

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Wednesday, May 7, 1969

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

Prayer by the Rev. Mr. Richard Cleaves of Augusta.

The journal of yesterday was read and approved.

### Papers from the Senate

From the Senate: The following Order:

WHEREAS, spelling is a skill which if properly developed and integrated into life's activities deeply enriches and makes living more adequate; and

WHEREAS, Peter Parisi, 14 year old son of Mr. and Mrs. Peter J. Parisi of Rumford, possesses this skill and has earned the title of Maine spelling champion for 1969; and

WHEREAS, he will represent the State of Maine at the national spelling bee at Washington, D. C., during the first week of June; now, therefore, be it

ORDERED, the House concurring, that the members of the 104th Legislature of the State of Maine extend congratulations to Peter Parisi for this outstanding achievement and best wishes for his future success and happiness; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be transmitted forthwith to the new champion and his proud parents. (S. P. 452)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate:

Bill "An Act to Clarify the Charter of the City of South Portland" (S. P. 451) (L. D. 1491)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

### Reports of Committees

#### Ought Not to Pass

Report of the Committee on Inland Fisheries and Game report-

ing "Ought not to pass" on Bill "An Act Providing Complimentary Hunting Licenses to Maine Residents over 70 years of Age" (S. P. 135) (L. D. 419)

Came from the Senate read and accepted.

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

### Covered by Other Legislation

Report of the Committee on Labor on Bill "An Act Revising the Minimum Wage Law" (S. P. 91) (L. D. 282) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

### Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 55) (L. D. 226) reporting same in a new draft (S. P. 449) (L. D. 1483) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

### Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Parole Eligibility Hearing in Life Imprisonment and Other Long Term Cases" (S. P. 167) (L. D. 541) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-117) was read by the Clerk and adopted in concur-

rence, and tomorrow assigned for third reading of the Bill.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Resolve Providing Funds for Dental Education (S. P. 201) (L. D. 610)

Report was signed by the following members:

Mr. KELLAM of Cumberland  
— of the Senate.  
Mrs. KILROY of Portland  
Messrs. WAXMAN of Portland  
CHICK of Monmouth  
RICHARDSON  
of Stonington  
MILLETT of Dixmont  
— of the House.

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

Report was signed by the following members:

Messrs. KATZ of Kennebec  
STUART of Cumberland  
— of the Senate.  
Mrs. CUMMINGS of Newport  
Mr. ALLEN of Caribou  
— of the House.

Came from the Senate with the Minority Report accepted and the Resolve passed to be engrossed.

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report and I would speak briefly to the motion.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House accept the Majority "Ought not to pass" Report in non-concurrence. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Due to the fact that this item is already included in the Part II budget, I hope that we will vote to accept the Majority "Ought not to pass" Report on this bill. Thank you.

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

#### Divided Report

Majority Report of the Committee on Education reporting "Ought

to pass" on Resolve Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds not Exceeding, at Any One Time Issued and Outstanding, Twenty-five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities. (S. P. 261) (L. D. 865)

Report was signed by the following members:

Messrs. KELLAM of Cumberland  
KATZ of Kennebec  
STUART of Cumberland  
— of the Senate.  
Messrs. CHICK of Monmouth  
ALLEN of Caribou  
WAXMAN of Portland  
Mrs. CUMMINGS of Newport  
Mr. MILLETT of Dixmont  
— of the House.

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

Report was signed by the following members:

Mr. RICHARDSON  
of Stonington  
Mrs. KILROY of Portland  
— of the House.

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

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Newport, Mrs. Cummings, moves that the House accept the Majority "Ought to pass" Report in concurrence. Is this the pleasure of the House?

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

Mr. HASKELL: Mr. Speaker and Members of the House: I regard this resolve as of critical importance. Since it is a Constitutional amendment it would require a two-thirds vote of the House. I feel that this resolve could well mark a turning point in our whole approach to higher education. For this reason I ask your indulgence as I plan to speak at some length in support of its passage.

I find that freshmen legislators have to surmount a rather formidable credibility gap before their

opinions are given the respect accorded those of their peers with longer service, who have been tested in debate and whose voting record has been subjected to long scrutiny.

I feel the need of all the credibility I can possibly muster so I am going to review some facts. I have been very closely involved with higher education for the past fifteen years, as a member of the Board of Trustees, Chairman of a Development Committee, Vice Chairman and Chairman of the Board of Trustees at Ricker College during a period when the enrollment grew from less than 100 students to over 650, during a period in which we built seven new college buildings and gained accreditation from the New England Board of Higher Education. I have worked over, sweated out and worried about fifteen annual budgets, have worked at making up annual deficits by various fund raising programs. I have hired and fired college personnel at all levels, from the president on down. From this background I have reached certain conclusions regarding the future of higher education in Maine.

The first of these is that the Legislature must regain the initiative regarding the appropriation process in the field of higher education. To illustrate, you recall that early in February I put on the record here in the House my opinion that the Trustees of the University of Maine were requesting four times as much money for capital construction as could be justified with their present plant investment and their projected enrollment growth measured against national averages of plant investment per student. I said at that time that a 9-10 million figure would be a maximum that could be presently justified. Subsequent to making that statement I attended, early in April, a hearing of joint appropriation and education committees at which the University of Maine capital budget was heard. I was prepared to appear as an opponent to a proposed budget request of \$38,000,000 but was pleasantly surprised to find that Dr. McNeil, the new Chancellor, after reviewing the University situation

was now proposing an appropriation of \$7½ million with an indication that the balance of the earlier proposed appropriation needed more study.

At the hearing I posed two questions to Dr. McNeil. I asked if he saw value in the national average of capital investment per student as a guide. He indicated he did, but expressed some reservations regarding too rigid application of guide line figures, which I regard is reasonable. I asked if a study was being made of the excess space at Dow Field in Bangor, not now in use but owned by the University of Maine, which seems to be in the area of \$10,000,000 of available unused building space. He indicated that such a study would be made.

Dr. McNeil I regard as a very perceptive individual and I am sure he understands that in the event that future capital fund requests of the University of Maine substantially exceed national average per student figures of capital investment, that at least one legislator will be appearing before the Appropriations Committee as an opponent.

Public higher education has been described as a sacred cow. The cow is certainly entitled to graze on public funds; however, the size of the pasture should be established by legislative assessment of the cow's needs and not by the cow's appetite.

The second conclusion and by far the most important is this—if it is possible I would like the reporter to put this in capitals and underline it in red ink—**IF WE START NOW TO USE STATE MONEY CREATIVELY IN SUPPORT OF PRIVATE HIGHER EDUCATION IN MAINE WE CAN ESTABLISH A SUPERIOR TOTAL EDUCATIONAL PLANT AT A SAVINGS OF MILLIONS OF DOLLARS.**

We are concerned in this resolve with a very minimum involvement of the State in the private area, namely, in the State providing construction and expansion loans to the private colleges.

This is to be accomplished by means of a Constitutional amendment. The economic argument in-

volved here is simple. We are now spending at the rate of \$2,000 per year per student as a subsidy at the University of Maine. The four-year subsidy will amount to \$8,000.

In the event enrollment growth necessitates additional capital investment, additional college places cost \$6,000 per student to construct. When a student's decision to attend public higher education may involve a \$14,000 investment, I submit it is time to consider alternatives. Presently no expense to the State is involved when a Maine student attends a Maine private college.

With these two figures firmly in mind, on the one hand in the public sector a \$14,000 investment is involved in the student that attends our public institutions where additional capital construction is needed versus an expenditure of no dollars in the public sector, I submit it is time to begin to think of alternatives. Clearly Maine's educational costs are reduced if additional students enter the private sector. It is then in the public interest to have as large a private sector as possible. Allowing these colleges to borrow at as low rates as possible will stimulate expansion. The expansion record with no public assistance is indeed impressive. Private college capacity in Maine has increased from 2,200 in 1945 to 7,200 in 1967. If you will reflect a minute you will realize that this represents a gain of 5,000 college places.

At current levels this represents a \$30 million investment that the State did not have to make.

Some states have already discovered that they can in effect buy education wholesale by using state money in amounts somewhere between zero and the state's subsidy amount in public higher education to create a shift of students to the private sector. These approaches vary from grants to students in some amount to direct subsidy to the private schools. I have a bill before the Education Committee, L. D. 1228, which proposes one of these approaches. The resolve that we are concerned with this morning, however, does involve a very minimum state in-

volvement, simply in pledging the State's credit to allow these colleges to borrow at lower interest rates.

During the period that the private colleges of Maine were building the plant represented by these 5,000 new college places, thousands of dollars were wasted in high interest charges because this loan program was not in effect. It is futile to mourn over lost opportunities but it is time now to indicate by a very substantial affirmative vote that we, at last, recognize an opportunity to act in the interest of the State of Maine.

Mr. Speaker, in order that the members of the House may have a record to which they can in later years point with pride as being numbered among the ones who did recognize the opportunity to effect a change in our approach to higher education, I would ask that the vote be by a roll call vote.

And, ladies and gentlemen of the House, if I have been able to convey a tenth part of my own conviction that this is a very necessary and a very desirable step for the State to take at this time, our voting board would show a line as straight and green as one of our Aroostook County potato fields. Thank you very much.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I would join with my colleague from Houlton, Representative Haskell in urging passage of this measure. I do not know whether or not he made it clear in your minds that in effect this does not cost the State of Maine or any taxpayer in the state one red penny. Now we have used the credit of the State through various agencies such as Maine Building Authority and Maine Recreation Authority to build potato plants, to build beef plants, to build motels, to build tennis courts, to build about anything else you can think of. We have the opportunity here today to use the credit of the State to build men and women who will be leaders of our State in the generations to come.

I would urge you to consider this seriously because I know that there is opposition and I am one of those who generally opposes bond issues, but this bond issue will not cost any taxpayer in the State of Maine one red cent. Our private colleges are doing a tremendous job and every Maine student that attends one of our private colleges does save you anywhere from 1500 to 2,000 dollars in State tax dollars that are necessary or needed if they do go to a state institution.

So I urge you gentlemen to give this the majority vote that it deserves.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I regret to say that I cannot make that line entirely green. In the 103rd Legislature I opposed additional bond issues in further extending the credit of the State to broaden its coverage of underwriting certain areas of private industry, and I feel that I cannot support the extension of that same credit which we are, it seems to me, spreading pretty thin in other state matters.

I feel that the private colleges—as has been stated by Mr. Haskell, they have done a wonderful job. Private colleges through the years have had wonderful support from endowments and other methods of raising money. I feel that we have too little control over our private colleges to extend the State's credit in further bond issues. My constituency back home, one of the chief things that they write me about is the alarming increase in our bonded indebtedness in the past fifteen years, and I think we will find before this session of the 104th is over that our bonded indebtedness is going to skyrocket again.

I realize that I am a small voice in the wilderness on this. I am not anti-education. I feel that we are perhaps needlessly saying—well all we've got to do is float a bond issue; it doesn't cost a red cent. Nevertheless, if I underwrite my neighbors and my friends paper it is still ruining my credit

to a certain extent, whether I ever have to pay it back or not. And consequently I cannot support this bill.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I arise in a little trepidation this morning because I did not wholeheartedly oppose this bill. I did feel, and I still do feel, that this should go to the Higher Education Council for their study. This Council is made up of the college presidents of all of the institutions in the State of Maine. And I did also feel that there should be some commitment on the part of these private colleges to make more places available to Maine students. This was the reason that I came out with a Minority Report and I shall stand on that position.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: The Education Committee was handed a very convincing report from a small college, showing what an economic influence the small college has on a community. There are several colleges now in Maine that are in need of help, and this won't cost the State of Maine anything, but it will be able to help these colleges expand and to take care of many more Maine students that they will probably accept.

As Mr. Richardson has said, there is no guarantee at the moment that the expansion that they will be enabled to have would guarantee that they would take more Maine students, but they did testify in front of the Education Committee that they would certainly give preference to any Maine students who met their standards and that this would be something that would be of extreme help to them and an encouragement to expansion.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I feel called upon to again, and I say

again because I have opposed similar proposals in previous legislatures, to speak in opposition to the Majority Report of this Committee. I think perhaps over a great number of years I have been critical of this method we are using of state guaranteed loans. I do not say that it would cost the State anything, or it wouldn't.

I am critical of some of the loans that have been made. I feel it is a great possibility that some day they may rise up to haunt the citizens of the State of Maine. But on the whole I think we have overdone this practice of guaranteeing loans in the name of the State of Maine and I fear we will extend our liabilities in this field to a point where it could impair the State's credit.

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

Mr. CHICK: Mr. Speaker and Members of the House: I just want to rise to support the motion and I would like to make just one point as to why I favored the bill. If only ten students go to private colleges in the future, as a result of passage of this bill, it would take away the cost of the State to send that number of students to our present state universities, because we are subsidizing them I believe about fifty percent at the present time. If they go to private colleges, it is no cost to the State of Maine; and this guaranteeing the bonds by the State will not cost the State any money, and I think it is just a good bill to look forward to trying to decrease the cost of our education and our state-owned universities and colleges.

For that reason I support the bill.

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

Mr. HASKELL: Mr. Speaker and Members of the House: There is a point that I would like to make very clear. Several states throughout the United States, recognizing the problem as I outlined it, have gone far beyond merely guaranteeing state loans to private colleges. This is almost commonplace throughout the United States.

Many states now have in effect legislation that makes direct grants to private colleges on the basis of degrees granted or the percentage of students in the state attending the private institutions.

This trend is well established throughout the United States. It is inevitable; it is going to come to the State of Maine. The thing that we are concerned with here this morning is a very minimum involvement of the State in nothing more than guaranteeing loans so that these colleges can borrow money at lower interest costs in order to make further expansion in the private sector. It certainly is nothing radical or unusual; it is something that should have been done ten years ago and it is something that certainly should be done this morning.

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

Mr. McTEAGUE: Mr. Speaker, I would ask a question of any member of the House. In the event of a default in one of these state-guaranteed loans by a private college, would the State have any security in the nature of a mortgage or anything on the buildings that would be built with the loan?

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

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

Mr. HASKELL: Mr. Speaker, my understanding of the bill, in the event of a default, there would be no recourse for the State. However, I would suggest that there is no history of any default on the part of any private institution in the State of Maine at the present time.

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

A vote of the House was taken.



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

The SPEAKER: The pending question is on the motion of the gentlewoman from Newport, Mrs. Cummings, that the House accept the Majority "Ought to pass" Report in concurrence on Resolve Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds not Exceeding at Any One Time Issued and Outstanding Twenty-Five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities, Senate Paper 261, L. D. 865. If you are in favor you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Brown, Buckley, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cottrell, Cox, Croteau, Cummings, Curran, D'Alfonso, Dam, Danton, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Eustis, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gilbert, Giroux, Good, Hanson, Haskell, Hawken, Heselton, Hewes, Huber, Hunter, Immonen, Jalbert, Johnston, Kelleher, Kelley, R. P.; Keyte, Lawry, Lebel, Leibowitz, LePage, Lewin, Lund, MacPhail, Marquis, Marstaller, Martin, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Norris, Noyes, Ouellette, Payson, Quimby, Rand, Richardson, H. L.; Ricker, Rideout, Ross, Santoro, Scott, G. W.; Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Tanguay, Tyndale, Vincent, Watson, Wheeler, White, Williams, Wood.

NAY — Barnes, Bedard, Benson, Bragdon, Bunker, Carey, Cote, Couture, Crommett, Crosby, Curtis, Cushing, Dennett, Gauthier, Hall, Harriman, Henley, Hichens, Jameson, Jutras, Kelley, K. F.; Kilroy, Laberge, Lee, Lewis, Lincoln, McKinnon, McNally, Nadeau, Page, Porter, Pratt, Richardson, G. A.; Rocheleau, Shaw, Temple, Thompson, Trask, Wight.

ABSENT — Birt, Burnham, Coffey, Erickson, Evans, Hardy, Levesque, Sahagian, Scott, C. F.; Waxman.

Yes, 101; No, 39; Absent, 10.

The SPEAKER: One hundred one having voted in the affirmative and thirty-nine in the negative, the motion does prevail.

The Resolve was read once and assigned for second reading tomorrow.

#### Non-Concurrent Matter

An Act relating to Expert Witness Fees as Court Costs (S. P. 103) (L. D. 312) which was passed to be enacted in the House on April 29 and passed to be engrossed on April 24.

Came from the Senate indefinitely postponed in non-concurrence.

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

#### Non-Concurrent Matter

Bill "An Act Exempting Sales to Certain Institutions from Sales Tax" (S. P. 240) (L. D. 715) on which the House accepted the Majority "Ought to pass" Report of the Committee on Taxation and passed the Bill to be engrossed in non-concurrence on May 2.

Came from the Senate with that body voting to insist on its former action whereby the Minority "Ought not to pass" Report was accepted.

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

The SPEAKER: The Chair at this time would like to interrupt and welcome back a beloved member of this body. Ray Curran is back with us and we are very delighted to see you back and in good health, Ray. (Applause)

#### Non-Concurrent Matter

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687) and Minority Report reporting same in a new draft (H. P. 1151) (L. D. 1473) under title of "An Act Providing for

Presidential Preferences in Primary Election" and that it "Ought to pass" on which the House accepted the Minority Report and passed the Bill to be engrossed May 2.

Came from the Senate with the Majority Report accepted in non-concurrence.

In the House: On motion of Mr. Ross of Bath, the House voted to insist on its former action and ask for a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act relating to Approval of Refuse Disposal Areas" (H. P. 739) (L. D. 957) which was indefinitely postponed in the House on May 1.

Came from the Senate recommended to the Committee on Natural Resources in non-concurrence.

In the House: On motion of Mr. Benson of Southwest Harbor, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Refund for Malt Liquor Excise Taxes" (H. P. 785) (L. D. 1018) which Report and Bill were recommended to the Committee on Taxation in the House on April 1.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed in non-concurrence.

In the House:

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

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

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

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

Mr. SUSI: Mr. Speaker and Members of the House: This bill, item 13 on page four, An Act relating to Refund for Malt Liquor Excise Taxes, came out with a unanimous "ought not to pass" from Taxation. I will acquaint you just a little with the bill. "A refund shall be granted for the ex-

cise tax imposed by this State on malt beverages for loss or damage due to fire," and it goes on down below—this shall apply only to where there are 500 or more cases of malt beverages destroyed in fire, flood or some other disaster.

Now the argument that was presented for the bill was that it was expensive for beer distributors to carry insurance against loss of this beer while it is in storage on the amount represented by the excise tax. I think this applies to a great many of various types of properties that may be held by people on which they may have paid registrations or sales taxes or any number of taxes and this is recognized as a cost of the property, the tax that is involved on it, and to pass such a bill as this which would grant exemption to a specific field and only those who have 500 or more cases in storage, it wouldn't at all cover the store owner who might have 100 cases in storage or something, to me is the rankest form of class legislation and I would hope you would vote against the recede and concur motion.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: I rise in support of Mr. Susi against this bill. Besides the State saving the malt beverage boys insurance on this amount of their product we are going to open the door to a lot of other people. For instance, let's take cigarettes on which the tax is about a dollar a carton. If we are going to cover the malt liquor interests on the basis of their taxes, excise taxes in case of a fire, then would come in the wholesalers and the big retailers on cigarettes, it is the same deal. For that reason I think this bill should be killed.

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

Mr. CAREY: Mr. Speaker, it is my understanding today that if a dealer in tobacco has cigarettes and they go bad on him, well then he can get his money back, at least that part of it that pertains to taxes, and we keep referring to

insurance in this matter. I have talked to some of the people back in Waterville and they say they cannot get insurance on flood damage for beer and I am wondering if any insurance men can explain to me what insurance is available to these beer distributors?

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, I can't answer this. As far as insurance is concerned, I don't know why it is any different covering the taxes on beer than it is covering the taxes on cigarettes. But there is no provision in the Statutes to give the people handling cigarettes or paying the other excise taxes a refund if they had a fire.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I just want to comment briefly in support of the action taken by the gentleman from Orono, Mr. Chandler. Now it was brought out that this would be singling out a particular industry. Well this is true because this is the only industry to my knowledge in the state that has to report their inventory and exactly what they do to the State every single month, so naturally it is an individual industry.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Orono, Mr. Chandler that the House recede and concur. All in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

43 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

Whereupon, on motion of Mr. Susi of Pittsfield, the House voted to adhere to its former action.

#### Non-Concurrent Matter

An Act relating to Fees of Disclosure Commissioners (H. P. 823) (L. D. 1062) which was passed to be enacted in the House on April

23 and passed to be engrossed on April 9.

Came from the Senate indefinitely postponed in non-concurrence.

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

#### Non-Concurrent Matter

Bill "An Act relating to Membership on the Board of School Directors" (H. P. 981) (L. D. 1265) which was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto in the House on May 1.

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

In the House:

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I move that we recede and concur.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that the House recede from its former action and concur with the Senate. Is this the pleasure of the House?

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: It has been nearly three weeks now since this matter first made its appearance in this body and I confess I had something to do with it getting here. I did feel at the time, and my purpose was very objective, and I saw this as an attempt to remove some of the speculation and criticism which centers around that rather unhealthy situation which I felt could exist, and no doubt does, when husband and wife serve as employer and employee in the same school system.

I was given my first education last Thursday in an attempt to kill a bill and sat through it very quietly while the House pursued a

very negative, I felt, approach to the whole problem by so compounding the situation in that it would be virtually impossible for several of the smaller communities to fulfill their obligations in the area of school employment. I would hope this morning that due to the fact that we have a previous L. D. 1342, which is or has been acted upon by an insistence motion and a Committee of Conference is pending, that we might take similar action this morning so that this bill before us and the previously mentioned bill might be considered individually and collectively by an impartial committee, and therefore come out with a consolidation of the intent of both pieces of legislation and produce something that would be worthwhile, constructive and somewhat positive.

I feel in the past, certainly last Thursday, the action which we took was very negative and certainly did not fulfill the intent of my amendment and I doubt very much if it fulfilled the intent of the sponsor himself. I would hope you would vote against the motion to recede and concur and I would then follow this up with a motion to insist, in the hopes that something could be worked out that would provide for the relief we are asking for.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: After listening to my good friend, Mr. Millett, I think that he does not understand, or perhaps I am wrong, that these amendments, the amendment that he referred to is still in the bill. Therefore, I still urge the members to recede and concur.

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

Mr. MILLETT: Mr. Speaker and Members of the House: Maybe I don't understand but I believe I do. If I would just call your attention to the fact that House Amendment "A" to House Amendment "A" has been indefinitely postponed. The present status of this legislation is in

exactly the same form as L. D. 1342 with a Committee Amendment "A", and I did point out nearly two weeks ago when the Committee Amendment "A" first came out on the Floor of the House that it was inconsistent in three ways. It provided for an erroneous title for the first part. Secondly, it continued to perpetuate the inconsistency between the School Board and School Committee relationship and, thirdly, that it might provide for a very unhealthy situation whereby a part-time substitute teacher would be prevented from serving on a day to day basis if his or her spouse was employed as a school director.

I may be wrong, and if so I will certainly admit so, but as I read this action in the Senate, both my House Amendment "A" which is 202, and the House Amendment "A" to my amendment sponsored by the gentleman from Stonington, have been indefinitely postponed and I believe this action right now resembles 1342 with the exception of title.

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

A vote of the House was taken.

48 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Millett of Dixmont, the House voted to insist and ask for a Committee of Conference.

#### Message and Documents

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

May 6, 1969

Members of the Senate  
and House of Representatives  
of the 104th Legislature

I regret that I must return L. D. 1269, H. P. 985, "An Act Relating to the Attendance of Pupils

Over Sixteen Years of Age," without my signature.

This bill suggests that there are many young people in our state who are no longer profiting from the opportunities available through our public education facilities. I can sympathize with school administrators, teachers, parents, and fellow students who can see no point in the further attendance of students who are not motivated to study and work in school, or whose intellectual gifts do not fit in with the program of studies available. But it is no answer to these problems to allow youngsters over sixteen years of age to withdraw from school.

We in this state have begun to recognize the very real problems that many children have in working within the rigid framework of traditional education systems. Yet we still have a very long way to go before we develop educational programs which are realistically related to the diverse talents of our young people. We still have a long way to go before we work out adequate programs for our many exceptional children who, seemingly intractable within the confines of our standard programs, could grow and develop in socially useful skills if they were in programs which recognized their unusual limitations and unusual qualities.

We should not pass any laws which encourage the intractable and exceptional student to leave our school system. Rather, we should use our imaginations to devise new techniques for usefully keeping our youth in school until a secondary education has been completed that will develop meaningful skills. We should urge educators and school boards to take steps to meet the needs of all the different young men and women we have in our state.

Even under existing statutes disruptive and obstinately disobedient children, or those with subnormal mental capacity, may be freed of the obligation of attendance. We do not have to make dropping-out of school easier to achieve this flexibility.

The State Board of Education has taken the well considered position that Maine youth, in general,

should receive public school instruction through age seventeen or until graduation from high school. It deplors any attempt to lower the legal dropout age in a state which already has too high a dropout rate. I agree. The presence of L. D. 1269 in our statutes would be harmful to Maine's progress toward an educational system that meets the needs of all Maine young people. I urge that you sustain this veto.

Respectfully submitted,  
(Signed)

KENNETH M. CURTIS  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The question before the House is, shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: In the first, second paragraph of this veto the Governor says—"This bill suggests that there are many young people in our state who are no longer profiting from the opportunities available through our public education facilities." I think there has been a misinterpretation here. This bill was presented because there are a small number of students that do not profit from their late years in high school and the bill allows local school committees to deal with this problem. The bill also requires that the school keep in touch with these youngsters who might be excused under this law for a period of two years to see whether or not our educational system can be of further service to them.

So I feel there has been a misinterpretation here and I hope that this House will vote to override the veto. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly this morning I think the message extended to us from the Governor's office very well covers the subject, that the number of students that are pres-

ently in this category should do well by the school boards and by the school committees and by the faculty in the different schools of trying to use a different method than to eliminate them from the school system, by trying to find a place in the school where they will be most fitted and not relinquishing their responsibilities and duties towards the student by making sure that if at fifteen they show no progress then these youngsters will be set aside and will be ignored until such time as they reach the age of sixteen that they can get rid of them.

The correspondence that I have had with individuals in the towns that are faced with this particular problem indicate to me, and I assume to a lot of other members of the Legislature, that they should be well to be kept in school until they are eighteen, nineteen or twenty for the simple reason there will come a day when they recognize that they will not be able to go out on the open market and compete for jobs. Until such time as they do realize that, they will be of absolutely very little use to society by going to the open market, even as the gentleman indicated, Mr. Marstaller, that the schools will supervise them for two years after. If they can't keep track of them for thirty-nine weeks out of one year, I fail to see where they are going to be able to keep track of them or find out what is their progress for two years hence. So therefore I hope that when the vote is taken that you will support the Governor in his message.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I am sure that the Governor, his theories are absolutely correct. However, as it happens the students that are not making any progress in school and are actually finding it so difficult that they are disruptive to the other students, have now no way, as he says here, of being released from their obligations to attend other than by being expelled. Once a student is expelled he has a mark on his

record, his reputation locally, perhaps even when he is trying to get a job, that would make a difference to him and I feel that this bill would enable a boy or girl to leave school, on a temporary basis at least, in order to find out what the cold, cruel world was like. I think this is an opportunity that they should be given, not to go to school where they perhaps at the moment are disruptive to those who really are working and would like to make the best of their school experience. And I would like to see that we disagree with the Governor.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I've got considerable interest in this bill although it isn't mine; I did have what amounted to a companion bill that the Committee saw fit to murder or bury decently, whichever way you want to look at it. Only my bill would have eliminated these trouble makers at the age of fifteen, and frankly when I put it in I did expect that it would be raised to sixteen and would not oppose it.

I think the Governor has been misled, seriously misled, and I am sorry that I do not have the correspondence now that I had from principals all over the State of Maine because just to yesterday I had assumed that this bill was well on its way. Of course I thought the Governor would use good judgment and sign it and I destroyed that correspondence, but it reflected the wishes and desires of seventy per cent of the high school principals in the State of Maine.

What we have here and what they want to do is to be able to allow many of these kids who want to leave school, who want to get out, and you can lead a horse to water, gentlemen, but you can't make them drink, but they have no way of doing it now unless they expel that boy or girl and put a black mark on his record for a long long time to come.

Now the Governor used the word "exceptional student." Well when I went to school the exceptional student was the fellow who did

his work, was the leader in school, and was endeavoring to get somewhere. The exceptional one today is the one who does just the opposite and I think he is taking information from members of the State Board of Education. These people do not sit in the classroom; they do not have to keep order; they are not trying in their way to influence children to study and work hard. So they are not faced with the problem, but the principals in our high schools are faced with it and faced with it every day and this amounts to probably one or two percent of the boys and girls in high school who want out and there is no legal way for them to get out because if they skip school in theory the truant officer is supposed to go after them.

Now having been a member of a school board and having advised our truant officer — leave them alone, let them go, if they don't want to come in neglect your duty. Our State Department of Education realizes that this is being done all over the state, that the problem is being ignored and the law is being ignored. Now we don't teach people respect for the law when we have to tell them to ignore the law.

I sincerely hope that you ladies and gentlemen will realize that this is not an effort to throw kids out of school. It's an effort to let those who do not want to drink of the fountain of knowledge escape, and very often, once they have escaped for six months, spent a little time digging ditches or chasing the plow, they realize there is more to life and they do come back and become honorable, industrious students. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, again, this morning. I think probably the teaching profession in our society would do well to instead of trying to get rid of students that are having difficulty, it would be well to set aside some program to cope with these youngsters.

It is quite imperative to me anyway that if you take a youngster and put him out on the street at

sixteen years of age that he is not going to come back into a school system six months or a year hence because he has probably been fed up with either a teacher or a group of teachers for four years, and he is not going to go back to the same system after he has chased the plow around, which will probably be the only thing that he is going to be accepted to do for the rest of his life, and nine times out of ten probably end up in some further trouble than just trying to chase a plow.

I wish I had a letter from a gentleman that was written to me not too long ago, a gentleman from around the Houlton area, explaining to me what had happened to one of his youngsters that had difficulty in high school. After consultation with his parents, his grandparents, and the school board and the teachers in the school, after all these consultations and difficulties, the youngster seemed to be of absolutely no use to himself, to his family, and much less trying to get a job. After this difficulty, this gentleman wrote to me and he said now this youngster is twenty years of age and he is starting his senior class next year.

So evidently this happened in the junior year, and what would happen if these youngsters would be in the same category that would be at fifteen or sixteen thrown out without any encouragement, but only by the word of a few teachers that might be the sore spot, and I think the teachers themselves could take these youngsters aside and find out in just what area in the education system they fit in and try to push them towards that area rather than to say, "You're a troublemaker, so we are going to throw you out of school because you are sixteen years old."

I think this would be a wrong course for us to take, so therefore I ask the members of the House to support the message that we received from the Governor.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: The gentleman from Madawaska encourages us to find special pro-

grams for these few students involved in this. It was brought out in the committee hearing that there are experiments and work going on for these special programs, but it was also stated by people from the Department of Education that these programs were not developed and not in the foreseeable future available to all schools, or even a few schools; and I feel that when they are available then we can do something else, but in the meantime we do have this problem, and this is a practical way of dealing with it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Allen.

Mr. ALLEN: Mr. Speaker, Ladies and Gentlemen of the House: We had a highly interesting hearing on this bill. We had a group of students from one of our academies and they, to me, made some very impressive remarks. They said that they were at the hearing; they said that they had two members of their group who would like to speak on this bill, and I would like to repeat to you some of the things they said.

They said that they recognized that we had a problem; they said they didn't think this was the way out. They believed that more attention should be given to the boy or girl who is falling behind. They felt that we should find out something about his home conditions. What is the reason why he is in trouble? Why doesn't the courses appeal to him? What is there about the school that makes him want to get out as soon as he can? Possibly in a few cases we should get the advice of a psychiatrist. They mentioned that in the years to come we will be overburdened with hewers of wood and drawers of water, and we don't want to have more people enter that field. I will support the veto.

The SPEAKER: Is the House ready for the question? The pending question is, shall this bill become law notwithstanding the objections of the Governor? Pursuant to Article IV, Section 2 of the Constitution, the yeas and nays are in order. All in favor of this

bill becoming law notwithstanding the objections of the Governor, will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Baker, Barnes, Benson, Berman, Bragdon, Buckley, Chandler, Chick, Clark, C. H.; Clark H. G.; Corson, Crosby, Cummings, Curtis, Dennett, Donaghy, Durgin, Dyar, Farnham, Finemore, Fortier, M.; Foster, Fraser, Good, Hall, Hanson, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Lewis, Lincoln, Lund, MacPhail, Marsteller, Meisner, Millett, Moreshead, Mosher, Norris, Page, Payson, Pratt, Quimby, Rand, Rideout, Scott, G. W.; Shaw, Susi, Thompson, White, Wight.

NAY — Allen, Bedard, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Brown, Bunker, Carey, Carrier, Carter, Casey, Coffey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curran, Cushing, D'Alfonso, Dam, Danton, Drigotas, Dudley, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Gauthier, Gilbert, Giroux, Hunter, Jalbert, Jameson, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Marquis, Martin, McKinnon, McNally, McTeague, Mills, Mitchell, Morgan, Nadeau, Noyes, Ouellette, Porter, Richardson, G. A.; Richardson., H. L.; Ricker, Rocheleau, Ross, Santoro, Scott, C. F.; Sheltra, Snow, Soulas, Starbird, Stillings, Tanguay, Temple, Trask, Tyndale, Vincent, Watson, Wheeler, Williams.

ABSENT — Burnham, Erickson, Evans, Hardy, Sahagian, Waxman, Wood.

Yes, 61; No, 82; Absent 7.

The SPEAKER: Sixty-one having voted in the affirmative and eighty-two in the negative, the Veto of the Governor is sustained.

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

May 6, 1969

The Honorable Bertha W. Johnson  
Clerk of the House of Representatives



104th Legislature

Augusta, Maine

Dear Madam Clerk:

The Senate voted today to Insist and join in a Committee of Conference on the disagreeing action of both branches of the legislature on Bill, An Act Relating to Age Requirement for Kindergartens. (H. P. 458) (L. D. 595)

Respectfully,

(Signed) JERROLD B. SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

#### **Petitions, Bills and Resolves Requiring Reference**

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

#### **State Government**

Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program" (H. P. 1174) (Presented by Mr. Snow of Caribou)

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

Mr. CHICK: Mr. Speaker, I would like to make a motion and speak briefly to it. I would like to move that this be referred to the Legislative Research Committee and report to the next legislature.

The SPEAKER: The Chair would advise the gentleman that that motion is not in order; it must be done by a joint order.

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

#### **Orders**

Mr. Marstaller of Freeport presented the following Order and moved its passage:

WHEREAS, the Freeport High School Band, which recently represented the State of Maine at the Cherry Blossom Festival in Washington, D. C., was judged in 7th place in competition with over 100 other bands from all over the nation; and

WHEREAS, graded on a system of 300 points, the winning band

received 289 points and the Freeport Band received 244 points; now, therefore, be it

ORDERED, that the House of Representatives commend this band for its fine performance and thank its director, George Booktaub, and the members of the band for their work and effort in bringing this additional honor to the State of Maine; and be it further

ORDERED, that a copy of this Order be sent to the Governor and Council, the State Department of Education and the Principal of Freeport High School.

The Order received passage.

Mr. Richardson of Cumberland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of Bill, "AN ACT Relating to Legislative Ethics," House Paper 909, Legislative Document 1170, with additional consideration toward regulation of the practice of lobbying to determine whether the best interest of the State would be served by enactment of such legislation; and be it further

ORDERED, that the Committee report its recommendations, together with such legislation as it deems appropriate, at the next regular or special session of the Legislature. (H. P. 1177)

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: The purpose of this order is to direct the Legislative Research to study the content of the bill dealing with legislative ethics introduced by the gentleman from Waterville, Mr. Fortier. It also requests the Legislative Research Committee to review the impact of lobbying activities on the Legislature and to give consideration to a number of proposals that have been made in the past in order that we can make an intelligent and considerate judgment on this issue of legislative ethics, both the ethics of the members of the Legislature and the members of the lobby.

Now I know that the gentleman from Waterville is disappointed that one of his supporters, at least, on this bill appears to be abandoning the ship, but I want to assure him that I am not. It simply impresses me that with the unanimous "Ought not to pass" Report from the Committee on State Government, they must have had very persuasive reasons for feeling as they did, and I think the best thing to do is to report this to Legislative Research, directing the Legislative Research Committee to report to the next special or regular session.

Thereupon, the Joint Order received passage and was sent up for concurrence.

#### **House Reports of Committees Leave to Withdraw**

Mr. Dennett from the Committee on State Government on Bill "An Act Creating the Port Authority of Mount Desert" (H. P. 835) (L. D. 1073) reported Leave to Withdraw.

Mr. Donaghy from same Committee reported same on Bill "An Act Increasing the Salaries of the Boxing Commission" (H. P. 257) (L. D. 333)

Same gentleman from same Committee reported same on Bill "An Act relating to a Full-time Chaplain for the Legislative Session" (H. P. 1007) (L. D. 1309)

Reports were read and accepted and sent up for concurrence.

#### **Ought Not to Pass Recommitted**

Mr. Allen from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to Election of Trustees of Maine Central Institute" (H. P. 986) (L. D. 1270)

Report was read.

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

Mr. RICHARDSON: Mr. Speaker, an inquiry, is it necessary to substitute the bill for the report in order to recommit the bill?

The SPEAKER: The Report and Bill can be recommitted in this particular instance.

Thereupon, on motion of the same gentleman, recommitted to

the Committee on Education and sent up for concurrence.

Mr. Fraser from the Committee on Health and Institutional Services reported "Ought not to pass" on Bill "An Act relating to Commitment of Females to Stevens Training Center and Women's Correctional Center" (H. P. 810) (L. D. 1049)

Mr. Soulas from same Committee reported same on Bill "An Act to Revise the Laws Relating to Vocational Rehabilitation" (H. P. 226) (L. D. 276)

Mr. Dennett from the Committee on State Government reported same on Bill "An Act Increasing Salaries of Members of Harness Racing Commission" (H. P. 351) (L. D. 458)

Same gentleman from same Committee reported same on Bill "An Act relating to the Responsibilities of the State Planning Office" (H. P. 742) (L. D. 960)

Reports were read and accepted and sent up for concurrence.

#### **Tabled and Assigned**

Mr. Dennett from the Committee on State Government reported "Ought not to pass" on Bill "An Act Authorizing the Legislative Bodies of Municipalities to Reapportion Council Districts" (H. P. 838) (L. D. 1076)

Report was read.

(On motion of Mr. Lewin of Augusta, tabled pending acceptance of the Report and specially assigned for Friday, May 9.)

Miss Watson from the Committee on State Government reported same on Bill "An Act relating to Administrative Leave by State Employees" (H. P. 1014) (L. D. 1322)

Mr. Rideout from same Committee reported same on Resolve Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor (H. P. 967) (L. D. 1256)

Reports were read and accepted and sent up for concurrence.

#### **Ought Not to Be Adopted**

Mr. Dennett from the Committee on State Government reported

“Ought not to be adopted” on Joint Resolution Making Application to the Congress of the United States for the Calling of a Convention to Propose an Amendment to the Constitution of the United States (H. P. 1107) (L. D. 1428)

Report was read.

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

Mr. DENNETT: Mr. Speaker and Members of the House: This is the so-called “Liberty Amendment,” and it does not seem fitting at this time that this resolve, or this memorial, should go unhonored, unwept or unsung.

This was a very spirited hearing held a short time ago, and the people who evidenced interest in this memorial were very ardent in their desires. What this would accomplish I think this House should know. It would call a Constitutional Convention of the United States for the adoption of this so-called “Liberty Amendment.” Seven states have already passed this memorial to Congress. What it would do, it would take the Federal Government out of business. I think many members of the Committee shared the apprehension of the speakers due to governmental encroachment in business. I think they paused and hesitated a bit when it was suggested that they sell the post offices.

However, again, we felt that much contained therein perhaps had merit. Of course it would also do away with the income tax, which would make everyone quite happy. But again, and truthfully, your committee felt that the adoption of this memorial and the sending of this to Congress was contrary to the present interests of the people of the State of Maine; that if such a thing should ever come to pass where by one deft stroke the income tax would pass away and all governmental interest in business, only chaos in this nation could result.

I therefore move the acceptance of the unanimous report of the committee.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves

that the House accept the committee report.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: As the sponsor of this resolution, I do want to thank the State Government Committee for the careful consideration it gave to this measure, and I want to thank Mr. Dennett for his remarks this morning.

I agree, as a sponsor, that this bill, or this resolve, has a number of problems and would create perhaps a chaotic situation, but I think that there are measures within this measure that are worth considering and if we do nothing else by the introduction of this into this Legislature other than to alert the Federal Government that we, the citizens of the State of Maine, or at least a number of the citizens in Maine, are concerned about the increased government spending and increased taxation that is placed upon us through the burdens of this government spending, then I think we are accomplishing the purpose for which we put this particular measure before the Legislature. Thank you.

Thereupon, the Report was accepted and sent up for concurrence.

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

Mr. Gauthier from the Committee on Business Legislation on Bill “An Act to Revise the Laws Relating to Real Estate Brokers and Salesmen” (H. P. 133) (L. D. 155) reported same in a new draft (H. P. 1176) (L. D. 1497) under same title and that it “Ought to pass”

Mr. Soulas from the Committee on Health and Institutional Services on Bill “An Act to Revise the Pharmacy Laws” (H. P. 809) (L. D. 1048) reported same in a new draft (H. P. 1175) (L. D. 1496) 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 Bill**

Mr. Chick from the Committee on Education reported "Ought to pass" on Bill "An Act to Reconstitute School Administrative Districts Numbers 31, 32, 40, 41 and 54" (H. P. 513) (L. D. 684)

Mr. Millett from same Committee reported same on Bill "An Act to Reconstitute School Administrative Districts Numbers 60, 65, 66, 67, 68, 69, 70, 71 and 72" (H. P. 514) (L. D. 685)

Mr. Fraser from the Committee on Health and Institutional Services reported same on Bill "An Act Increasing Amount of State Grants for Community Mental Health Service" (H. P. 325) (L. D. 412)

Mrs. Payson from same Committee reported same on Bill "An Act Amending Funeral Directors' Law" (H. P. 761) (L. D. 981)

Mr. Soulas from same Committee reported same on Bill "An Act relating to Bills Submitted by Charitable Organizations for State Aid" (H. P. 1026) (L. D. 1335)

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

**Tabled and Assigned**

Mr. Dennett from the Committee on State Government reported "Ought to Pass" on Bill "An Act to Establish the State Racing Commission" (H. P. 1047) (L. D. 1375)

Report was read.

(On motion of Mr. Hall of Windham, tabled pending acceptance of the Report and specially assigned for Friday, May 9.)

Mr. Dennett from the Committee on State Government reported "Ought to pass" on Resolve Authorizing Forest Commissioner to Exchange Land in T2 R6 (Big Squaw) BKP EKR, Piscataquis County (H. P. 1163) (L. D. 1485)

Mr. Starbird from same Committee reported same on Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives" (H. P. 1015) (L. D. 1323)

Reports were read and accepted, the Resolves read once, and tomorrow assigned.

**Ought to Pass with  
Committee Amendment**

Mr. Hall from the Committee on Agriculture on Bill "An Act Creating the Maine Meat Inspection Act" (H. P. 306) (L. D. 493) reported "Ought to pass" as amended by Committee Amendment "A" (H-279) submitted therewith.

Mr. Scott of Presque Isle from the Committee on Business Legislation on Bill "An Act relating to Unfair and Coercive Insurance Requirements" (H. P. 886) (L. D. 1145) reported "Ought to pass" as amended by Committee Amendment "A" (H-281) submitted therewith.

Mr. Williams from the Committee on Public Utilities on Bill "An Act relating to Contracts between University of Maine and Town of Orono for Sewer Charges" (H. P. 1134) (L. D. 1460) reported "Ought to pass" as amended by Committee Amendment "A" (H-280) 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.

**Divided Report**

Majority Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Welfare Assistance" (H. P. 687) (L. D. 918)

Report was signed by the following members:

Messrs. STUART of Cumberland	
MINKOWSKY	
of Androscoggin	
— of the Senate.	
Mr. SOULAS of Bangor	
Mrs. WHITE of Guilford	
Messrs. BINNETTE of Old Town	
FRASER of Mexico	
CARRIER of Westbrook	
NOYES of Limestone	
— of the House.	

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

Report was signed by the following members:

Mr. GREELEY of Waldo	
— of the Senate.	
Mrs. PAYSON of Falmouth	
— of the House.	

Reports were read.

On motion of Mr. Soulas of Bangor, the Majority "Ought to pass" Report was accepted.

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

**Divided Report**

Majority Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to the Treatment of Venereal Disease in Minors Without Parental Consent" (H. P. 1066) (L. D. 1395)

Report was signed by the following members:

- Messrs. STUART of Cumberland
- GREELEY of Waldo
- MINKOWSKY  
— of Androscoggin  
— of the Senate.
- Mr. SOULAS of Bangor
- Mrs. PAYSON of Falmouth
- Messrs. FRASER of Mexico
- BINNETTE of Old Town
- Mrs. WHITE of Guilford
- Mr. NOYES of Limestone  
— of the House.

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

Report was signed by the following member:

- Mr. CARRIER of Westbrook  
— of the House.

Reports were read.

On motion of Mr. Soulas of Bangor, the Majority "Ought to pass" Report was accepted.

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

**Divided Report**

Report "A" of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Harness and Running Horse Races on Sunday" (H. P. 1069) (L. D. 1398)

Report was signed by the following members:

- Mr. BELIVEAU of Oxford  
— of the Senate.
- Mr. DENNETT of Kittery
- Miss WATSON of Bath
- Messrs. RIDEOUT of Manchester
- D'ALFONSO of Portland  
— of the House.

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

Report was signed by the following members:

- Messrs. WYMAN of Washington
- LETOURNEAU of York  
— of the Senate.
- Messrs. MARSTALLER  
of Freeport
- STARBIRD  
of Kingman Township
- DONAGHY of Lubec  
— of the House.

Reports were read.

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

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

**Passed to Be Engrossed**

Bill "An Act relating to Sharing Costs in a School Administrative District" (S. P. 122) (L. D. 384)

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

**Third Reader  
Amended**

Bill "An Act relating to Barber Technicians" (S. P. 360) (L. D. 1224)

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

Mr. Soulas of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-287) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

**Third Reader  
Tabled and Assigned**

Bill "An Act Redefining the Bounds of Merrymeeting Bay Game Sanctuary" (H. P. 815) (L. D. 1054)

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

(On motion of Mr. Curtis of Bowdoinham, tabled pending passage to be engrossed and specially assigned for Friday, May 9.)

**Third Reader  
Tabled and Assigned**

Bill "An Act Providing for Androscoggin County Funds for Child and Family Services" (H. P. 1084) (L. D. 1405)

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

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

House Amendment "A" (H-282) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

### Third Reader Amended

Bill "An Act relating to Restriction on Ice Fishing on all Inland Waters" (H. P. 1090) (L. D. 1407)

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

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

Mr. ROSS: Mr. Speaker, I present House Amendment "B" under filing 285 and move its adoption, and would speak to the motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

House Amendment "B" (H-285) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This amendment eliminates the acreage provision that was mentioned yesterday, but it does cut down the number of traps allowed from five to three, not to two as was in the original bill.

I probably have had as much experience ice fishing as most of the members of this body. My father first took me when I was five years of age. I was allowed to go by myself when I was only ten. Over the years I have made a great many different sets of traps. I once designed an ice chisel which was the very best until the ice auger came out recently.

I have fished in various sections of this state. I have fished for pickerel, perch, trout, togue and salmon. It certainly is a great outdoor sport, and I used to do it almost every weekend until a few years ago I discovered skiing.

Now although I enjoy skiing I missed my old pastime very much, and two years ago I found a solution. I went to Greenville where I could ski in the morning at Squaw Mountain and in twenty minutes I could be at Rockwood in the area of Moosehead Lakes' best ice fishing. The only trouble was, the fishing isn't very good there any more.

Now any honest ice fisherman has always admitted that ice fishing is the very best way to fish a pond out. And I don't care what any biologist says, I think that this in itself is one of our very worst anti-conservation measures. However, when people years ago used to snowshoe into the ponds and cut their holes by hand, there were not too many enthusiasts. But boy, have times changed. It does not have the sophistication of the Norad-type things we saw this morning.

But when I went back to Moosehead the first time two years ago, I was amazed. I arrived at my favorite spot and I found that they had plowed a parking lot on the ice, that they had a regular office here, that they had a fleet of snowmobiles to rent or to take you out, that they had walkie-talkies, and that they had power augers. Now with five lines a person and with hundreds of people fishing now, and with the ability to get around that you have, and with the ease of cutting holes, I am confident that we are rapidly depleting our game fish in the lakes and ponds that are open to ice fishing.

Now this amendment is only one step toward conservation. But it is a step, and it's a step that I feel should be taken and taken now.

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to this motion that has been made. I do some ice fishing, but my son is one who believes that if he can't go fishing there's not much use in living either, and he spends all of his free time, in the wintertime and the summertime both, fishing.

He was very much perturbed when I sent him a copy of this bill limiting the traps. They have all sorts of excuses why they should be limited, but this young man of mine travels some fifty or sixty miles to the nearest good lake to go fishing, and he goes in sub-zero weather at times and inclement weather at other times. To travel that distance and only be able to only put in two or three traps, as the amendment may call for, seems very ridiculous indeed.

I have been with him on several occasions, even in these late years, and during the weektime we very seldom see more than two or three other fishermen with five traps as their limit, fishing these ponds.

As you well know, there is a closed season on many of these ponds for trout in January and February, and so the only fish that are caught are mainly pickerel. I do not think that there is any need to limit the number of traps for fishing pickerel at this time.

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

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

#### **Third Reader Tabled and Assigned**

Bill "An Act relating to Bag Limit on and Registration of Bears" (H. P. 1170) (L. D. 1492)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for Friday, May 9.)

Bill "An Act relating to Amount Retained by Town Clerks from Fish and Game License Fees" (H. P. 1171) (L. D. 1493)

Bill "An Act relating to Size of Conibear Traps for Trapping Animals" (H. P. 1172) (L. D. 1494)

Resolve Authorizing Construction of Connecting Building between

Shops at Maine State Prison from Prison Industries Account (H. P. 621) (L. D. 809)

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

#### **Amended Bills**

Bill "An Act relating to Annual Reports of Counties" (H. P. 109) (L. D. 117)

Bill "An Act relating to Mental Examination of Persons Accused of Crime" (H. P. 1113) (L. D. 1437)

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

#### **Passed to Be Enacted Emergency Measure**

An Act Providing Funds for Indian Affairs (H. P. 209) (L. D. 259)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of same and 16 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

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

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

An Act relating to the Guardianship of Mentally Retarded Persons (S. P. 109) (L. D. 315)

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

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

**Enactor****Tabled and Assigned**

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

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

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

**Enactor****Tabled and Assigned**

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

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

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

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

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

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

An Act to Regulate Sewer Utilities (H. P. 1106) (L. D. 1423)

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.

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

Mr. HICHENS: Mr. Speaker, I would request that we reconsider the action on item five under Third Readers, which went under the hammer, and would ask for a vote on that.

The SPEAKER: The gentleman from Eliot, Mr. Hichens, moves that the House reconsider its action whereby Bill "An Act relating to Restriction on Ice Fishing on all Inland Waters," House Paper 1090, L. D. 1407, was passed to be engrossed as amended.

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

Mr. ROSS: Mr. Speaker, I certainly don't intend to have any more dissertation on ice fishing, but I hope that you vote against the motion to reconsider.

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

A vote of the House was taken.

48 having voted in the affirmative and 77 having voted in the negative, the motion to reconsider did not prevail.

**Orders of the Day**

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

REPORT "A" (5)—Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors (S. P. 178) (L. D. 580)—Ought to pass" in new draft (S. P. 443) (L. D. 1474)—REPORT "B" (2) — Ought to pass" and REPORT "C" (3) — "Ought not to pass"

Tabled—May 2, by Mr. Rideout of Manchester.

Pending—Acceptance of any Report.

On motion of Mr. Rideout of Manchester, the Reports and the Resolve were recommitted to the Committee on State Government in non-concurrence and sent up for concurrence.

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

Bill "An Act Amending the Charter of Portland Relating to Title of Chairman of the City Council" (H. P. 998) (L. D. 1300) (In House, passed to be engrossed) (In Senate, recommitted to Legal Affairs)

Tabled—May 2, by Mrs. Wheeler of Portland.

Pending—Further Consideration.

On motion of Mr. Cox of Bangor, retabled pending further consideration and specially assigned for Friday, May 9.



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

HOUSE REPORT—"Ought not to pass"—Committee on Business Legislation on Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (L. D. 1229)

Tabled—May 2, by Mrs. Baker of Orrington.

Pending—Acceptance.

On motion of Mrs. Baker of Orrington, retabled pending acceptance and specially assigned for Friday, May 9.

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

HOUSE REPORT—"Ought not to pass"—Committee on Business Legislation on Bill "An Act Establishing a Consumers' Council" (H. P. 1022) (L. D. 1329)

Tabled—May 2, by Mr. Moreshead of Augusta.

Pending—Acceptance.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I feel that this is very important legislation, and because there is other legislation pending before this body which will be coming out of committee shortly. I will go along with the Committee Report of "Ought not to pass."

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

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

MAJORITY REPORT (8) — "Ought to pass"—Committee on Labor on Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 694) (L. D. 894) and MINORITY REPORT (2) reporting "Ought not to pass"

Tabled—May 2, by Mr. Durgin of Raymond.

Pending—Motion of Mr. Huber of Rockland to accept Majority Report.

On motion of Mr. Good of Westfield, retabled pending the motion

of Mr. Huber of Rockland to accept the Majority "Ought to pass" Report and specially assigned for Friday, May 9.

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

MAJORITY REPORT (7)—Committee on Labor on Bill "An Act Revising the Minimum Wage Law" (H. P. 864) (L. D. 1106)—"Ought to pass" in new draft (H. P. 1166) (L. D. 1487) and MINORITY REPORT (3) reporting "Ought not to pass"

Tabled—May 2, by Mr. Durgin of Raymond.

Pending—Motion of Mr. Good of Westfield to accept Majority Report.

On motion of Mr. Huber of Rockland, retabled pending the motion of Mr. Good of Westfield to accept the Majority "Ought to pass" Report and specially assigned for Friday, May 9.

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

Bill "An Act relating to Minimum School Year" (S. P. 344) (L. D. 1210)

Tabled—May 2, by Mr. Allen of Caribou.

Pending — Passage to be engrossed.

On motion of Mr. Farnham of Hampden, retabled pending passage to be engrossed and specially assigned for Friday, May 9.

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

HOUSE REPORT—"Leave to Withdraw"—Committee on Natural Resources on Bill "An Act to Create a Use Regulation Commission" (H. P. 1042) (L. D. 1372)

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

Pending—Acceptance.

On motion of Mr. Snow of Caribou, the Report and Bill were re-committed to the Committee on Natural Resources and sent up for concurrence.

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

Bill "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act" (S. P. 245) (L. D. 754) (In Senate, passed to be engrossed)

Tabled—May 6, by Mr. Lee of Albion.

Pending — Passage to be engrossed.

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

Mr. LEE: Mr. Speaker and Members of the House: I guess I'll be out of tune here; everybody's tabling everything. We have in front of us here a simple looking bill. It doesn't seem to have much to do except to cover more people with the Minimum Wage law.

Back when the Minimum Wage law was first enacted the towns, cities, School Administrative Districts and so forth were omitted from that designation so that they could get the bill passed I think. But anyway, what it does is to bring any project which is advertised and bid on under the Minimum Wage Act of the State and we are already faced with the Minimum Act from the State, from the Government, and if there is any Government money in it we have a minimum wage set up by the Labor Committee, which is out of this world. I believe the costs involved have never been considered. If you think we should consider the cost to our towns and the people we represent and to the small contract this could be just anything—\$11,000 could be covered, anything over \$10,000, and almost nothing is excluded under this Act.

I believe this is unnecessary, unwarranted, and I move that it be indefinitely postponed.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I signed the Minority "Ought not to pass" Report on this bill, and am pleased to find that somebody else is in opposition to it. My opposition to this bill stems from the fact that we are not concerned here with

the application of minimum wage to construction projects what we're concerned with is a computation of the going wage made by the Department of Labor in the State which is compiled from adjoining construction jobs. This is similar to the federal legislation which makes federal standards of wages apply to construction projects on which federal funds are involved.

From personal experience that I have had with construction projects where federal standards are made to apply, I know that in many cases it occasions a real disruption in construction wage structures, that is, going rates in particular communities.

I think when we attempt to make a state application of the same principle, we are going to face the same difficulties and the same problems. There was no real need pointed out in the hearing for this type of legislation. It seems to be merely an attempt to copy on the state level what prevails at the federal. I know that the federal legislation has caused some real problems in this area, and I feel that that experience would be duplicated on a state basis. For this reason I signed the "ought not to pass" report on it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: My recollection is the reason that the majority of the members of the Labor Committee supported this bill was they thought it only fair to apply the same standards to the construction industry when it was working for a private enterprise with the State of Maine, and to apply those same standards to the counties, cities and other units of government.

Legislation of this type has a long history establishing minimum wages by reference to private employment. It's worked well, both the state legislation that's in force now and the federal legislation, and it was the opinion of the Committee that it would work well here.

We are not dealing with small projects. If you'll look at the L. D. 754, the statement of facts, you'll

see that it only applies to projects involving \$10,000 or more. So these are at least fair sized projects before the law applies, and it is felt that in fairness to the state and the private enterprises that are already under the law, that the cities and counties ought to be under it too.

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

Mr. SUSI: Mr. Speaker and Members of the House: I would like to speak in support of the indefinite postponement of this bill. I think that it does, as has been presented by previous speakers, attempt to put into effect here in Maine the same program on wage rates as is now in effect on federal projects. And to summarize it briefly, I'd say that it was a nightmare and it has complete lack of reason to it and it's built costs tremendously.

Just yesterday I was talking with a potential bidder on the toll plaza for the interstate down near Kittery, and there's an imaginary line which demarks a single project there. On one side of the line a fellow working in a given job classification is to get two dollars and something an hour, when he moves across this line he is to get six dollars and something an hour, and there's supposed to be someone keeping check all the time to see which side of the line he's on, and all of this foolishness that just builds costs so that it takes as many administrators on a construction job as it does productive workmen. And the whole thing to me is ridiculous, when you apply to \$10,000 on today's market it is a minimum size job, and your attempt to enforce this sort of a ruling on communities and school districts and all is just going to be, in my opinion, an unbearably ridiculous proposition.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker and Members of the House: Having signed the Minority Report, "Ought not to pass" in the Labor Committee, I only rise in support of the motion for indefinite postponement.

Mr. McTeague of Brunswick requested the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that the House indefinitely postpone Bill "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act," Senate Paper 245, L. D. 754. The gentleman from Brunswick, Mr. McTeague moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that this Bill be indefinitely postponed in non-concurrence. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Baker, Benson, Berman, Bourgoin, Bragdon, Brown, Buckley, Carey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Curtis, Dennett, Donaghy, Durgin, Dyar, Eustis, Farnham, Finemore, Fortier, A. J.; Gilbert, Hall, Hanson, Harriman, Haskell, Hawken, Heselton, Hewes, Hichens, Immonen, Jameson, Johnston, Kelley, R. P.; Lawry, Lee, Lewis, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Scott, C. F.; Scott G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Wight, Williams.

NAY — Allen, Bedard, Bernier, Binnette, Birt, Brennan, Bunker, Carrier, Carter, Casey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curran, Cushing, D'Alfonso, Dam, Drigotas, Emery, Faucher, Fecteau, Fortier, M.; Fraser, Gauthier, Good, Huber, Hunter, Jalbert, Jutras, Kelleher, Keyte,

Kilroy, Laberge, Lebel, LePage, Levesque, Lewin, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Nadeau, Noyes, Ouellette, Ricker, Rocheleau, Sheltra, Starbird, Tanguay, Tyndale, Vincent, Watson.

ABSENT — Barnes, Boudreau, Burnham, Coffey, Danton, Dudley, Erickson, Evans, Foster, Giroux, Hardy, Henley, Kelley, K. F.; Leibowitz, Morgan, Ross, Sahagian, Santoro, Soulas, Temple, Waxman, Wheeler, White, Wood.

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

The SPEAKER: Sixty - nine having voted in the affirmative and fifty-seven in the negative, the motion does prevail and it will be sent up in non-concurrence.

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

Mr. SUSI: Mr. Speaker, having voted on the prevailing side, I move for reconsideration and hope that you will vote against me.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, having voted on the prevailing side moves that the House reconsider its action whereby this bill was indefinitely postponed. Is the House ready for the question?

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

Mr. COUTURE: I move that this item lie on the table two legislative days.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, now moves that the motion to reconsider be tabled until Friday, May 9.

Mr. Richardson of Cumberland requested a division on the tabling motion.

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

A vote of the House was taken.

52 having voted in the affirmative and 70 in the negative, the motion did not prevail.

The SPEAKER: The pending question is the motion of the gentleman from Pittsfield, Mr. Susi,

that the House reconsider its action whereby this bill was indefinitely postponed. The Chair will order a vote. All those in favor of the House reconsidering its action will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken 43 having voted in the affirmative and 78 in the negative, the motion to reconsider did not prevail.

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

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

Tabled — May 6, by Mr. Lund of Augusta.

Pending — Motion of Mr. Jalbert of Lewiston to reconsider failure of passage to be enacted.

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

A vote of the House was taken.

47 having voted in the affirmative and 59 in the negative, the motion to reconsider did not prevail.

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

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)

Tabled — May 6, by, Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be enacted and specially assigned for Friday, May 9.

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

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

Tabled — May 6, by Mr. Carter of Winslow.

Pending — Passage to be enacted.

On motion of Mr. Carter of Winslow, retabled pending passage to be enacted and specially assigned for Thursday, May 8.

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

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

Tabled — May 6, by Mr. Corson of Madison.

Pending — Motion of Mr. Hichens of Eliot to indefinitely postpone.

On motion of Mr. Corson of Madison, retabled pending the motion of the gentleman from Eliot, Mr. Hichens of Eliot, to indefinitely postpone and specially assigned for Thursday, May 8.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.