

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 6, 1969

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

Prayer by the Rev. Mr. Edward Antin of Augusta.

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

The journal of the previous session was read and approved.

**Papers from the Senate
Reports of Committees**

Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act Increasing Number of Justices of the Superior Court" (S. P. 138) (L. D. 473) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Tabled and Assigned

Report of the Committee on Judiciary reporting Leave to Withdraw on Resolve Authorizing W. H. Hinman, Inc., to Bring Civil Action Against the State of Maine (S. P. 208) (L. D. 617)

Came from the Senate read and accepted.

In the House, the Report was read.

(On motion of Mr. Moreshead of Augusta, tabled pending acceptance in concurrence and specially assigned for Thursday, May 8.)

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Time for Claims for and Extension of Liens" (S. P. 40) (L. D. 123)

Report of same Committee reporting same on Bill "An Act relating to Approval of Court Term Bills" (S. P. 140) (L. D. 422)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Shar-

ing Costs in a School Administrative District" (S. P. 122) (L. D. 384)

Report of the Committee on Health and Institutional Services reporting same on Bill "An Act relating to Barber Technicians" (S. P. 360) (L. D. 1224)

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

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

Orders

Mr. Soulas of Bangor presented the following Order and moved its passage:

WHEREAS, at this very hour, in Bangor, the Bangor Humane Society is holding its 100th annual meeting; and

WHEREAS, the Society is the oldest humane organization in the State of Maine and in its modern shelter gives care and placement of 14,000 animals each year; now therefore, be it

ORDERED, that the House of Representatives expresses to the Bangor Humane Society its sincere appreciation of the Society's accomplishments in its first 100 years of humane work in Eastern Maine and wishes them good fortune in their next 100 years.

The Order received passage.

On motion of Mr. Quimby of Cambridge, it was

ORDERED, that Ellen Anderson, Deborah Tapley, Ellen Turcotte, and Mike Coolen from Hartland Elementary Junior High in Hartland be appointed to serve as Honorary Pages for today.

**House Reports of Committees
Leave to Withdraw**

Mr. Benson from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing a Bond Issue in the Amount of One Hundred and Twenty Thousand Dollars for Constructing a Community Mental Health Facility in Bangor for Service to Eastern Maine" (H. P. 756) (L. D. 976) reported Leave to Withdraw.

Mr. Porter from the Committee on Inland Fisheries and Game re-

ported same on Bill "An Act relating to Baiting of Bears" (H. P. 35) (L. D. 36)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Porter from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Restrictions on Ice Fishing on all Inland Waters" (H. P. 1090) (L. D. 1407)

Report was read.

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

Mr. BENSON: Mr. Speaker and Members of the House: We have a unanimous "ought not to pass" report before us on a Bill "An Act relating to Restrictions on Ice Fishing on all Inland Waters." I would like to just review for a moment the intent of this legislation.

I feel very strongly that we are overfishing the lakes and ponds of our state. I feel that if we do not take steps to do something about this we are going to wake up several years hence with a very serious problem. I have articles on my desk written by Bud Leavitt of the Bangor Daily News, which relate his feeling on this subject. I have an article here written by Bill Geagen, an outstanding authority I believe on fishing and the outdoors, and I would like to quote very briefly from his article, and it says — "Some claim it has reached slaughter proportions," in relation to fishing, and I quote further — "Emergency action to save Maine's fishing is a must in Augusta this winter. The snowmobile has created many problems in Maine's winter outdoor picture."

I have nothing against snowmobiles; as a matter of fact I think they're great fun. They have, however, I feel taxed the outdoor fishing to its very limit.

Before the Committee on Inland Fisheries and Game, when this bill was heard, one gentleman who is an ardent outdoor fisherman said that over the years he has fished one lake where a normal day's fishing would see about fifty men on the pond. This year he said, because of snowmobiles, he has

been there and witnessed approximately five hundred on the pond, using power augers to sink their holes and in some instances using automatic fish finders to determine whether the fish were there to be caught. I feel that if we do not do something, and do something soon, we are going to be very very sorry.

At the hearing the chief of the Fisheries Division stated that he did not feel in his opinion that the ponds were being overfished, and in answer to my question about the amount of money, dedicated funds, that were being put into restocking programs, he related to us that approximately \$400,000 a year was being spent on restocking our lakes and ponds.

Now if we are not at a serious point in our inland water fishing, then why are we spending \$400,000 a year to restock these lakes and ponds? I just feel that we should think very seriously about this. It is a unanimous "ought not to pass" report. The original bill was to reduce the number of fishing lines from five to two. I found that this was not a very popular move, particularly in my area, and therefore I suggested an amendment to the Committee and that amendment would have reduced the bag limit from the present seven and one half pounds to five pounds. I felt that this was a middle of the road approach, it was something that would accomplish the purpose for which the legislation was intended, but this was not considered favorably by the Committee.

Personally I am not going to make any motion on this. If anyone here feels as I do that we might consider this matter further, then someone else might possibly wish to make a motion. I would like to hear from some member of the Inland Fish and Game Committee, as to the Committee's feeling on the condition of fishing in our lakes and ponds and why they feel that nothing should be done at this time. Thank you.

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

Mr. PORTER: Mr. Speaker and Members of the House: In the bill

that we are discussing there were two parts, one cutting down the ice fishing to two lines and the second part closing all lakes under 640 acres. That part of it was perfectly ridiculous, because it was closing many of these small warm water ponds that are full of pickerel and perch. That part definitely should not pass.

As for cutting down to two lines for ice fishing, we felt that it was discriminating against the ice fisherman. Our biologist told us that the fishing is not being hurt. I have disagreed with the biologist frankly all winter and I disagree with him on this score. He told us that the way to reduce the fishing was to reduce the bag limit; that I agree with. I think seven pounds and a half of fish are too many and I would favor cutting down the bag limit, but I would not favor closing the small warm-water ponds nor would I favor cutting down just to two lines for ice fishing.

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

Mr. ROSS: Mr. Speaker, in order that an amendment might be presented, I move that we substitute the bill for the report.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves that the House substitute the bill for the report.

Whereupon, Mr. Bourgoin of Fort Kent asked for a vote.

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

Mr. BENSON: Mr. Speaker and Members of the House: In support of the motion made by the gentleman from Bath, Mr. Ross, I do have the amendment which I proposed to the Inland Fish and Game Committee. It does not affect in any way the number of ponds that will be fished; it does not affect in any way the number of lines that would be fished. The only thing that it does is to reduce the bag limit from the present seven and one half to five pounds, and I feel that this is a proper approach. Most of the fishermen that I have talked with feel that this is the proper approach. The Fish and

Game Department feels that if anything is done—and I cannot say that they agree that anything should be done, but if anything is to be done, that this is the proper approach.

I do have that language all prepared and if you will substitute the bill for the report this morning then I will have that amendment drawn and ready for introduction tomorrow. Thank you.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: My objection to having this bill substituted for the report is that about twenty or twenty-five years ago the outboard motor came into use, and no regulation has been set because of the outboard motors, so I don't see any sense of regulating ice fishing because of the snow sleds coming. Thank you.

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

Mr. KELLEY: Mr. Speaker and Members of the House: With the present setup that we have on our laws each pond can be handled individually, and when you start using one prescription for every sick person in the state you not necessarily have the right medicine. And I suggest that if we have ponds that are being overfished by regulation, hearings can be held on these ponds and the bag limit cut or whatever is necessary. We do have many many ponds where we do not have what we call our game fish, we have mostly pickerel and perch, and there is no reason for limiting fishing in these ponds.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House substitute the Bill for the "Ought not to pass" Report on Bill "An Act relating to Restrictions on Ice Fishing on all Inland Waters," House Paper 1090, L. D. 1407. A vote has been requested. All who favor the motion will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

69 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Thereupon, the Bill was given its two several readings and tomorrow assigned.

Mr. Fortier from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act Authorizing the Town of Limerick to Appropriate Funds for Snow Removal and Maintenance on Private Ways" (H. P. 845) (L. D. 1083)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Hawkens from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Fees of Local Sealers of Weights and Measures" (H. P. 879) (L. D. 1122)

Report was read.

(On motion of Mrs. Kilroy of Portland, tabled pending acceptance of Report and specially assigned for Thursday, May 8.)

Mr. Wight from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Chairman of Meetings of County Law Libraries" (H. P. 498) (L. D. 652)

Report was read and accepted and sent up for concurrence.

Referred to Committee on State Government

Mr. Crommett from the Committee on Towns and Counties on Bill "An Act to Provide for a Second Assistant County Attorney for Kennebec County" (H. P. 1018) (L. D. 1326) reported that it be referred to the Committee on State Government.

Mr. Dyar from same Committee reported same on Bill "An Act Creating a Second Assistant County Attorney for the County of York" (H. P. 302) (L. D. 378) which was recommitted.

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

Ought to Pass in New Draft New Drafts Printed

Mr. Lewin from the Committee on Inland Fisheries and Game on Bill "An Act relating to Bag Limit on Bears" (H. P. 328) (L. D. 415) reported same in a new draft (H. P. 1170) (L. D. 1492) under title of "An Act relating to Bag Limit on and Registration of Bears" and that it "Ought to pass"

Mr. Thompson from same Committee on Bill "An Act relating to Amount Retained by Town Clerks from Fish and Game License Fees" (H. P. 764) (L. D. 984) reported same in a new draft (H. P. 1171) (L. D. 1493) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Size of Conibear Traps for Trapping Animals" (H. P. 813) (L. D. 1052) reported same in a new draft (H. P. 1172) (L. D. 1494) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bills

Mr. Martin from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Authorizing Construction of Connecting Building between Shops at Maine State Prison from Prison Industries Account (H. P. 621) (L. D. 809)

Mr. Porter from the Committee on Inland Fisheries and Game reported same on Bill "An Act Redefining the Bounds of Merry-meeting Bay Game Sanctuary" (H. P. 815) (L. D. 1054)

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

Ought to Pass with Committee Amendment

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Mental Examination of Persons Accused of Crime" (H. P. 1113) (L. D. 1437) reported "Ought to pass" as amended by Committee Amendment "A" (H-274) submitted therewith.

Mr. Hanson from the Committee on Towns and Counties on Bill "An Act relating to Annual Reports of Counties" (H. P. 109) (L. D. 117) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" (H-29) submitted therewith.

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

Mr. Laberge from the Committee on Towns and Counties on Bill "An Act Providing for Androscoggin County Funds for Child and Family Services" (H. P. 1084) (L. D. 1405) 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-275) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would ask that Committee Amendment "A" be indefinitely postponed and speak briefly to my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that Committee Amendment "A" be indefinitely postponed. The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: This Committee would merely set a ceiling on the monies that this new agency would get from the vote moving of the County delegation and eventually the Legislature as a whole. I have spoken to the House chairman of the Committee, the gentleman from Presque Isle, Mr. Wight, and the gentleman from Millinocket, Mr. Crockett, as well as the gentleman from Waterville, Mr. Fortier, and they have no objections; as a matter of fact they favor the removal of this amendment. I therefore move the indefinite postponement of Committee Amendment "A."

Thereupon, Committee Amendment "A" was indefinitely postponed and the Bill assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Molesting Game Animals by Snowmobiles" (H. P. 890) (L. D. 1149) reporting same in a new draft (H. P. 1173) (L. D. 1495) under title of "An Act relating to Snowmobiles in Forests During Deer Hunting Season" and that it "Ought to pass"

Report was signed by the following members.

Mr. HOFFSES of Knox
— of the Senate.
Messrs. LEWIN of Augusta
PORTER of Lincoln
KELLEY of Southport
THOMPSON of Belfast
— of the House.

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

Report was signed by the following members.

Messrs. ANDERSON of Hancock
MARTIN of Piscataquis
— of the Senate.
Messrs. BOURGOIN of Fort Kent
ROCHELEAU of Auburn
— of the House.

Reports were read.

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

Mr. LEWIN: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report in new draft.

Whereupon, on motion of Mr. Dyar of Strong, tabled pending the motion of Mr. Lewin of Augusta to accept the Majority Report and specially assigned for Thursday, May 8.

Third Reader Tabled and Assigned

Bill "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act" (S. P. 245) (L. L. 754)

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

(On motion of Mr. Lee of Albion, tabled pending passage to be en-

grossed and specially assigned for tomorrow.)

Passed to Be Engrossed

Bill "An Act to Give the Attorney General Authority to Require Certain Telephone Records" (H. P. 386) (L. D. 496)

Bill "An Act Authorizing Harness Racing Commission to Employ a Veterinarian" (H. P. 591) (L. D. 772)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Mediation Authority of State Employees Appeal Board" (H. P. 1035) (L. D. 1345)

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

(On motion of Mrs. Brown of York, tabled pending passage to be engrossed and specially assigned for Thursday, May 8).

Bill "An Act relating to Petitions for Review of Incapacity under Workmen's Compensation Act" (H. P. 1165) (L. D. 1486)

Bill "An Act relating to Participating Local Districts in the Maine State Retirement System" (H. P. 1167) (L. D. 1488)

Bill "An Act to Create a Hearing Aid Dealer Board and Provide for Licensing of Hearing Aid Dealers and Fitters" (H. P. 1168) (L. D. 1489)

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 relating to Debt Limit of the Waterville Sewerage District" (S. P. 272) (L. D. 910)

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

Bill "An Act relating to a Maine-New Hampshire Interstate School Compact" (S. P. 387) (L. D. 1378)

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

Emergency Measure Tabled and Assigned

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

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

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

Mr. MOSHER: Mr. Speaker and Members of the House: This bill looks rather simple but this involves three parcels of land for the first twenty-five acres and this gentleman that has a farm that he is working, they are taking seven acres from him which is alright and they should get it by power of eminent domain, but they want fifty acres because in the next ten years they feel that they might need another school there.

Now to me that is land speculation. If they want this other school and want to buy the land in advance, I think they should buy that on the open market, not buy it by power of eminent domain. I thank you.

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

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: I talked with my Superintendent of Schools about this and he says twenty-five acres ought to be enough for any school board to build any kind of school complex that they need. You know an acre of land is a lot of land and when you talk about twenty-five acres that is quite a lot. If you were down on your hands and knees, then a turn - about, you would think that an acre was a lot. You know the way it is now they can walk right in on your farm and take twenty-five of your very best acres of land and I think it is going too far when they can take all the land that they want, and we ought to put a stop to it. This is a bad bill and I am going to vote against it.

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

24 voted in the affirmative and 107 in the negative.

Mr. RICHARDSON of Stonington: Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson and inquires for what purpose does he rise?

Mr. RICHARDSON: I request that the vote be taken by the yeas and nays.

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 vote on this measure will vote yes; those opposed will vote no. The Chair opens the vote.

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

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

Mrs. CUMMINGS: Mr. Speaker, I would like to table this until the next legislative day.

Whereupon, Mrs. Coffey of Brunswick asked for a vote on the tabling motion.

The SPEAKER: The gentlewoman from Newport, Mrs. Cummings, moves that this matter be tabled until the next legislative day pending passage to be enacted. A vote has been requested on the tabling motion. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

39 having voted in the affirmative and 96 having voted in the negative, the motion to table did not prevail.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I can only repeat on this what I said the other day that I cannot visualize the courts in the State of Maine permitting any town or any other authority from taking land in excess of what they can prove justification of need. I would like to point out to you that under the present law that a town or any kind of an authority who wants it can take any amount of land for a dump for the town, and it seems to me that our children are much more important than a dump. I do not believe that the courts are ever going to allow excessive taking of land and therefore I would hope that you would pass this bill as it is written. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Although twenty-five acres under the present law is the limit that a town can have accepted for a school site and as was pointed out by the gentleman from Stonington, Mr. Richardson, there is absolutely no limit as to what amount of land that a municipality may acquire under eminent domain for a town dump, or there are also no restrictions as far as the municipalities are concerned if the municipality wants to condemn or acquire land for a road site going to or from a lake for the benefit of very few people, so I certainly believe that this is a very good document.

As was pointed out the Courts would never allow an excessive amount of land to be acquired under the eminent domain. So there is no question in my mind that if there are no rules or regulations as to the amount of land that a municipality can acquire — and this can very well be choice farm land as was indicated, for a local dump and not to allow it for a school building or a school facility of one nature or another. So I hope that the members of this House this morning will review the action

that they have taken up to this point and certainly hope that this bill will receive favorable action by the House. Thank you.

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

Mr. CAREY: Mr. Speaker, I would ask the gentleman from Stonington, Mr. Richardson, a question. If there is to be one school built on a site I understand that they can have twenty-five acres. If there are to be two school buildings on this site are they allowed fifty acres?

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

Mr. RICHARDSON: Mr. Speaker, in answer to the question of the gentleman from Waterville, as I understand the law twenty-five acres is the maximum and even if they wished to expand at a later date it would be impossible to condemn more than the twenty-five acres of land even for a second school.

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

Mr. CHICK: Mr. Speaker and Members of the House: I signed the "ought not to pass" report on this bill originally and there are one or two things I would like to clear up. We have heard reference to the ability of a community to take land for a town dump, that there is no limit on the acreage they can take. I would like to point out that if land is taken for a town or city dump it has to be used for a dump, so I think that that probably is one reason why there is no restriction because I can't conceive of any town or city taking upwards of fifty acres for a town dump.

Now the other thing that I think is brought into this particular case I can find no evidence of any town or city being unduly restricted on the limit to take only twenty-five acres by eminent domain. The only case that we could find was in this bill in question. Now

in this particular case they want to take in excess of twenty-five acres not to build immediately but to build sometime in the future, and they testified very frankly before the committee that the reason they wanted to take the land now was due to the fact they expected that the land would increase in price over the next few years. Now I don't know why the man owning that land shouldn't be entitled to a fair increase in market value of that land if they are not going to use it for ten or fifteen years. So I hope that the bill will be postponed.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the fact that the sponsor of this document is not present in the House this morning, I would hope that some considerate gentleman would ask that this be tabled for at least one legislative day.

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

Mrs. KILROY: Mr. Speaker, I would like to have this bill tabled for one day.

The SPEAKER: The gentlewoman from Portland, Mrs. Kilroy moves that this be tabled until the next legislative day. The Chair will rule that the motion is in order because there has been intervening debate.

Whereupon, Mr. Dam of Skowhegan asked for a vote on the tabling motion.

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

A vote of the House was taken. 55 having voted in the affirmative and 77 having voted in the negative, the motion to table did not prevail.

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

Mr. JALBERT: Mr. Speaker, I have certainly no interest nor I'm

sure my committee has no interest in this piece of legislation, and I certainly am slayed by the fine oratory of the gentleman from Durham, Mr. Hunter. By the same token, and I want to know if I'm right, the reason I voted for the tabling motion was because I was in hopes that if we had tabled the measure I could have conversed with him on my way from home tomorrow. I would certainly in view of the fact also that this has gone all this way without being touched and it has an emergency measure on it, it must be important somewhere along the line to somebody, the sponsor of the measure isn't here and there has been intervening debate and that is why I debated it, Mr. Speaker. I certainly would hope that somebody would get up and, because the motion is open for debate, table this measure until tomorrow.

The SPEAKER: The Chair would rule that this matter having failed tabling twice will not be considered a third time.

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

Mr. DONAGHY: Mr. Speaker, I would like to pose a question through the Chair to anyone who cares to answer. If we can have twenty-five acres without any problem, why the emergency on the extra twenty-five when it is not to be used for several years and perhaps indefinitely?

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

Mr. Richardson of Stonington was granted permission to speak a third time.

Mr. RICHARDSON: Mr. Speaker and Members of the House: At the hearing on this bill the problem has occurred to the Town of Westbrook rather than to any other place in the State of Maine. Therefore the emergency clause was on the bill at the sponsor's request, or at the sponsor's instigation, because of the fact that they do intend to start building soon. It appeared to the Committee, or the majority of the Committee, that this was not definitely a local prob-

lem but was a problem which could crop up state-wide. It was our feeling that there was justification for the bill; and we hear a great deal about a Planning Commission for the State of Maine, a Planning Commission for various towns—and this is what this town is trying to do, and yet here we are discussing the turning down of a bill in which they are trying to make plans for the least expensive expansion of a school system. It seems to me that we are acting at cross purposes on this and I would certainly hope that you would pass this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: For purposes of an amendment I would make a motion and ask to speak briefly on my motion.

The SPEAKER: The gentleman may state his motion.

Mr. JALBERT: My motion is to move to reconsider whereby this bill was passed to be engrossed.

The SPEAKER: The Chair would advise the gentleman of suspension of the rules, it having been engrossed beyond the period of one day.

Does the gentleman move to suspend the rules?

The gentleman from Lewiston, Mr. Jalbert, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

(Cries of "Yes")

The SPEAKER: The Chair will order a vote. It requires a two-thirds affirmative vote to suspend the rules.

Thereupon, Mr. Jalbert of Lewiston withdrew his motion to suspend the rules.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker, now that there has been two motions, one motion made, is it now in order to ask that this bill be tabled?

The SPEAKER: The Chair has ruled that the tabling motion will not be entertained.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I certainly did not intend in the first instance to get into this but I believe that this House fully understands the problem involved in the passage of this bill. If I understand it correctly, we are embarking on the principle of taking land by eminent domain from an owner when we don't know whether it will be twenty-five years or fifty years before this land will be put to any use. I think that this is a very dangerous infringement on the rights of property owners. If I am wrong, I am sure that some member of the House will correct my understanding of the principle behind this bill.

The SPEAKER: The Chair will exercise his privilege under the rules to address the House briefly.

Should this bill fail of enactment the Chair would remind the House it goes to the other body for consideration and it will come back here so there will be sufficient time to resolve the differences. The pending question is the enactment of this bill.

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

Mr. LEVESQUE: Mr. Speaker, a parliamentary inquiry. Where the two motions to table were for a specific day, longer than this day only, would a motion be in order to table until later in today's session?

The SPEAKER: The Chair has ruled and the Chair is reluctant to disregard his ruling, but the House may appeal and if there is sufficient number who do not desire to sustain the ruling of the Chair they may overrule the Chair's ruling.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the ruling by the Chair, and I recognize that as being true to form—I wouldn't even think of asking for a ruling other than what the Chair has already indicated to the members of the House. I feel that the House this morning—it may be because

of having gone through a very very windy weekend, that the members of the House feel the way they do this morning. Although by the same sense of a weekend being very windy, I fail to see that the members of this House would not allow a courtesy vote of tabling for one day, because the sponsor is unable to be here this morning.

I find this very discourteous for the House to take this type of action and not be able to change or wanting to change their views at all. I think the members of the House this morning are being hasty in a decision which even for tabling for one day just as a courtesy, which in my humble opinion has always been extended to every member of the House that wanted that courtesy to extend the period for reconsideration or for any other reason, that it be tabled for one day. And if we are, as a member of this body here, going to go through these actions without extending these courtesies to any member of this House that wants to table a bill for one day for logical and very good and essential reasons, then I fail to see where we are going to accomplish very much because there are other bills that you may want to be extended the courtesy of tabling for one day; and if you are going to do it for one it would seem common sense that you are going to do it for all the others. Thank you.

Mr. Sahagian of Belgrade moved the previous question.

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

A vote of the House was taken.

The SPEAKER: Obviously more than one third of the members present having voted, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now, and it may be debated for five minutes by any member.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My reason for hoping that the question not be put now is because I am trying to reach deep into the suitcase of parliamentary procedures. Coupled with the fact that somewhere along the line, and I have been guilty of refusing tabling bills at times somewhere along the line I feel that possibly we're involving ourselves now in something a little more serious than just a bill which would involve itself into the location of schools and sizes of—

The SPEAKER: Shall the main question be put now is the issue.

Mr. JALBERT: and so that I think because of the fact that I might—I think that it might be in order for us to discuss the point brought out by the gentleman from Perham, Mr. Bragdon, we might have more time to digest it, I would hope that the question would not be put now.

I think the gentleman from Perham, Mr. Bragdon, has brought out a very very cogent point which is not very clear in my mind, and I would have to have more time than just two minutes to digest it.

The SPEAKER: Shall the main question be put now? The Chair will open the vote. All in favor of the main question being put now will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

70 having voted in the affirmative and 63 having voted in the negative, the motion did prevail.

The SPEAKER: The main question is the enactment of An Act relating to Location of Schools and Size of School Projects, House Paper 683, L. D. 882. The pending question is enactment as an emergency measure which requires a two-thirds affirmative vote of the entire elected membership of the House.

For what purpose does the gentleman rise?

Thereupon, Mr. Levesque of Madawaska asked for the yeas and nays.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque,

moves that the vote be taken by the yeas and nays, and it has already been ordered.

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

Mr. RICHARDSON: Could I pose—

The SPEAKER: The Chair would advise the gentleman that it is no longer debatable, the main question having been voted.

Mr. RICHARDSON: I just want information, Mr. Speaker.

The SPEAKER: Will the gentleman state his question.

Mr. RICHARDSON: Yes, I was going to inquire from the Clerk if this bill had been amended?

The SPEAKER: The answer is in the affirmative; there is a Senate Amendment upon the bill. Would the gentleman care to know the filing number? S-114.

The pending question is the enactment of this bill. All in favor of its being passed to be enacted as an emergency measure will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Barnes, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Buckley, Clark, C. H.; Cote, Cox, Croteau, Cummings, D'Alfonso, Drigotas, Erickson, Farnham, Faucher, Gauthier, Gilbert, Haskell, Hewes, Keyte, Kilroy, Lebel, Leibowitz, LePage, Levesque, Lincoln, Lund, Marquis, Martin, McKinnon, McTeague, Millett, Morgan, Richardson, G. A.; Ricker, Rocheleau, Santoro, Scott, C. F.; Stillings, Susi, Temple, Thompson, Vincent, Watson, Waxman, Wheeler.

NAY — Baker, Bedard, Benson, Berman, Birt, Bragdon, Brown, Bunker, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, H. G.; Coffey, Corson, Cottrell, Couture, Crommett, Crosby, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, Dyar, Emery, Eustis, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Giroux, Good, Hall, Hanson, Hardy, Hawkens, Henley, Heselton, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Laberge, Lawry, Lee, Lewin, Lewis,

MacPhail, Marstaller, McNally, Mills, Mitchell, Moreshead, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Tanguay, Trask, Tyndale, White, Wight, Williams, Wood.

ABSENT—Carrier, Curran, Curtis, Danton, Evans, Foster, Harri-man, Meisner.

Yes, 49; No, 93; Absent, 8.

The **SPEAKER**: Forty-nine having voted in the affirmative and ninety-three in the negative, the bill fails enactment.

Sent to the Senate.

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

Mr. **JALBERT**: Mr. Speaker, I now move that we reconsider our action whereby this bill failed of passage, and I would ask some member to table my motion.

The **SPEAKER**: The gentleman from Lewiston, Mr. Jalbert, now moves that the House reconsider its action whereby this bill failed passage to be enacted.

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

Mr. **LUND**: I move that this item be tabled for one legislative day pending reconsideration.

Whereupon, Mr. Chick of Monmouth requested a vote on the tabling motion.

The **SPEAKER**: The gentleman from Augusta, Mr. Lund, now moves that this matter be tabled for tomorrow pending the motion of the gentleman from Lewiston, Mr. Jalbert to reconsider action whereby it failed passage to be enacted. All in favor of tabling this matter until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 81 having voted in the affirmative and 58 in the negative, the motion did prevail.

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

Mr. **SOULAS**: Mr. Speaker, on a parliamentary inquiry, the prevailing side on a two-thirds emer-

gency vote, is it the yeas or the nays?

The **SPEAKER**: The nays.

Mr. **SOULAS**: Thank you.

Enactor

Tabled and Assigned

An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections (S. P. 412) (L. D. 1368)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for tomorrow.)

Passed to Be Enacted

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

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

An Act to Permit Administrative Units to Operate Classes for Educable or Trainable Children (H. P. 508) (L. D. 679)

An Act to Authorize Attorneys-at-Law to Take Acknowledgements on Deeds and Other Written Instruments (H. P. 559) (L. D. 740)

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

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 relating to Outdoor Advertising (H. P. 670) (L. D. 861)

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

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

Mr. **MARSTALLER**: Mr. Speaker and Ladies and Gentlemen of the House: This bill, which is a complicated bill, is up for enactment today, and I have no doubt that it will go through. There's been a lot of publicity about billboards and how bad they are, and I think we reacted to this publicity.

I'd like to tell a story. There was a man that lived several years ago before the automobile was around, and he had a small animal known

as an ass, and this animal was used to carry loads. He lived on a farm, and he had some goods to take to market. So he loaded his goods on the ass, then he got on and then he invited his son to ride too. So off they went. And they went by a neighbor's house and the neighbor saw the load and said, "How can you overload the animal so much? You ought to get off and walk". So he got off and walked. He went by the next house and the man said, "How can you overload that animal so much? Why don't that boy get off and walk?" So the boy got off and walked. And pretty soon they came to someone else who said, "How can you overload that animal so much? Why don't you carry that load?" So he said, "You've got a strong boy here, let him carry the load." So the boy started carrying the load. They got into the edge of town and there was cobble stones there and someone said to him, he said, "How come you're letting that animal walk on those terrible stones? He'll hurt it's feet. Why don't you carry that animal?" So the man started carrying the animal, and they got in the middle of town and everybody laughed at them for making a jackass out of himself and carrying this animal.

I think what we have done in this billboard bill is to say that we are doing away with all the directional advertising along with the other advertising in our State. We're going to end up hurting ourselves with this bill. Now between now and the next time this Legislature meets, I hope you will pay attention to the signs along the road and notice how many of them are directional signs to businesses in our own State.

The Governor, over the weekend, was criticizing this Legislature for cutting out money for the DED for advertising the State of Maine. I say that we should not advertise the State of Maine outside the State and then when people come into the State not be able to advertise our products here. And I hope you will think about possible ways to change this law in the future so that local businesses can sufficiently direct people to their places of business. Thank you.

The SPEAKER: Is the House ready for the question? The question is the enactment of L. D. 861. The Chair will order a vote. All in favor of the enactment of this bill will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 85 having voted in the affirmative and 38 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

Enactor

Tabled and Assigned

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

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

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

Orders of the Day

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

HOUSE REPORT — "Ought not to pass"—Committee on Highways on Bill "An Act relating to the Determination of Limited-User Highways" (H. P. 1027) (L. D. 1336).

Tabled — May 1, by Mr. Hardy of Hope.

Pending — Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: After our parliamentary flurry here of a few minutes back, I certainly wouldn't move to accept the bill in case of the report. However, I'd have a few notes here that I've made this morning in regard to this L. D. which I sponsored, and I would like to have your permission to speak to them a few moments.

This L. D. 1336 was introduced by me because of a bill which was introduced and passed in this House two years ago. For two hundred years the towns of the State of Maine have had the prerogative of opening and closing highways. These situations have always been done by our town meetings, our municipal organizations, and they have been subject to appeal by the individuals involved.

This bill leaves no appeal. The decision which is rendered under this bill is final, and I would read five lines from the bill: "city, town or county shall not be required to expend any further public funds on such ways, but such ways shall be deemed public ways, and not abandoned and the general public shall have the right to use the same, and any person, firm, corporation or association may expend their funds for the upkeep of same."

In other words, what this bill does is to say to you and I, and the only persons that are exempted under this are people who live on state aid or the state highways. The municipal officer can close these roads after the public hearing, and I submit to you that we have taken away from the people the right of appeal, the right of judgment of the people and have given it to three men, selectmen groups in many small towns. And I also suggest that these three men are quite under the domination of the chairman of these boards, so you have one man making really a decision.

This thing goes so far that any repairs that you may make on a highway that you wish to use for your business may be made by you for the use of the general public and you, under this, are liable should you construct a bridge for your convenience and somebody falls off from it.

I cannot conceive of anybody being liable in this situation. I think it's absolutely ridiculous that a man, an individual, who has property on these roads, must maintain these roads for the general public's passage, and to be liable for repairs that he makes upon those ways.

Mr. Speaker and ladies and gentlemen of the House, there are two of these bills before this Legislature. One went before the Highway Committee; it was the same committee practically that heard this bill and created this monster two years ago. And as you know, we have a unanimous "Ought not to pass" Report which I shall not contend. The other bill, however, is before Towns and Counties. And so awaiting the report from the Towns and County Committee on this other bill, I now move to accept the Committee report on this one.

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

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

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

Tabled—May 1, by Mr. Hichens of Eliot.

Pending—Passage to be enacted.

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

Mr. CORSON: Mr. Speaker, I move that this matter be passed to be enacted.

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

Mr. HICHENS: Mr. Speaker and Members of the House: I was on my feet to ask that this motion be indefinitely postponed. It was tabled two days ago for the purpose of checking on the legality of this bill. We found that the Liquor Control Committee, in its rush to liberalize as many liquor laws as possible, overlooked actions taken in the Legislature and signed by the Governor previously.

The House and Senate went along with this 9 to 1 report and let it through. But then when the legality was checked last Friday, the chairman of the Committee and myself as House chairman, received this letter from the Attorney General's office:

"I fear that there may be confusion in the minds of many legislators regarding the laws rela-

tive to the business hours and days during which liquor may be sold.

"As you are well aware, L. D. 365 entitled "AN ACT Relating to Sunday Sale of Liquor" was enacted and signed into law by the Governor on April 14, 1969. Said law is now designated as P. L. 1969, chapter 183. Since said recently enacted statute will completely replace and repeal the existing statutory language of Title 28, section 4, the existing language of said section is obviously moribund, depending upon the date when the ninetieth day after the adjournment of the legislative session takes place.

"Why therefore is the Legislature, according to the terms of the above-designated L. D., attempting to amend an existing statute which will soon be repealed in toto?"

On the basis of that letter, Mr. Speaker and ladies and gentlemen of this House, I ask that this motion that has been made be killed and that we indefinitely postpone this measure.

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

Mr. CORSON: Mr. Speaker, I ask that this matter be tabled for one legislative day.

Whereupon, Mr. Hichens of Eliot requested a vote on the tabling motion.

The SPEAKER: The gentleman from Madison, Mr. Corson, moves that L. D. 1466 be tabled until tomorrow pending the motion of the gentleman from Eliot, Mr. Hichens, that it be indefinitely postponed. A vote has been requested on the tabling motion. All in favor of this matter being tabled until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 99 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

(Off Record Remarks)

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

HOUSE REPORT — "Ought not to pass" — Committee on Education on Bill "An Act relating to

Secondary Education in the Town of Islesboro" (H. P. 509) (L. D. 680)

Tabled—May 1, by Mr. Lee of Albion.

Pending — Acceptance.

On motion of Mr. Richardson of Stonington, retabled pending acceptance of the "Ought not to pass" Report and specially assigned for Thursday, May 8.

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

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

Tabled — May 1, by Mr. Starbird of Kingman Township.

Pending — Passage to be engrossed.

On motion of Mr. Mills of Eastport, retabled pending passage to be engrossed and specially assigned for Thursday, May 8.

The Chair laid before the House the fifth 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 — May 1, by Mr. Susi of Pittsfield.

Pending — Acceptance of either Report.

On motion of Mr. Levesque of Madawaska, retabled pending acceptance of either Report and and specially assigned for Thursday, May 8.

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

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

Tabled—May 1, by Mr. Drigotas of Auburn.

Pending—His motion to indefinitely postpone Committee Amendment "A" (H-238).

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

Mr. DRIGOTAS: Mr. Speaker, because of legislation that is in the other body of the House vitally

affecting this L. D. 798, I hate to indulge in these tabling games, but because this is so I hope someone will table this until Thursday, May 8.

Thereupon, on motion of Mr. Huber of Rockland, retabled pending the motion of Mr. Drigotas of Auburn to indefinitely postpone Committee Amendment "A" and specially assigned for Thursday, May 8.

The Chair laid before the House the seventh 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—May 1, by Mr. Cote of Lewiston.

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

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

The Chair laid before the House the eighth 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—May 1, by Mr. Susi of Pittsfield.

Pending—His motion to accept Majority Report.

On motion of Mr. Susi of Pittsfield, retabled pending his motion to accept the Majority "Ought not to pass" Report and specially assigned for Thursday, May 8.

The Chair laid before the House the ninth 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 Amend-

ment "A" and Senate Amendment "A" S-110 in non-concurrence)

Tabled—May 1, by Mr. Wight of Presque Isle.

Pending—Further consideration.

On motion of Mr. Wight of Presque Isle, the House voted to adhere to its former action.

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

HOUSE REPORT—"Ought not to pass" — Committee on Business Legislation on Bill "An Act relating to Reporting by Insurance Companies of Cancellations and Non-renewals of Automobile Insurance Policies" (H. P. 884) (L. D. 1143)

Tabled—May 2, by Mr. Scott of Wilton.

Pending—Acceptance.

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

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

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

Tabled—May 2, by Mr. Lund of Augusta.

Pending—Passage to be enacted.

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

Mr. LUND: Mr. Speaker and Members of the House: Sensing the impatient mood of this House today, I do not intend to strain its patience further. This bill was debated fully the other day.

Since then, and perhaps as a result of the debate, the bill has been amended to take out the jail penalty and to require a showing of willful violation in order to penalize the failure to destroy the records of an arrest which did not result in a conviction. The amendment makes a little less objectionable a basically unsound bill. I say "basically unsound" because the real grievance that the sponsor and supporters of the bill have is the disclosure of certain types of information to people who may inquire, and the bill itself does absolutely nothing about disclos-

ure, it does nothing about the disclosure of the type of record which will still remain even after the items prescribed here would be expunged. So rather than go at the problem of disclosure, which is the real problem, this legislation would attempt to legislate what type of records may be retained, and to do this, by ordering a governmental agency to expunge or destroy records which are within its control.

This is the only legislation I have ever seen which attempts to define what types of information may be retained by an agency, governmental or private, and which attempts to direct an agency to expunge, obliterate or destroy information. And this is the reason I view it as being basically unsound.

Now it often happens that during a legislative session that bills will pass and the real effect of them will not be known, and oftentimes after a session we will ask ourselves, "Now, how did this item get by?" and my only purpose in discussing this today is to make sure that the House knows what it is voting on, because I anticipate that this will probably pass. However, I do not want to afford the House the luxury of having an item go by without knowing fully what the implications are, and I feel that if this passes, once the local police departments and the others involved in law enforcement in the State realize its full implications, they will be asking the members of the legislature how they happened to pass such a bill.

For this reason I am not going to make a motion, but I hope that some of you may vote against enactment, and I ask for a roll call.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: This bill received the unanimous committee report; it was debated a couple of weeks ago and was passed by better than a two to one margin in this House.

I am not going to go into any detail on the bill. However, if you

believe that when a person is acquitted of a crime that he should not continue to suffer the stigma of having been charged for that particular crime, then you should support the passage of this bill. Why should a person who is found innocent be penalized for the remainder of his life by the record of having been charged with a crime? The answer, I believe, is simple, that he should not. If we pass this bill, at least to a certain extent he will not. I move the passage of this bill.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that when the vote is taken, it be taken by the yeas and nays. 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 the passage to be enacted of An Act to Provide for the Expunging of Certain Records of Arrest, House Paper 223, L. D. 663. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Buckley, Bunker, Burnham, Carey, Carter, Casey, Chick, Clark, C. H.; Cote, Cottrell, Couture, Cox, Crommett, Croteau, D'Alfonso, Donaghy, Drigotas, Farnham, Fecteau, Fortier, A. J.; Foster, Gauthier, Gilbert, Giroux, Good, Haskell, Hawkens, Heselton, Hewes, Huber, Hunter, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, LePage, Levesque, MacPhail, Marquis, Martin, McKinnon, McNally, McTeague, Mills, Mitchell, Moreshead, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Ricker, Rideout, Rocheleau, Santoro, Shaw, Sheltra, Soulas, Tyndale, Vincent, Watson, Waxman, Wheeler.

NAY — Baker, Barnes, Bedard, Benson, Birt, Bragdon, Brown, Chandler, Clark, H. G.; Coffey, Crosby, Cummings, Cushing, Dennett, Durgin, Dyar, Emery, Erickson, Eustis, Finemore, Fortier, M.; Fraser, Hall, Hanson, Henley, Kelley, K. F.; Lewin, Lewis, Lincoln, Lund, Marstaller, Millett, Morgan, Mosher, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ross, Scott, C. F.; Scott, G. W.; Snow, Stillings, Susi, Thompson, Trask, White.

ABSENT — Allen, Carrier, Corson, Curran, Curtis, Dam, Danton, Dudley, Evans, Faucher, Hardy, Harriman, Hichens, Johnston, Leibowitz, Meisner, Sahagian, Starbird, Tanguay, Temple, Wight, Williams, Wood.

Yes, 78; No, 49; Absent, 23.

The SPEAKER: Seventy-eight having voted in the affirmative and forty-nine in the negative, the Bill is passed to be enacted. It will be signed by the Speaker and sent to the Senate.

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

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

Tabled—May 2, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

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

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

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

Tabled—May 2, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Finemore of Bridgewater to reconsider passage to be enacted.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: As briefly as I can I would like to

explain, and I think you deserve an explanation, for my request for reconsideration after my voting for the bill. My reason after seeing the vote so near—the fors and against—I picked up an extra copy of Senate Paper 345, L. D. 1211, together with a copy of the Senate amendment, number 84, and took them over to my room last Thursday night, and after some study came up with the following.

If you turn to your L. D. 1211, page two under Section 2240, second paragraph, which reads "Effective income," you will note, "total income subject to federal income tax, including interest from governmental obligations, less personal exemptions, standard or itemized deductions and all federal income taxes, paid on the prior calendar year by the student and his parents pursuant to the Internal Revenue Code of 1954 of the United States, as amended, in effect on December 31, 1965."

Also, looking at paragraph 4 under 2240, "If more than one eligible student for which the parent provides a majority of support is registered in an institution and qualifies for a grant under this chapter, the combined effective income of the parent shall be divided by the number of eligible students in the family in determining the amount of the grant payable under the schedule to each student."

If a family of mother, father and four children, for example, could have a gross earned income of \$9500, using the standard deduction of 10%, or \$950, plus \$3600 deduction for dependents of \$600 each, leaving a taxable income of \$4950, or one student eligible. We must remember it also states that the income tax paid in the previous year is also deductible from the effective income.

Now with this in view, if there were two students in the family, they could have a gross income of \$15,000, less the standard deductions of \$1,000, less \$3600, deduction for dependents, less the previous year's federal income tax, making both students eligible.

Now, Mr. Speaker and Members of the House, I could go on to three or four students out of a six-

member family until you reach an earned income of well over \$20,000. I ask you, should we go that far in calling families of this income, low income families and making them eligible for all the tuition in our state colleges whose tuition does not exceed \$100 per year.

If I have made an error, I stand corrected. But I sure tried to get it simple and to the point. In fact I even, over the weekend, called an income tax lawyer and he verifies my figures and interpretation of the bill.

Also, there is a lot to be said in regard to removing the resident wording.

I hope you will go along with me on a motion to reconsider whereby we enacted this bill in the House on May 2, last Thursday. If the motion to reconsider is carried I will let the House do whatever they see fit, to recommit the bill, amend it or kill it.

Furthermore, this is my own actions and not the actions of a group of other members of the House. I thank you.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: What the gentleman from Bridgewater, Mr. Finemore, has just told you, although I didn't get all the statistics, I believe, to be essentially true; except that I think he failed to explain to you one important provision of this piece of legislation and that is that the State Board of Education shall pass judgment on all applications for this scholarship aid. It seems to be quite obvious that this Board, who are appointed by the Governor, confirmed by the Executive Council, in its prudence is going to give a \$100 scholarship to students from low income families first, starting with those families whose effective family income is the lowest and then working its way up. There is not such a huge amount of money attached to this bill that we will be in a position of financing the education, or helping on the education, of families who make ten, fifteen, or even twenty thousand dollars. We will, however, have an

opportunity to grant a very small portion of aid to grant an incentive, to grant a degree of hope, for families who have students who wish to go on to college. I would hope that this House in its wisdom and its compassion would go along with this bill and would vote favorably upon it as it has twice in the past.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think this is a very important question, and I think something very substantial should be done to help students with their tuition in school. I think there are some other bills that are coming along which propose scholarship loans.

It seems to me that we ought to study this problem in greater depth. We are told that 40 per cent of the students who do go to college now become dropouts. There is no provision assuring that these students who go with their \$100 are going to stay there very long. If we were going to attack this problem on the basis of \$100 help per year, it seems to me that we should put in some qualifications maybe giving the scholarship to juniors and seniors who have already qualified. I noticed in the Portland Telegram this weekend quite a feature editorial on loans to students, and it's something that has been talked over by the New York Times in quite depth, and I think that is a great deal better approach than showing our sympathy perhaps by offering some students here and there \$100. I don't know if there is any price tag on this, and I don't think any price tag could be figured because there is no analysis of low income groups, how many want to go, and so forth, and that is one reason why I would prefer to study this a little more. I think I will vote for reconsideration.

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

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I will make my remarks very brief. I would like to quote to you from an editorial in last Sunday's Maine Sunday Telegram. "As

matters stand today, every taxpayer in Maine is taxed to pay the education costs of a relative handful of Maine students at the state university or at the less subsidized state technical institutes. Do the youngsters of all taxpayers now get an equal opportunity to the higher education for which everyone is paying? No. Some students can't raise the money needed. Other students are turned down because space is not available. This condition is inequity at its worst. Everyone pays the costs. But only a chosen few get the benefits. . . bank loans for college education are mighty hard to come by for the youngster of a poor family. And college scholarships also are limited, without nearly enough money to go around."

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am sorry to have to confess that I went to college back in the days when it was not stylish to have your way paid by somebody, and I was afraid that my thinking due to that fact was all wrong, so I inquired of quite learned people down my way and one fellow made this remark which I think is very apropos to the bill. He says, "What are you doing anyway? Aren't you just offering a little piece of cheese that you put in a mouse trap? That's all in a hundred dollars?"

The SPEAKER: The pending motion is to reconsider our action whereby this Bill was passed to be enacted.

Whereupon, Mr. Waxman of Portland requested the yeas and nays.

The SPEAKER: The gentleman from Portland, Mr. Waxman, moves that when the vote is taken it be by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All in favor of 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 Bridgewater, Mr. Finemore, that the House reconsider its action whereby An Act Providing for Scholarship Aid for Students from Low Income Families, Senate Paper 345, L. D. 1211, was passed to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Baker, Benson, Birt, Bragdon, Brown, Bunker, Clark, C. H.; Coffey, Cottrell, Couture, Crommett, Crosby, Croteau, Cummings, Cushing, Dennett, Donaghy, Durgin, Dyar, Emery, Erickson, Eustis, Farnham, Fecteau, Finemore, Foster, Gauthier, Gilbert, Good, Hanson, Hawkens, Henley, Heselton, Hewes, Huber, Immonen, Jameson, Johnston, Kelley, K. F.; Laberge, Lebel, Lee, Lewin, Lewis, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Millett, Mills, Moreshead, Nadeau, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Ross, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, Wheeler, White, Wight.

NAYS—Barnes, Bedard, Bernier, Binnette, Boudreau, Bourgoin, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, H. G.; Corson, Cote, Cox, D'Alfonso, Driogtas, Dudley, Fortier, A. J.; Fortier, M.; Fraser, Giroux, Hall, Haskell, Hichens, Hunter, Jalbert, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, LePage, Levesque, Marquis, Martin, McTeague, Mitchell, Morgan, Mosher, Norris, Ouellette, Rocheleau, Temple, Vincent, Watson, Waxman.

ABSENT — Allen, Berman, Brennan, Buckley, Carrier, Curran, Curtis, Dam, Danton, Evans, Faucher, Hardy, Harriman, Leibowitz, Lund, Meisner, Sahagian, Starbird, Tanguay, Williams, Wood.

Yes, 80; No, 49; Absent, 21.

The SPEAKER: Eighty having voted in the affirmative and forty-nine in the negative, the motion to reconsider does prevail.

The pending question is passage to be enacted.

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

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

Bill "An Act to Authorize Bond Issue in the Amount of \$7,541,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (H. P. 319) (L. D. 406) (Committee Amendment "A" adopted H-250)

Tabled—May 2, by Mr. Bragdon of Perham.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: This bill, the capital construction program, the bonded portion of it, is now before you for passage to be engrossed and I think it is appropriate today for us to consider the action that we are about to take, and I would like to make a few very brief comments about it.

Early in the session a number of us suggested the possibility of the new Chancellor effecting a moratorium on capital construction, insofar as new capital construction might put us in the position of affecting academic policy by voting that a building go in a certain place and then committing ourselves to a long-range educational program without giving consideration to the needs and the real priorities of this construction. The Chancellor, I am pleased to report to you, apparently accepted this recommendation and they came back with a recommendation to the Appropriations Committee that a number of important capital construction items be deferred until a master plan for the University of Maine could be worked out and until these buildings could be fit into the general scheme. And when they took this action they recommended the amount before you which is \$7.5 million.

Now I for one was very very distressed by the failure of the Chancellor and those advising him to recommend the funding at this time of the particular program at the University of Maine, Phase II of the Department of Physical Education and Athletics. In case you don't know it, the present facility at the University of Maine was built several decades ago to accommodate 2000 students. At the present time there are in excess of 8500 students at the University of Maine, and I think it is truly remarkable that we have denied these young people the opportunity to gather, to pursue sports of all kinds, to give the undergraduates an opportunity to work off a little steam, to put it in the colloquial phrase; and that we have now a situation at the University of Maine in Orono where we do not have adequate physical educational facilities, where we don't provide an opportunity for intermural athletics, and I say that we are simply postponing the day of judgment when we can expect students at the University of Maine to find a more vigorous, perhaps protesting outlet for their youthful vigors.

Now although I violently disagree with declaring a moratorium on the Phase II program and while I have communicated that to the members of the Committee on Appropriations and Financial Affairs, I am willing to accept their judgment and wait until the next special session of this Legislature, at which time I sincerely hope, and I know that a great many of you join me in hoping, that we will not defer, as sure as anything can be sure, tremendous additional costs because of inflation, and that we will recognize that this particular facility should be installed if we are going to have a truly first class University of Maine at Orono.

Now I have accepted the judgment of this Legislature and the principal reason I am arising today is to suggest to you that the students of the University of Maine, but most particularly the administration of the University of Maine, should also accept the judgment of the Legislature arrived at after careful analysis and thought.

I would remind you of the fact that the 103rd Maine Legislature made available funds for the University of Maine and the then related State colleges which resulted in spending \$31 million, thirty-one millions of dollars.

This Appropriations Committee has recommended a combined expenditure of \$49 million which is an increase of \$18 million over the last biennium's actual expenditures. I would also suggest to you that the 103rd increased the preceding biennium's expenditures by \$10.6 million. So you can see that this Appropriations Committee in its Part II budget has not in fact short-changed the University of Maine. It has gone through an agonizing procedure and as one of those not a member of the committee I think it is perfectly appropriate for me to commend them. And I commend to the present Chancellor and to the administrative officers of the various campuses of the University of Maine that they give very careful thought before they instigate student contact with you and other members of the Legislature in order to persuade you that the University is being short-changed. As an alumnus of the University, as one who has always consistently voted in favor of University measures when I thought they were in the best interest of the public and the University, I deny that this Legislature is short-changing them, and I hope that every one of you will recognize this bill as we pass it as simply a very very narrow attempt on our part at this point to meet the Chancellor's recommendations, recognizing full well that in the next special session of the Legislature we are going to have to do even more.

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

Mr. JALBERT: Mr. Speaker and Members of the House: To go along with the passage of this measure I would also reiterate that this was the wish of the Chancellor, the new Chancellor himself. I think in view of the fact that there is a meeting to be held tomorrow of the Board of Trustees, as I read it, to discuss what their programs

are going to be, I think the setup of new programs by any department, and the University of Maine is one of our departments, should not be entertained or should not be conceived to be a reality until such time as they have passed both branches of this House and Senate and also have had the signature of His Excellency, the Governor of the State of Maine.

I would like to go a little deeper into the figures as to what we really have done insofar as the University of Maine programming is concerned. At the 103rd Legislature we appropriated \$23,500,000 for the University of Maine. We appropriated \$10,500,000 for the five teachers' colleges, making a round total of \$34,000,000. The 104th Legislature appropriated for the University of Maine in Part I which means now the combination combined of State teachers' colleges and the University of Maine under one roof, we appropriated \$39,800,000 in Part I of the budget, and we appropriated \$6,700,000 in the Part II of the budget, making a total of \$46,500,000.

Plus this amount, we also gave the additional revenue which is the tuition money of the teachers' colleges to the tune of \$3,100,000 to the University of Maine instead of this money again going back where it usually went into the General Fund. So that adding this total of \$46,500,000 and \$3,100,000 gives us a total of \$49,600,000 budgeted for the next biennium. So that the 104th Legislature appropriated \$49,600,000 for the biennium as against \$34,000,000 appropriated by the 103rd Legislature. This indicates an increase of \$15,600,000 for operating costs and not capital costs.

In my humble opinion I think frankly that the Committee has done a fairly good job bearing in mind that we appropriated some 16% plus more monies for the operation of these institutions this year than we did two years ago. Should we have done anywheres near the same for the other departments we would have pledged ourselves not only into a over-mammoth taxation program but also we would have pledged ourselves into a commitment two years from now that nobody could

ever meet, and insofar as I am concerned in the Committee I did vote, and as a matter of fact made a motion, that we raise the amounts that we have granted at \$6,600,000, and it held for one day and then other heads prevailed and we went back to what you see now, to \$6,700,000.

Now I too — not on the high level scholastically and certainly athletically as the gentleman from Cumberland, Mr. Richardson — but I too stem from the campus of the University of Maine in Portland, graduating at the age forty, thumbing my way to and thumbing my way back. And as far as I am concerned, as I served notice before, that I would not vote at this session for a 6% sales tax nor a personal income tax. I am stating right here and now that the University of Maine can send every student at the University, including a niece who lives in the same house as I do, who is going to graduate this June, to lobby me; they can send every trustee at the University of Maine to lobby me; they can send Dr. McNeil and Win Libby, and I would love to see them. I am not going to vote for one additional cent for the University of Maine at this session, and any further lobbying that is done by anybody towards me I will vote to lower the budget.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: In view of the debate, it would seem as if we were not discussing construction and renovation of higher education facilities at the University, but this has the L. D. which we have before us.

I am reluctant to agree with the gentleman from Cumberland, Mr. Richardson, because it seems that every time I do we lose, as was evident last week. However, I would agree with him on the issue that when the Chancellor appeared before the Committee on Appropriations and Financial Affairs he suggested to us—and not us to him, that he would give us what was critically needed at the University in terms of capital con-

struction and then he would hope that we would abide by his decision. That figure, as you know, was \$7,541,000. My bill called for construction at the University in the amount of \$22,855,000, at the five colleges and at the University setup.

Now obviously I was displeased because it did not include programs which I was vitally interested in, including the athletic facility at the University in Orono. It did not include the greenhouse facility also on the campus at Orono. It did not include a gymnasium at Fort Kent State, and I would point out that there is no gymnasium which goes one step further than the campus at Orono. I agreed to abide by the decision of the Chancellor and I did it reluctantly, because I knew that what I was doing was merely putting off the decision until the special session. However, I went along with him.

I would hope that the House would abide by this as the Appropriations Committee did and we would then have the recommendation of the Chancellor at the special session or a later time. To go one step further I would point out to you that we will have to adopt an amendment which the gentleman from Perham, Mr. Bragdon will introduce, and it even knocks out another thousand from the college in my area. I have agreed to buy this also, because it is in effect keeping with what the critical construction program that the University is going to be.

Now in reference to other remarks made by the gentleman from Cumberland, Mr. Richardson and the gentleman from Lewiston, Mr. Jalbert, in reference to the total appropriation for the University of Maine, it seems to me entirely in order for the people that are influenced, that are affected by the decision that we make here, to be interested in knowing what additions we can make to the budget of the University of Maine. I see nothing wrong in anyone, including students, from contacting me or contacting any other legislator, because I think in this way we find out what the story is and the least we could do is listen to what they

are saying. If we cannot listen to what they are saying, then probably there is justification for what is going on in other areas of the country and we certainly do not want that to happen at the campuses of the University.

And so I would hope that we would refrain from making any remarks which would say that we are not willing to listen to these people.

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

Mr. FARNHAM: Mr. Speaker, through the Chair I would like to ask, if anyone would care to answer, what buildings are covered by this proposed bond issue, what buildings are covered and where they would be located?

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would refer the gentleman from Hampden, Mr. Farnham to House amendment under filing number H-250, which is a committee amendment from the Appropriations and Financial Affairs Committee; and there you would find located the buildings that are included within the \$7,541,000. This, as I understand, will have to be amended by the gentleman from Perham, Mr. Bragdon, and this is under filing number H-276.

Now those buildings include a utility building at Fort Kent, sewage treatment plant at Gorham, Business-English-Math building at the University of Maine in Orono, a classroom building—which is the third phase at Aroostook, an outdoor health and physical education facility at Washington State, roads and parking areas, utilities extension at Orono, alterations and additions to facilities at Portland, classroom addition at Farmington, extension of underground services at Gorham, athletic and physical education fields at Aroostook, renovating boilers at Aroostook, south campus alterations and improvements at Bangor, the chemical en-

gineering building, phase two, at Orono, land and building acquisition at Aroostook, development of the library at Augusta, the expanding of central heating in Portland, improving of the pier at Darling Center in Walpole, and the farm relocation site development at Orono.

This is what the \$7,541,000 will include.

Thereupon, on motion of Mr. Bragdon of Perham, under suspension of the rules, the House reconsidered its action of April 29 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-276) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

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

Tabled — May 2, by Mr. Haskell of Houlton.

Pending — Passage to be engrossed.

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

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

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

Tabled—May 2, by Mr. Berman of Houlton.

Pending — Passage to be engrossed.

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

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

HOUSE REPORT—"Ought not to pass"—Committee on Health and Institutional Services on Bill "An Act relating to Licensing of Children Day Care Centers" (H. P. 1089) (L. D. 1406)

Tabled—May 2, by Mrs. White of Guilford.

Pending—Motion of Mr. Marstaller of Freeport to substitute Bill for the Report.

The **SPEAKER**: Is it the pleasure of the House to substitute the Bill for the Report?

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

Mr. **SOULAS**: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1406 would change the law from three or more to five or more. This is the only change in the bill. However, we of the Committee did not feel that four of the children in a home not inspected by the Department could guarantee the proper care given by its own mother. Sacrifices made by a mother of her own children under the same circumstances would and could not be afforded by a paid worker. For this reason we voted unanimously "ought not to pass," and for this reason I would hope that you would vote against the motion of the gentleman from Freeport, Mr. Marstaller.

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

Mr. **MARSTALLER**: Mr. Speaker and Members of the House: This law was passed to insure adequate protection of children. I feel that parents try to insure the adequate protection of their children and I think we had ample evidence of this at the hearing. The title of this bill is a little misleading. It refers to day care centers, and actually the bill itself only applies to homes taking care of children. In other words, you are talking about your neighbor's home; you are not talking about a center this is established to serve the general public, but your neighbor's home where the lady is taking care of children. So we are not talking about large places;

we are talking about small places that are visited every day by the parents.

This licensing is costing the State a lot of money; actually it isn't at this point, the Federal Government is paying for it, but it will cost the State when these federal funds are no longer available. I hope that we have some faith left in the people of the State of Maine to manage their own affairs and we don't have to manage everything here from Augusta, and I would hope that you would vote to substitute the bill for the report.

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

Mr. **BINETTE**: Mr. Speaker, Ladies and Gentlemen of the House: This bill, which seems very minor, has quite a lot to it. There is no cost involved. We heard both sides, the proponents and the opponents of this bill, and the main thing that the opponents had was that they did not want to have their homes inspected. The licensing does not cost a thing to anyone who is caring for children. I believe that we should not lower our laws; we should try to upgrade them; and when they have children over three, three or more, they have to be inspected, which is perfectly normal. And the only thing that we have heard from people who stated — they didn't like to have inspectors look into their homes.

If I were in the business myself, of trying to care for children, I would be most happy to welcome anyone who so desired to look at the conditions of the home, because I believe our children should receive the best care that is possible. I certainly hope that you will defeat the motion of my good friend, Mr. Marstaller.

The **SPEAKER**: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. **FRASER**: Mr. Speaker and Members of the House: As a member of that Committee I would concur with the gentleman from Bangor, Mr. Soulas and also with the gentleman from Old Town, Mr. Binnette, because I asked one of the witnesses at that meeting what was the objection to a

license. The State does not prohibit you from having three or more or five or six or seven. All they ask for is a license. And I was told that they did not wish to have the privacy of my home invaded. Well I tell you, ladies and gentlemen, when you get that many children in your home it becomes a public place of business; it is not a private home any more. A person taking care of two children could very well have two more of their own, as it is now, and if they have to take care of four children, and I assure you that any one woman who takes care of four children during the run of a day will have her hands full and if she takes any more she'll probably have to have some help, and that is one of the reasons why the State requires licensing.

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

Mrs. PAYSON: Mr. Speaker and Members of the House: As a member of the Committee on Health and Institutional Services, I originally went along with the "Ought not to pass" Report of this bill. I have since then reconsidered my decision on the basis that during the questioning of one of the proponents of the inspection of homes, we asked the question: "How many homes have been inspected?" The answer was 300 homes had been inspected. The next question was: "How many did you find were not acceptable?" The answer was one home out of 300. The third question was: "Did you find something drastically wrong with this particular home?" The answer to that was that this home with four children was on the third floor taking care of a couple of children, and therefore was not acceptable. To me this is a waste of \$30,000, and a waste of the time of inspectors and social workers going around the state on this particular business, and I would like to see, actually, this whole program removed from the state, but I think that we can't do this at this point, and, therefore, I feel we should take one step forward in the right direction, and I, therefore, move the passage of this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would declare myself in the same thinking as the gentlewoman from Falmouth, Mrs. Payson, on this measure because it will afford me an opportunity to keep on going in another area, however, wherein it concerns this contemptuous, as we were called, actions of the Appropriations Committee by a Neil D. Michaud, who through a letter distributed to you this morning, continues his attack upon the Appropriations Committee and the lack of leadership as exercised by them, and the accusations that we have done nothing but throw a bone to the poor.

As it is stated that we had forfeited millions of dollars by aid to the poor for political needs, or because we simply don't care. Now as far as I am concerned, I spent a great deal of my life caring. Now the Appropriations Committee, I thought, in this area had done a splendid job. Let me indicate to you how little they care.

In the area of Bureau of Health, we started out this program by giving some \$100,000 for the two years which would provide for engineer technicians, health statistician, and to plan out a state wide health program.

On the Bureau of Social Welfare the Appropriations Committee appropriated the sums in the area of \$150,000 which includes — now I want you to follow me very carefully in this — which includes three sub-professionals who will be taken off the welfare rolls and will travel around the state informing people of welfare programs. This could be an answer to someone who would say that we were throwing a bone to the poor.

I repeat what we have done. This would include three sub - professionals who will be taken off the welfare rolls and will travel around the state informing people of welfare programs.

In the area of Child and Welfare services, which needs more money for services to foster homes, we have appropriated the sums for

the biennium of \$760,000. In the area of Eye Care and Special Services we didn't even touch that part of the budget. We appropriated in that area some \$45,000 to hire more case workers, and education workers and mobility specialists.

In the WIN Program, the work incentive program, which means it would provide for employment service program and earned income exemptions for welfare recipients. Earned income exemptions for welfare recipients, we have appropriated the sum of \$700,000.

In the area of Aid to the Blind and Disabled and all other, which provides for improvements in the boarding nursing home rates, we have appropriated the sums of \$600,000.

In the renewal of the town share, which is the 18%, we have appropriated the sum of \$2,081,000. In the area of drug and dentist programs, which was part of the statement as made which would indicate that we threw a bone to the poor, we appropriated in this area the sum of nearly \$700,000.

In the area of Aid to Dependent Children to provide for the increased caseloads, we have appropriated the sum of \$1,000,000, which rounds out a total in addition to the already existing \$40,000,000 plus that we spend now for health and welfare, which now indicates an increase of \$6,122,000 more than the last biennium.

Now it is true that we did not set forth the L. D. 918 in its entirety. It is, however, true that in all honesty that we did give a great deal more levity and a great deal more of a head start to this program than was originally expected.

Now when we are talking about the poor, let me give you my philosophy: the very wealthy operates by, through the operations of good, honest, astute attorneys and very knowledgeable accountants, so that as goes the oil programs down south, a tax as far as a personal tax is concerned, is almost unknown to these very wealthy individuals. Now rightfully so the poverty stricken pay no form of taxation. But I will tell you who is getting poorer, it's that fellow who

is caught right in the middle, the business man, the professional man, the labor worker, the clerk in the store, the individuals who are caught right in the middle. There are no exemptions for them. Somewhere along the line they should be given some sort of protection, and insofar as I am personally concerned, and I know I speak for the committee, without having even talked to any member of the committee, it would behoove me that the Appropriations Committee did not only a good job, but a very very fine job insofar as these programs are concerned. And anybody that sits in a five-figure plus job given to him through public funds should think twice before he calls our actions contemptuous and also before he indicates to us that we simply don't care.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: I fail to understand what all this debate has to do with the bill at hand. I wish to add further to what I said before. I served, acted, and worked as a debit life insurance man for thirty-six years. In that capacity I had occasion to call on thousands of homes. Some of these were acting as baby sitters, what we are talking about now. And I have seen homes where some of these were just numbers. Some women at our committee said that the reason they take care of these children is because they love children. Well, that is wonderful. We all love children. But let me tell you, when they get too numerous in a home they become numbers and love is second.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: I'd like to point out that we do have child abuse laws, and if children are being abused in their own homes, or somebody else's home there's a way to look after this, and we don't need another licensing department.

Also it was brought to my attention by a lady who has a license to run such a home, that she

was contacted by the department and asked to oppose this bill.

The SPEAKER: All in favor of substituting the Bill for the Report on Bill "An Act relating to Licensing of Children Day Care Centers," House Paper 1089, L. D. 1406, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 46 having voted in the affirmative and 52 in the negative, the motion did not prevail.

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

(Off Record Remarks)

The SPEAKER: The Chair would announce that Leslie H. Stanley, the Director of Civil Defense and Public Safety Agency will present tomorrow morning at a joint session an unusual team of three men to present the story of the North American Air Defense Command. You will please notice the Norad pamphlets placed on your desks this morning.

On motion of Mr. Fortier of Rumford,

Adjourned until ten o'clock tomorrow morning.