our Maine papers.

In a fire in the dead of night, the difference between living and dying can be measured in seconds. The potential for a high loss of life in a future hotel fire in our state creeps closer day by day. After such a fire there would be little to do but recover the dead, treat the injured, determine the cause, and search our souls for action

which we should have taken to prevent this tragedy.

Soon after L. D. 336 was heard in the Committee on Business Legislation, I began getting letters asking if an amendment could not be made to change the two-story building requirement and make it three. To change the time period from 1970 to 1975, thus giving five additional years to get the financial assistance necessary. And lastly to change the word "accommodations" to "rooms". House Amendment "B" will do just this.

One hotel owner personally informed me, only a few days ago, that a five-year period as allowed, he could take care of his problem. He further stated that his expenditures would be offset in twelve to fourteen years in his insurance savings. He owns a big building. I would very briefly tell you of a letter received from one of the owners of an inn. "We wish to voice a protest to the bill, 'Sprinkling of Hotels and Inns', as it is written. We think the date of 1 July 1970 does not give one enough time to make financial adjustments. May we suggest an extension of time, 1975. This would give all hotels and inns time to comply with the regulations. And we are sure all good businessmen would desire to do so."

I believe that L. D. 336, with House Amendment "B", is justified, it is timely, and will further the safety program in our state. Therefore I hope that you will go along with me in the adoption of House Amendment "B". Thank you.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Augusta pointed out to you, L. D. 336 is a bill requiring installation of sprinkler systems in summer hotels and motels. This original bill would require these summer hotels and motels to be sprinkled by July 1, 1970.

A hotel, in this instance, is a building used primarily by transients, and having 15 or more accommodations.

The hearing on this bill was very well attended. The proponents

were very serious, and quite dramatic, because there were several witnesses who escaped the Squaw Mountain fire, and testified.

Opponents to the measure pointed out that it would be physically impossible to sprinkle all the hotels in this length of time. They also pointed out the tremendous expense involved to owners, as well as some summer hotels in towns where there is no water supply, it would be practically impossible. It would be also financially impossible for some of the owners to do this because they are already financed to the limit.

In the event the law was put on the books, and some of the small businesses forced to liquidate, it would be a great loss to the towns on property taxes, as well as the other related benefits. The state would lose indirectly, because of the tourist business accommodations which are now already tight.

For these reasons and many others, the Committee felt that it would be reasonable to require new construction with three or more stories to be sprinklered beginning January 1, 1970. We therefore reported this bill out of the Committee with Amendment H-186, to do just that.

I also want to report to you Members of the House that there is a Building Exits Code governing public buildings. These public buildings are inspected by personnel from the Fire Prevention Department, which come somewhat under the Insurance Commissioner. This inspection is quite effective; covering exits, wiring, heating, and all sorts of fire hazards. Usually owners will comply with the recommendations, and if they are too drastic, the owners can appeal to the Commissioner. The responsibility then is his for enforcement.

There is also another service that is available—the Pine Tree State Field Club, a group of insurance company field men, who offer their services on a community basis, to those communities who are willing to cooperate and request an inspection. This service is given free. The City of Gardiner has just gone through an inspection in which over 200 buildings

were checked for fire hazards and safety.

I feel, and I think the Committee feels, that something should be done to improve this safety. But not too drastic. If we require all the hotels to sprinkle by 1975, as suggested by Mr. Lewin's amendment, the value of the buildings, as well as other far-reaching effects, will be very substantial. Thank you.

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

Mr. FECTEAU: Mr. Speaker and Members of the House: Being one on the Business Committee, I agreed with what Mr. Scott just said. But after a big fire like was stated by Mr. Lewin, in Biddeford, where five lives were lost, I have changed my mind, and I think I will support Mr. Lewin's motion.

Mr. Scott just said that it would be a loss of taxes. Well, we've had two big fires lately in the City of Biddeford, and we're losing the taxes on these big buildings, plus lives. So I think it's high time that we should agree with this and try and work it out. So I will support Mr. Lewin's motion for the amendment.

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

Mr. MILLS: Mr. Speaker and Members of the House: I would pose a question through the Chair to any person on that Committee who would care to answer. And the reason why is this. On these new motels that are being built anywhere from 100 to 150 feet long, with a wide-open loft above the rooms for rent, there are louvers at each end of the building, which precludes—or includes a large air draft going through that loft. Is there any reason why these people shouldn't be equipped with sprinkler systems also? A wide-open loft can travel fire, in a matter of three to five minutes, the length of the building.

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to any member of the Business Legislation Committee who may answer if they choose.

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

Mr. MacPHAIL: Mr. Speaker and Members of the House: When I first saw this bill I had certain reservations regarding it, because I had one specific hotel in mind on an island, and I couldn't see where they could ever get sufficient water supply. However, I find since then that there is a provision made where they can establish their own water supply. And in talking with the proprietor of this inn, going along with the 1975 limit, he says he can live with that, and he's in favor of it. I would therefore go along with the amendment.

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

Mr. TEMPLE: Mr. Speaker and Members of the House: The Hotel Occupancy Fire Record, compiled and published by The National Fire Protection Association, indicates that the most likely time for a fire in a hotel is between the hours of midnight and 6:00 a.m. in the morning, a time when the fire is likely to be undiscovered in its early stages by the human occupants. An automatic sprinkler system is self-activating, and provides 24-hour surveillance of the entire building.

Fires which start from the most insignificant origin, such as a cigarette dropped onto a mattress, or into a wastebasket, will activate the nearest sprinkler head in that room as soon as the temperature reaches approximately 135 degrees Fahrenheit. Upon activation, the sprinkler head will deliver approximately 22 gallons of water per minute on the fire, and also causes an alarm to sound immediately. In addition to placing water on the fire and warning the occupants of the building, the production of smoke by the controlled fire is reduced, so that the corridors and exit ways are not as readily blocked by smoke, and poisonous gasses.

The effectiveness of sprinkler systems is dramatically shown by the loss study published in the National Fire Protection Association Hotel Fire Record. Examination

of 499 fires during the period '53 to '62 shows the following analysis: Unsprinkled Combustible Buildings—402 fires—\$62,000,000 loss; Unsprinkled Fire Resistive—33 Fires—\$2,000,000 loss; Sprinkled Buildings—64 fires—\$630,000 loss.

We are not particularly concerned with the dollar loss in this instance. But it does serve as a yardstick to help measure the relative life hazard in unsprinkled buildings.

There is no doubt that sprinkler protection of wood frame hotels will increase life safety. As legislators we have a duty to protect the lives of the citizens of this state, and the tourists who flock to our state each summer. There will undoubtedly be some opposition to this measure on the grounds of economic hardship. But a human life cannot be measured in dollars. I am sure we can all call to mind some two or three or four-story, wooden frame hotels. Would you be afraid to sleep on the top story of such a building? Would you consider a dollar value on the life of any member of your family? Assuming that the loss of life in the next hotel fire was to be fairly low, say only four or five burned to death, which member of your family would you select if your family quota were one?

The Maine Fire Chiefs Association support L. D. 336 as amended by House Amendment "B." And I hope you will vote for its passage. Thank you.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I am under the impression that a sprinkler system requires a minimum four-inch water main, carrying a full pipe of water, at a certain minimum pressure. I further am under the impression that as a practical thing, an artesian well won't supply this volume of water. And I further am of the impression that many of our resort hotels do not have municipal water supplies available to them. So I raise the question, whether the bill, even including Mr. Lewin's amendment, provides for these facilities which, at any reasonable cost, just could not provide sprinkler systems.

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

Mr. LEWIN: Mr. Speaker and Members of the House: In answer to the gentleman from Pittsfield, I might say that included in the specifications there is a provision where there isn't an ample water supply that a pressure tank is added to the system. This pressure tank can be filled by the local fire department, if available, and then refilled year after year.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: This matter of fire is a serious thing. And going to bed in a strange place is a serious thing, and I'm scared of it.

I didn't realize what little protection a person had, until a couple of years ago I worked as desk clerk in one of these fancy places. And up to that time I always thought that every hotel had a watchman of some kind.

I knew years ago they didn't, because years ago, when I travelled—that's forty years ago, I travelled northern New England—you get to a hotel, and you go in, and there was a sign on the desk what room you could go up and take. And you didn't have to have a key, because you never locked the doors of a room in those days at all anyway.

But these hotels don't have a watchman at all around. I was desk clerk. Probably put up 200 people at night. And all you do is give them a key, and be sure that you collect for two and not one, and send them to the room. I never even bothered to find out where the room was. They'd want to know, and I'd say go out this way, you turn to your left, then turn to your right and you can't miss it. Simple as falling off a log.

But there is no protection for these people. And another thing, a lot of people drink alcohol. And a lot of people have to smoke while they're drinking. They tell me that it isn't a hangover that they get, it's the effects of smoking is what caused them to be incapacitated the next day.

So here these people are in the room, and no protection at all. And I think a sprinkler is the only thing that would put the fire out. And that's why I'm going to support the amendment of the gentleman from Augusta, Mr. Lewin.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: I'm embarrassed this morning for two reasons. One, if I don't get on my feet, I will not get my weekly allowance from my father from Wilton. Second, it's embarrassing for an insurance man, which I am, to speak in regard to sprinklers. We're naturally all in favor of them.

However, I would like to just point out two things in addition to what the Chairman of the Committee reported, that came up in our hearing. Of course—first may I say that this Biddeford fire — as mentioned by a Member of the Committee, the gentleman, Mr. Fecteau — would not be covered under this particular bill because it is not rated as a hotel, but as a rooming house. So it would not be covered under this bill whatsoever.

The other thing that was brought up. There is discrimination in this situation. The proponents — or the opponents said there are as many fires in our apartment houses in Maine, with loss of life, as there are in hotels. There are many cities, such as Auburn, Lewiston, Rumford, right here in Augusta, Portland, that have these triple and four-story apartment houses with no sprinkler protection and with rather bad safety measures in many of them.

It's a difficult thing. One of the opponents even brought his banker in, who testified that he just could not get the money, which would cost in excess of 10 to \$15,000 — I can't remember the exact figure, but it was quite sizeable, to get it. Some of us on the Committee asked if it would be possible to sprinkler just the hallways and the lobby areas. And while that would be possible, the cost

would be quite similar, but the rate reduction allowed by the Insurance Rating Bureaus would be very small, if any.

So it is an economic matter, particularly in some of these newer motels, in the sections, they can use standpipes, but they are very very expensive. This is a recreation state, and our Committee was in a quandry. You are not attacking the problem overall. I don't know what to tell you. I'll sit down.

Mr. Evans of Freedom asked for a vote.

The SPEAKER: A vote has been requested on the adoption of House Amendment "B". Is the House ready for the question? All in favor of the adoption of House Amendment "B" will vote yes; those opposed vote no. The Chair opens the vote.

A vote of the House was taken.

88 having voted in the affirmative, and 35 having voted in the negative, House Amendment "B" was adopted.

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

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

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

Tabled—April 30, by Mr. Hewes of Cape Elizabeth.

Pending—Passage to be enacted.

On motion of Mr. Hewes of Cape Elizabeth, under suspension of the rules, the House reconsidered its action of April 23 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of April 22 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-272) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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 30, by Mr. Dennett of Kittery.

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

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen of the House: I am the sponsor of L. D. 568. My intention had been to commit this legislation to its destiny of a tacit demise.

I have been the sponsor of four pieces of legislation in this current session of the Legislature. I very seldom speak on any legislation, unless I think it deserves to be spoken to and about.

Let us call a spade a spade. This is an administration bill. It is a governmental reform bill. As yet not one single governmental reform bill has been passed by this Legislature, and perhaps there are many good reasons why some of them should not be passed.

I sincerely respect the subjective political attitude and posture of the signers of Report "B", as, I am sure, they likewise respect the signers of Report "A". However, this legislation truly deserves the objective judgment of this Legislature. So permit me your indulgence to set aside subjective political inclinations, and allow ourselves to judge sincerely the merits and value of this legislation; that is L. D. 568, "An Act

Relating to Executive Reorganization.”

The first piece of legislation signed by President Nixon this year was an act relating to executive reorganization at the Federal Level. On January 30, President Nixon submitted to Congress a special message requesting an extension of that legislation concerning executive reorganization plans. Allow me to quote a few of the more salient statements from President Nixon's message to the Congress. And I quote:

“New times call for new ideas and fresh approaches. To meet the needs of today and tomorrow, and to achieve a new level of efficiency, the Executive Branch requires flexibility in its organization.

G o v e r n m e n t organization is created to serve, not to exist; as functions change, the organization must be ready to adapt itself to those changes.

Ever since the Economy Act of 1932, the Congress has recognized the need of the President to modernize the Federal Government continually. During most of that time, the Congress has provided the President the authority to reorganize the Executive Branch.

This time-tested reorganization procedure is not only a means for curtailing ineffective and uneconomical Government operations, but it also provides a climate that enables good managers to manage well.” That enables good managers to manage well.

“This cooperative executive-legislative approach to reorganization has shown itself to be sensible and effective for more than three decades, regardless of party alignments. It is more efficient than the alternative of passing specific legislation to achieve each organizational change. The cooperative approach is tested; it is responsible; it works.

Reorganization authority is the tool a President needs to shape his Administration to meet the needs of the times.”

The Governor needs this type of legislation, to be the person who will be and will be enabled

to manage well as the Chief Executive Officer of this state.

So what does this legislation do? The Governor would be authorized to submit suggested reorganizations to the Legislature for their approval, submit suggested reorganizations to the Legislature for their approval. Reorganizations could not create a new agency, nor completely abolish an existing agency. However, where agencies have overlapping functions, or duplicate each other's efforts, programs could be consolidated under one agency, with possible savings, and/or increased efficiency.

And let me remind you, this legislation does not carry with it any appropriation. The intent of this legislation is not to deprive the Legislature of any of its rights or responsibilities; nor grant to the Governor the power to frustrate legislative intent. Any proposed reorganization must be submitted to the Legislature — must be submitted to the Legislature. It would not take effect if either branch voted its disapproval.

The intent of the legislation is to highlight the Governor's responsibility as Chief Executive, to supervise the administration of programs within the Executive Branch, and to obtain the most efficient results with the resources available.

There has been considerable discussion this year about improved governmental efficiency, and the respective roles and responsibilities of the Executive and Legislative Branches. This legislation is consistent with the goal of improved efficiency, and assignment of responsibility. I oppose the acceptance of Report “B”, and I ask you to be as objective as you possibly can, and to go along with me in approval of Report “A”.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I too have a great deal of respect for the Members of the Committee that signed Report “A”. But I find myself somewhat in disagreement. And I think even as I read the bill, after hearing the gentleman from Portland, Mr. D'Alfonso, I

am a little bit more confused. He says that this will permit the Governor to submit organizational plans, or reorganizational plans to the Legislature. Well, the Governor actually isn't prohibited from doing that today. There are certainly many Members of the Legislature who would gladly enter bills relative to reorganization that the Governor wished to submit.

So if that was truly the point, I can't see any need for a bill such as this. I am fearful that this bill contains far more than this. I believe that contained herein is a virtual abdication of Legislative powers, and turning them over to the Executive.

It goes on here to say, in one of the sections, that it would be the intent of the Legislature to recognize that the Executive could more speedily accomplish these things than the Legislature could itself.

Now I will agree that the legislative mill sometimes is a little ponderous, but again I believe that the legislative mill, like the mill of the gods, grinds slowly, but it grinds exceedingly fine. I have far more confidence in the collective wisdom of 151 people than I have in any one man. And I hope, ladies and gentlemen, that you will support the acceptance of Report "B", the "Ought not to pass" Report of the Committee.

Mr. D'Alfonso of Portland requested that the vote be taken by the ayes and nays.

The SPEAKER: The gentleman from Portland, Mr. D'Alfonso moves that when the vote is taken that it be taken by the yeas and nays.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I feel somewhat in the same position as the gentleman from Portland, Mr. D'Alfonso, this morning, if we advocate that the federal government and the executive of the federal government periodically have to go into areas of executive reorganization, so must we on the state level. And although, as indicated by the gentleman from Kittery, Mr. Dennett,

that he feels that the Legislature, in its wisdom, should do these reorganizational changes, I think it has been quite evident in the last fifteen or twenty years that there has been some needed reorganization from the Chief Executive on down; and that includes the Legislature.

Somehow or other if the federal government sees need to go into these reorganizational changes, we in the State of Maine must also be in the forefront, and we must be in the forefront immediately and not wait for another fifteen or twenty years.

I think there are very specific matters that are very important to the Chief Executive and its operation of state government, but there are also very important sections in this document that are very important to the Legislature to consider. And I think the transfer of this document until further studies have been made, or until every single member of the Legislature is entirely satisfied, that there will be no powers taken away from the Legislature, which I have been advocating, that we must as a legislative body reinforce our position and our organizational and operational functions to strengthen the Legislature.

I certainly hope that the members of this House this morning will support the document that the Committee saw fit to report 5-5. The document is a good document, and I think we, by the same token as the Federal Government, should look into this matter and start reorganization immediately. So therefore I am against the motion to accept Report "B" with the hope that the House will support Report "A", "Ought to pass."

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call 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 Manchester, Mr. Rideout, that the House accept Report "B" "Ought not to pass" on Bill "An Act relating to Executive Reorganization," House Paper 444, L. D. 568. All those in favor of accepting Report "B" "Ought not to pass" will vote yes; those opposed will vote no. The Chair opens the vote.

### ROLL CALL

YEA—Allen, Baker, Barnes, Ber-  
man, Birt, Bragdon, Brown, Buck-  
ley, Bunker, Chick, Clark, C. H.;  
Clark, H. G.; Corson, Crosby, Cum-  
mings, Curtis, Cushing, Dennett,  
Donaghy, Durgin, Dyar, Emery,  
Erickson, Evans, Finemore, Fost-  
er, Gilbert, Hall, Hanson, Harri-  
man, Haskell, Hawkins, Henley,  
Hewes, Hichens, Huber, Immonen,  
Johnston, Kelleher, Kelley, K. F.;  
Kelley, R. P.; Lee, Lewin, Lewis,  
Lincoln, MacPhail, Marsteller, Mc-  
Nally, Meisner, Millett, Moreshead,  
Mosher, Norris, Noyes, Page, Pay-  
son, Porter, Pratt, Quimby, Rand,  
Richardson, G. A.; Richardson, H.  
L.; Rideout, Ross, Sahagian, Scott,  
G. W.; Shaw, Snow, Soulas, Still-  
ings, Susi, Thompson, Trask, White,  
Williams.

NAY — Bedard, Bernier, Bin-  
nette, Boudreau, Bourgoin, Bren-  
nan, Burnham, Carey, Carter,  
Casey, Coffey, Cottrell, Couture,  
Cox, Crommett, Croteau, D'Alfon-  
so, Dam, Danton, Drigotas, Dudley,  
Eustis, Faucher, Fecteau, Fortier,  
A. J.; Fortier, M.; Fraser, Gauth-  
ier, Giroux, Hunter, Jalbert, Jame-  
son, Jutras, Keyte, Kilroy, Laberge,  
Lawry, Lebel, Leibowitz, Levesque,  
Marquis, Martin, McKinnon, Mc-  
Teaque, Mills, Mitchell, Morgan,  
Nadeau, Ouellette, Ricker, Santoro,  
Sheltra, Starbird, Tanguay, Tem-  
ple, Vincent, Watson, Waxman,  
Wheeler, Wight.

ABSENT — Benson, Carrier,  
Chandler, Cote, Curran, Farnham,  
Good, Hardy, Heselton, LePage,  
Lund, Rocheleau, Scott, C. F.;  
Tyndale, Wood.

Yes, 75; No, 60; Absent, 15.

The SPEAKER: Seventy-five  
having voted in the affirmative and  
sixty in the negative, the motion  
to accept Report "B" does pre-

vail and it will be sent up for con-  
currence.

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

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

Tabled—April 30, by Mrs. Bou-  
dreau of Portland.

Pending—Passage to be enacted.

The SPEAKER: The Chair rec-  
ognizes the gentlewoman from  
Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker  
and Members of the House: I now  
move for indefinite postponement  
of L. D. 1421 and all its accom-  
panying papers, and I would like  
to speak to the motion.

The SPEAKER: The gentlewo-  
man from Portland, Mrs. Boudreau,  
now moves the indefinite post-  
ponement of L. D. 1421, An Act  
relating to the Requirement for a  
Board of Registration.

The gentlewoman may proceed.

Mrs. BOUDREAU: Mr. Speaker  
and Ladies and Gentlemen of the  
House: This L. D. 1421 was intro-  
duced to the Election Laws Com-  
mittee as L. D. 1940. L. D. 1940  
was not acceptable to the Commit-  
tee so we had a new draft. And  
as you will see, the new draft has  
nothing to do with the original  
L. D.

We had three groups interested  
in this legislation. And when the  
new draft was reported out "ought  
to pass" we immediately lost one  
group. Well this wasn't too bad;  
we still had a majority. Then an  
amendment was added; then we  
lost the other two groups. Now we  
have nothing but unhappy former  
proponents.

The representative who intro-  
duced the amendment agrees with  
me that this document and all its  
papers should be laid to rest. So  
I hope you will go along with the  
motion.

The SPEAKER: The Chair rec-  
ognizes the gentleman from Kit-  
tery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker  
and Members of the House: I'm  
not going to touch on this bill to  
any great extent, but I was the per-  
son who introduced the amendment,  
and I just simply want to say, lest

any doubt exist, I concur with the gentlewoman from Portland, Mrs. Boudreau, that this bill be indefinitely postponed.

The SPEAKER: All of those in favor of the indefinite postponement will answer yes; those opposed, no.

A viva voce vote being taken, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the twelfth 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 30, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Soulas of Bangor to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have spoken to several of the parties involved in this, and concurring with the remarks of the gentleman from Cumberland, Mr. Richardson, that this Order could be re-written to include the licensing and different procedures, and these parties have agreed. I now move the indefinite postponement of this Order.

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

Mr. CAREY: Mr. Speaker and Members of the House: I am one of the members that Mr. Jalbert of Lewiston spoke to. I heartily concur with him that the Order in its present form does nothing. However, we will redraft the order so that the Legislative Research Committee can come out at the earliest with something that is workable.

The SPEAKER: Is there objection to this Order being indefinitely postponed? The Chair hears none.

Thereupon, the Order was indefinitely postponed.

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

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

Tabled—April 30, by Mr. Richardson of Cumberland.

Pending—Passage to be enacted.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Even though this is Law Day, this is not a lawyer's bill. It is a politician's bill. And by this I do not mean legislators, I mean party-worker types, the persons who don't favor any changes, especially when it comes to the sanctity of county government.

The original bill, two years ago, which took the clerks of court out of the political arena was my bill, and I am not a lawyer. The argument has been used that we are taking away the rights of the people. I personally doubt if the people care about voting specifically for clerks of court. And I substantiate this by an action of two years ago. At that time we passed in the House and the other body, and the Governor signed a Constitutional Amendment saying that judges of probate would not have to run, but they would be appointed. The people voted 2-1 to allow this. However, their wishes were stymied by a technicality in the law. The wording was not complete. The opponents, who are the proponents of this, were delighted. And at the special session they wouldn't even let the voters vote again.

Many of the opponents feel that the clerk's name on the ballot helps the entire slate. Now most of the clerks have held their jobs for many years, and some are very popular and very well known. And it certainly may well have a coat-tail effect. However, I do not feel that it is fair to make persons who hold technical jobs touch all of the political bases that we have to touch just so they can help other persons on the ballot.

If we actually would look at L. D. 791, we would see that it was sponsored by request. Seldom does a "by request" bill get this far.

Now in the past I have been accused of sponsoring bills because I was motivated by political reasons, such as the two that were vetoed by Governor Curtis this year. Now if that was so today, I surely would be fighting for this bill. In Sagadahoc County the Clerk of Courts is a bright-hard-working, conscientious, politically-oriented young man. He is one of the outstanding Democrats in that county. The passage of this bill would give my party another chance at that office. But I oppose the bill strictly on the merits, and I now move indefinite postponement.

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

Mr. KELLEY: Mr. Speaker and Members of the House: This morning we are witnessing the last-ditch efforts of a small pressure group which evidently places its own interests above those of Maine's citizens.

I would remind you of this letter which each of you received last Thursday from the lobbyist of the Maine Clerk of Courts Association. Incidentally, you will note that he used the letterhead of the County of Cumberland, perhaps in order to give it more prestige. Now in this letter he points out that the present system of appointing clerks has the endorsement of the Maine Judicial Council, the Maine Clerks of Courts Association, and the Maine Bar Association. Now this isn't exactly astonishing news. Naturally they would be in favor of it. And if in the next Legislature a bill is submitted to make the Register and Judge of Probate and the Register of Deeds appointive offices, they will be heartily in favor of that also. And then later, if some future Legislature decides that each of these office holders must have a degree in law, I haven't a doubt but what these organizations will give that their most hearty endorsement also.

Now if this bill, L. D. 791, was a case before one of our State courts, it no doubt could be called, "The People vs. the Chosen Few." And I am confident that any jury made up of rank and file

Maine citizens would bring in a unanimous verdict for the people.

We have just heard the previous speaker mention that this bill was submitted by request. Now I would call your attention to a letter which was on your desk this morning from a member of the other body who is the sponsor of this bill. He says, "It is true that I introduced L. D. 791 at the request of one of my constituents. At that time I had not given this bill a great deal of thought. But since the introduction of the bill, many facts have come to light which have led me to realize that this is a most important bill, behind which I stand foursquare, and without reservation."

Now what we are—I was speaking a few moments ago of putting this as a jury case. And this morning you could say that the members of this House are a jury because we either permit the people of Maine to decide who should fill these jobs or we don't. It's that simple.

Now we have heard in the hearing, and since, that the duties of this office are such that only a person of very special qualifications should be considered. About the kindest thing that we can say for this argument is that it is badly overdone since there was no really good reason for making this an appointive job, a reason had to be manufactured. And sometime in the future we will be told that the duties of the Register of Probate and the Register of Deeds are so complex that they too must be made appointive. And when and if this happens, then the people of the State of Maine will have lost their court houses to a small minority. Then the only one who can work there without a special dispensation will probably be the janitor.

Now all too often in today's society we have seen a small, dedicated minority push the majority around, and wring special concessions from this majority. And quite frequently this happens simply because we allow it to happen.

Now the people who sent us here, our constituents, had faith in us; otherwise, we wouldn't be

here. And I think that this morning we should show our faith in them by returning to them this privilege which we took from them two years ago.

Now during the last few days we have seen some frenzied lobbying. And one of the most active lobbyists is, in fact, an unregistered lobbyist. And he has spent much of his time here in the last two weeks lobbying against this bill. He is himself a Clerk of Courts in Cumberland County. And it is a bit ironic that he as one of the most active opponents of this bill, has used the argument that his office is most important, and that the duties of this office are so complex and demanding, if this is so, how does it happen that he can spend so much time up here lobbying this bill?

And as I have watched this activity in the corridors the past two days, I was moved to a bit of poetry which I would like to share with you. And when I speak I'm going to ask for a roll call, and since this bill is on Judicial Clerks, I shall refer to that as a Judicial roll call.

"Faces of lobbyists line the glass wall

Watching the results of the Judicial roll call.

They know this is best, although they won't say,

For a wavering Legislator could vote either way.

So they grin or they scowl, depending on the need,

And they are hoping to sway the faint, and the weak-kneed.

And I can't help but wonder, as I watch their charade.

As they coax and cajole and try to persuade,

That if the people who sent us could all line that wall,

What would be the results of the Judicial roll call."

Mr. Speaker, when the vote is taken, I ask for the yeas and nays, and I most earnestly urge you all to vote no. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of

the House: You have heard this bill discussed, I am sure, before, but because of the number of statements that have been made, I think it is appropriate that we set the record straight.

First of all, everyone in the House knows that probably the easiest way to kill a bill is to refer to it as a lawyer's bill. As a lawyer I can assure you that I am very much aware of this. I have seen it happen during the three sessions that I have been here. And with the remarks of the gentleman from Lewiston, Mr. Jalbert, in mind, I'd like to say to you in all candor that I along I am sure with the other members of the legal profession are very proud of our profession. We recognize our faults, but we do try in our best professional judgment to honor the obligations of the position we hold.

This is not a lawyer's bill. To classify it as such is simply an attempt to prejudice you against it and to lead you to the conclusion that because lawyers are either on one side or the other, it must of necessity be bad.

The gentleman from Machias refers to a pressure group. Well who are the pressure group? What is their makeup? My practice is entirely before the Supreme and Superior Courts of this State. The Clerks of Courts do not make policy decisions as we make. They are administrative officers of a very important segment of our state government. Because every citizen of the state stands a much greater chance of coming in contact with his government in the courts than anywhere else, we must have, we must give to the people of this state sound judicial administration.

If you take Mr. Kelley's argument and carry it to its logical conclusion, you should elect Superior Court Justices. And having practiced law in Cook County, Illinois, I can tell you what will happen when you extend his argument to its conclusion and elect Superior Court Judges. You will have the payoff, the kickback, and the rebate and all the rest of it.

We have a fine Judicial System in this state operated by one of the truly great jurists of our generation. This man, and all of the lawyers, regardless of party, who come in daily contact with this situation feel that it should come out of politics.

I have no objection to standing for election because I am required in this House, as you are, to make decisions on policy. Though when we are talking about Judicial administration, we're talking about competence. On a few occasions the elective process, and the vagaries of the public mind, have elected to the office of the Clerk people who are quite plainly and simply not competent to do the job. I state this fact from personal experience. It has nothing to do with whether one is a Republican or a Democrat. It has to do with whether or not he brings to the job the ability to do it.

There are many clerks who are not lawyers. The clerk in Sagadahoc County is neither a lawyer nor a Democrat; yet I think he should be exempted from political pressure so that he can do the administrative job that he is required to do.

This is a jury case, if you accept the gentleman from Machias proposition, and I'm quite willing to accept that proposition. Spending a great deal of time in front of juries, I know that Maine juries exercise pretty good common sense.

If you separate out the attempt to prejudice you by calling this a lawyer's bill, and get down to the basic question of whether or not we are talking about Judicial administration or politics, I have no fear of your judgment. Thank you.

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

Mr MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps I shouldn't start this way, but I had no intention of speaking on this bill until the remarks made by the gentleman from Machias, Mr. Kelley in reference to a letter which was on our desks this morning by a member of the other body.

I was not sure, even though I had served as a member of the State Government Committee two years ago, how that same gentleman had voted. If you saw me rush out of the Hall into the Clerk's office, I was going for the Legislative Record, and on page 2501, on May 26, 1967, I will read the report of the committee.

"Mr. Watts from the Committee on State Government reported same on Bill "An Act relating to the Appointment of Clerks of the Judicial Courts" (H. P. 246) (L. D. 354)."

The reports were read and accepted, and the Bill was assigned for the third reading the following day. That same gentleman who signed the letter which is on your desk, was Senate Chairman of the State Government Committee two years ago, and is the present sponsor of this L. D. we have before us. It's ironic to me that the gentleman who preceded Mr. Kelley from Machias, the gentleman by the name of Mr. Watts, was also from Machias, and was on State Government, and voted the other way.

I would hope that the House would not back track from the position that it took two years ago. And I would hope that we would leave it in this manner. I know it's odd for me to agree with the gentleman from Cumberland, Mr. Richardson; and also the gentleman from Bath, Mr. Ross, but on this particular bill I do.

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

Mr. STARBIRD: It would seem that a lot of us are choosing strange bedfellows today. Mr. Wyman, the Chairman of the State Government Committee of two years ago, was in favor of the situation as it now is in relation to Clerks of Courts, and so was I. He has changed his mind, I think for very good reasons, which are outlined in his letter. And I, too, have changed my mind. And rather than prolong this debate too much longer, I will sit down. But I think I should let you know this.

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

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I am a little confused as to the responsibilities and the duties of the Clerk of Courts. These gentlemen—some of them—are getting good salaries as Clerk of Courts. And they are doing another job, which takes most of their time. And in my county this is the case. The Clerk of Courts is teaching high school, which takes most of his time. The office is run by a lady clerk. And so I think we, in the County of Piscataquis, would like the opportunity of voting for the Clerk of Courts.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I am in a little quandry this morning. After hearing the gentleman from Bath, Mr. Ross state that the Clerk of Courts in his Sagadahoc County was a Democrat, and then a few moments later hear the Majority Leader say that that Clerk was not a Democrat, I am wondering what he was, whether he was a mongrel or what.

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

Mr. ROSS: Mr. Speaker, I would gather that the gentleman from Cumberland, Mr. Richardson, made a mistake and was referring to his county, not mine. Because in my county—and I'm sure that the gentle lady from Bath, Miss Watson, will bear this out—the gentleman is a Democrat, and a very nice young man.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Of course, the character in Shakespeare was right when he said the first thing we'll do is kill all the lawyers. I apologize to the House. I meant to say that the Clerk of Courts in Sagadahoc County is a Democrat, and he is not a lawyer. He is able to suffer under both those infirmities very successfully. (Laughter.)

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross,

that L. D. 791 be indefinitely postponed. The yeas and nays having been requested. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

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

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

#### ROLL CALL

YEAS — Brennan, Corson, Cottrell, Cox, Crosby, Croteau, Cummings, D'Alfonso, Dam, Dennett, Eustis, Faucher, Finemore, Foster, Hall, Harriman, Haskell, Hawks, Henley, Hewes, Johnston, Lawry, Lincoln, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Moreshead, Noyes, Payson, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Scott, C. F.; Stillings, Susi, Temple, Vincent, Watson, Waxman, Wheeler.

NAYS — Allen, Baker, Bedard, Berman, Bernier, Binnette, Birt, Bourgoin, Bragdon, Brown, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Coffey, Cote, Couture, Crommett, Curtis, Cushing, Danton, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Evans, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Hanson, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Lee, LePage, Levesque, Lewin, Lewis, MacPhail, Marquis, Marstaller, McNally, Meisner, Morgan, Mosher, Nadeau, Norris, Ouellette, Page, Porter, Pratt, Quimby, Rand, Ricker, Rocheleau, Scott, G. W.; Shaw, Sheltra, Soulas, Starbird, Tanguay,

Thompson, Trask, Tyndale, White, Wight, Williams.

ABSENT — Barnes, Benson, Boudreau, Chandler, Curran, Farnham, Gilbert, Good, Hardy, Hesselton, Leibowitz, Lund, Sahagian, Santoro, Snow, Wood.

Yes, 44; No, 90; Absent, 16.

The SPEAKER: Forty-four having voted in the affirmative and ninety in the negative, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mr. KELLEY: Mr. Speaker, I now move that we reconsider and I sincerely hope that you all vote against me.

The SPEAKER: The gentleman from Machias, Mr. Kelley, moves that the House reconsider its action whereby this Bill was passed to be enacted. All those in favor say yes; those opposed say no.

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

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On motion of Mr. Finemore of Bridgewater,

Adjourned until nine o'clock tomorrow morning.