

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

*One Hundred and Fourth  
Legislature*

**OF THE**

**STATE OF MAINE**

**Volume II**

**May 9, 1969 to June 17, 1969**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Friday, May 9, 1969

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The journal of yesterday was read and approved.

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

Report of the Committee on Judiciary on Bill "An Act relating to Property Exempt from Attachment" (S. P. 408) (L. D. 1359) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

**Ought Not to Pass**

Report of the Committee on Towns and Counties reporting "Ought not to pass" on Bill "An Act relating to the Compensation of Municipalities for the Loss of Services of Municipal Law Enforcement Officers" (S. P. 340) (L. D. 1138)

Came from the Senate read and accepted.

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

**Ought to Pass with  
Committee Amendment  
Tabled and Assigned**

Report of the Committee on Judiciary on Bill "An Act relating to Discrimination on Account of Race or Religion" (S. P. 397) (L. D. 1349) 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.

(On motion of Mr. Crosby of Kennebunk, tabled pending acceptance in concurrence and specially assigned for Tuesday, May 13.)

**Final Report**

Final Report of the following Joint Standing Committee:

**Agriculture**

Came from the Senate read and accepted.

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

**Non-Concurrent Matter**

An Act Permitting the Establishment of an Indian Township Passamaquoddy School Committee (H. P. 1119) (L. D. 1439) which was passed to be enacted in the House on April 22 and passed to be engrossed on April 15.

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

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, May 12, at 4 o'clock in the afternoon. (S. P. 453)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: As you will note this order suggests that we will convene at 4:00 P.M. on Monday, and I would like to indicate that it is our present intention to convene at nine o'clock on Tuesday, Wednesday, Thursday and Friday of each week, and that we want to try four o'clock on Monday in an effort to give those of you who have so far to travel an opportunity to get at least some time at your place of business Monday morning.

Thereupon, the Order received passage in concurrence.

**Orders**

On motion of Mr. Drigotas of Auburn, it was

ORDERED, that Father Lawrence J. Conley of Lewiston be invited to officiate as Chaplain of the House on Monday, May 12, 1969.

**House Reports  
of Committees  
Ought Not to Pass**

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Provide Free of Charge Hearing Aids to Those Persons Earning Less than Four Thousand Dollars Annually" (H. P. 850) (L. D. 1092)

Report was read.

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

Mr. STARBIRD: Mr. Speaker, I request that this lie upon the table for two legislative days.

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

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird moves that item one, L. D. 1092, be tabled until Tuesday, May 13, pending the acceptance of the Report. A vote has been requested. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

52 having voted in the affirmative and 55 having voted in the negative, the motion did not prevail.

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

**Ought to Pass in New Draft  
New Draft Printed  
Tabled and Assigned**

Mr. Finemore from the Committee on Transportation on Bill "An Act Repealing the Motor Vehicle Dealer Registration Board" (H. P. 881) (L. D. 1124) which was recommitted, reported same in a new draft (H. P. 1180) (L. D. 1500) under title of "An Act relating to the Motor Vehicle Dealer Registration Board" and that it "Ought to pass."

Report was read.

(On motion of Mr. Lebel of Van Buren, tabled pending acceptance of Report and specially assigned for Tuesday, May 13.)

**Ought to Pass With  
Committee Amendment**

Mr. Sahagian from the Committee on Appropriations and Financial Affairs on Resolve Providing for Purchase of Copies of History of Auburn (H. P. 1077) (L. D. 1400) reported "Ought to pass" as amended by Committee Amendment "A" (H-293) submitted therewith.

Mr. Scott of Presque Isle from the Committee on Business Legislation on Bill "An Act relating to Financing Statements under the Uniform Commercial Code" (H. P. 454) (L. D. 591) reported "Ought to pass" as amended by Committee Amendment "A" (H-294) submitted therewith.

Mr. Scott of Wilton from same Committee on Bill "An Act Creating the Uniform Limited Partnership Act" (H. P. 978) (L. D. 1262) reported "Ought to pass" as amended by Committee Amendment "A" (H-295) submitted therewith.

Reports were read and accepted, the Bills read twice and the Resolve read once. Committee Amendment "A" to each was read and adopted and the Bills assigned for third reading and the Resolve assigned for second reading the next legislative day.

**Third Reader  
Tabled and Assigned**

Bill "An Act Creating Aroostook County Commissioner Districts" (H. P. 49) (L. D. 50)

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

(On motion of Mr. Levesque of Madawaska, tabled pending passage to be engrossed and specially assigned for Tuesday, May 13.)

**Passed to Be Engrossed**

Bill "An Act relating to Expenditures from Aeronautical Fund" (H. P. 72) (L. D. 72)

Bill "An Act Increasing Compensation of Members of the Legislature" (H. P. 73) (L. D. 73)

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

**Third Reader  
Tabled and Assigned**

Bill "An Act relating to Defenses of Family Relationships in Civil Actions" (H. P. 168) (L. D. 207)

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

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday the gentleman from Cape Elizabeth, Mr. Hewes, explained L. D. 207, An Act relating to Defenses of Family Relationships in Civil Actions. To say that I was flabbergasted would be putting it mildly. How a bill of this nature could come out of the Judiciary Committee with a 9 to 1 "Ought to Pass" Report literally scares me!

My first reaction, of course, was the possibility of opening up a vast area for claims, fraudulent and otherwise, in automobile accidents, which obviously is the motive behind this measure. This would in the course of time cause your automobile insurance premiums to soar.

For example, some Saturday night a man and his wife may go to a party, and during the course of the evening get to drinking too much. On the way home the husband may get to speeding, lose control of the car and wreck it. The wife is seriously injured—perhaps maimed for life. If this bill passes, the gates are wide open for the wife to sue the husband and collect the limit. Now I ask you, ladies and gentlemen, is this the kind of legislation we are here to enact? This would throw all kinds of family accidents open for suit. You don't have to use much imagination to see how this would work.

You might come home some night from work a little out of sorts and have a family argument with your wife, then a little later she might go down to the basement and trip on a stair tread you were supposed to fix several weeks ago. She injures herself severely, and since she is already at sword's points with you, she can hire an

attorney and take you right to the cleaners.

In addition, and probably most important of all, this legislation encourages the destruction of family relationships, and it could make liars and crooks out of otherwise honest people. We have seen what has happened across the country since the Supreme Court has liberalized the criminal laws. This law will have the same effect in Maine on civil actions. And I think this letter that was just handed to me—I don't think it is any secret, from the Attorney General's office addressed to me:

"Please be advised that our Department is opposed to the above captioned legislative document for reasons that it will tend to promote law suits in tort between husbands and wives, and we feel that this would be against the public interests." Signed Harry Starbranch.

Ladies and gentlemen, this is very unwise legislation and I would move for indefinite postponement of this measure, and when the vote is taken I request a roll call.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I too am flabbergasted this morning. I am very flabbergasted at the type of attack that my good friend from Wilton has put on a very worthwhile bill. The attack is not based on any sound grounds. Frankly it seems to me it is based on very emotional grounds.

Your Committee on Judiciary, 9 to 1, voted out this bill as "ought to pass." Since Mr. Marstaller asked me his question yesterday I have had occasion to do some research, and if I understand it the gentleman from Augusta, Mr. Moreshead, has also had occasion to do some research on this problem.

First of all, let me say something about insurance rates and insurance costs. It isn't something that I would have said had not the gentleman from Wilton, Mr. Scott brought out this red herring on soaring insurance rates. Earlier

in the year I recall digging into my files and finding out something about insurance costs in the State of Maine.

The last figures that I personally have are for the year 1966. In the year 1966, as I understand it from my file, from figures put out by the Maine Insurance Commissioner, Maine people paid out \$23.3 million in automobile liability insurance—and this basically is the type of problem that we are speaking about in this bill. Now, the insurance companies paid back in claim settlements in the same year out of that \$23.3 million some \$15,150,000. The insurance companies kept, in the last year that I have figures for in the State of Maine, \$8,150,000.

Now I am not making any attack on the insurance industry. I think that for the most part it is a very ethical industry. But let's not kid ourselves about the soaring insurance rates going to these type of claims—they simply will not. This is very progressive legislation. The old fallacy of the defense of inter-family relationship has been discarded in many many jurisdictions.

Only in the last few years, as I understand it, Minnesota abolished it completely, a complete abrogation in parent versus child action. Wisconsin in 1966 did something similar. New Hampshire, our neighboring state, abrogated the unemancipated minors action against the parent defense. I say that it is time that we in the State of Maine stood up and paid attention to what is going around in the other jurisdictions around us.

I didn't realize that this bill would be under that type of attack today. We went over this measure yesterday, we went over it in quite some detail. There was a very substantial vote in favor of the majority 9 to 1 Judiciary Committee report "ought to pass." As I recall the vote was something like 77 to 55. Now the facts today aren't any different than they were yesterday, and I hope that this House will be consistent and use their good common sense and defeat the motion to indefinitely postpone.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I don't suppose that I should inject myself into this argument. The gentleman from Wilton, Mr. Scott I believe used the term "flabbergasted." I too was flabbergasted when I saw the report of this committee, 9 to 1 report. I think that this is very bad legislation. It was mainly objected to in the House on an insurance deal; I think that it goes much farther than that. To me it indicates very shallow thinking on the part of the nine members of the Judiciary Committee who reported it out "ought to pass."

It strikes at the very idea of the unity and sanctity of the home. It breaks it up into many units. When a kid gets to be twelve years old under this law and thinks that the old man doesn't know how to run the business, if he can find one of these lawyers who reported this out to take his case, he can sue the old man, perhaps, and it has many applications which are strictly against the rules that we have lived under from the beginning of time. I believe that it is written in ancient history "respect thy father and thy mother." We wrote into the law that we now live under—if you can't do that why you can sue for a divorce and break up the thing, but it doesn't go any farther than that.

This law opens up the whole field. I shudder when I think that some of the principles involved in this decision to pass this law are about to enter the field of higher decisions, possibly at the federal level in the state. I certainly think we are entitled to better more thought out decisions than this one in that area. And again, I say that the—to use a homely expression, I think the Committee failed to see the woods for the trees. They didn't go into the tremendous implications involved in this thing. To use a term I have heard used before, I think this is very bad legislation and I certainly hope that the members of this House will think seriously before they pass it.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Your Committee on Judiciary, nine of the members, did give this bill very serious consideration. Whatever the good gentleman from Perham, Mr. Bragdon may think, this was not shallow thinking; this was just common decency. Mr. Bragdon attempts to draw a red herring across suits between children against their parents. Mr. Bragdon should be advised that at the present time, and for many many years in the State of Maine, if a parent took advantage of his child in an action of contract, the child had a right, as I understand the law, to proceed in all fairness in equity against a parent who had abused him in the contractual field.

Now, all this does is extend it to the field of what we call tort actions — negligent actions. It seems to me absolutely ridiculous that in the State of Maine a parent who might be negligent and injures his own child in an automobile accident, and who has liability insurance and pays good money for that liability insurance, on which the insurance people make a respectable profit, it seems ridiculous to me that this parent can protect everyone from his negligence except his own child.

This is not something new; this is something that has been tried in other jurisdictions, it has been tried for some time. And in this field I would say very frankly the State of Maine has been very backward. We shouldn't shudder—we should be pleased at this type of professional legislation that is before this Legislature. We have recognized in times past the right of an unemancipated minor to bring an action against his father if his father took advantage of him. Now all we are trying to say to you, that if the father through his negligence injures his child that the child could not be forced to bear the burden.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I rise this morning in opposition to the motion to indefinitely postpone

this measure. Yesterday there was a question as to what other states have in fact adopted similar legislation and I have before me this morning a list of these states. I am reading this morning from a legal periodical on this very subject of rights of spouses to sue one another, and I will read a brief paragraph and then read the list of states that do allow this type of litigation.

"Those supported by decisions in a minority of jurisdictions, a view which most law writers have characterized as the better rule and which is gradually finding more widespread acceptance, is that a spouse may sue his or her spouse for personal injuries in exactly the same way that he might bring a suit for such injuries against the same party if the two were not married."

And the states that have legislation such as the legislation which we are attempting to enact are Alabama, Arizona, Arkansas, Colorado, Connecticut, Idaho, Kentucky, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Utah, Wisconsin, and since this book was written the States of California, Florida and New Jersey have also joined these ranks.

There is one thing that disturbs me to a great extent this morning, that has been brought out, and that is the letter from the Attorney General's Office. I personally have no qualms with the Attorney General's office advising the members of the Legislature as to the legality or the illegality of particular bills which are before the Legislature. But I do not think that the Attorney General's office has any right to decide on policy matters as to whether or not we should or should not vote for anything. I think their conscience should be solely one of advising us on the legal aspects of a bill and not as to whether it is a good bill or a bad bill.

I think we should also consider that having this in an insurance policy, the provision that the spouse might sue the other spouse, would be completely optional and

if you want to pay a little extra to have protection so that if your wife or your minor children could bring an action if they were injured because of your negligence, then you could pay for this. If you do not want it, it doesn't have to be in your policy and you don't have to pay the extra burden.

I also want to ask each and every one of you this morning, who is in your car the most when you drive your car? Is it not your family, is it not your spouse, or if you have minor children your minor children? You buy insurance so that if someone is injured because of your negligence they will be able to recover and be compensated, but the people that are in your vehicle the most are not covered, are not compensated. They are your minor children and your spouse. And I say that this is not a bill to protect — the opponents of this bill say that we have to think of the unity of the family. Well today I ask you, are the opponents thinking of the unity of the family or the insurance industry?

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to offer an amendment to this bill at a later date to restrict it to motor vehicle matters. That seems to be the principal concern here. So I would hope that someone would table it until Tuesday so that I can offer an amendment.

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

Mr. McTEAGUE: Mr. Speaker, I move that this bill be tabled until Tuesday next.

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

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, moves that L. D. 207 be tabled until Tuesday next pending the motion of the gentleman from Wilton, Mr. Scott, that it be indefinitely postponed. A vote has been requested on the tabling motion. All of those in favor of this matter

being tabled until Tuesday, May 13, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

83 having voted in the affirmative and 50 having voted in the negative, the motion to table did prevail.

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Bill "An Act Revising the Maine Mining Law" (H. P. 339) (L. D. 448)

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

On motion of Mr. McNally of Ellsworth, the Bill was passed to be engrossed and sent to the Senate.

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**Third Reader  
Tabled and Assigned**

Bill "An Act relating to Appointment of Town Clerk of Jay" (H. P. 363) (L. D. 471)

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

(On motion of Mr. Dyar of Strong, tabled pending passage to be engrossed and specially assigned for Tuesday, May 13.)

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**Third Reader  
Tabled and Assigned**

Bill "An Act relating to Vacating of Street Locations on Plans (H. P. 495) (L. D. 649)

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

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed and especially assigned for Tuesday, May 13.)

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**Third Reader  
Tabled and Assigned**

Bill "An Act Creating Waldo County Commissioner Districts" (H. P. 586) (L. D. 771)

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

(On motion of Mr. Levesque of Madawaska, tabled pending passage to be engrossed and specially assigned for Tuesday, May 13.)



**Third Reader  
Tabled and Assigned**

Bill "An Act Creating the Oil and Gas Conservation and Development Control Act" (H. P. 836) (L. D. 1074)

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

(On motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and specially assigned for Monday, May 12.)

Bill "An Act Classifying Marsh Stream, Waldo County" (H. P. 1044) (L. D. 1367)

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

**Third Reader  
Tabled and Assigned**

Bill "An Act to Grant Adult Rights to Persons Twenty Years of Age" (H. P. 1162) (L. D. 1484)

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

(On motion of Mr. Corson of Madison, tabled pending passage to be engrossed and specially assigned for Tuesday, May 13.)

Bill "An Act relating to Fee for Breweries and Wholesale Outlets to Sell Malt Liquor" (H. P. 1178) (L. D. 1499)

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

**Amended Bills**

Bill "An Act relating to Use of Cable Traps to Trap Bear" (S. P. 165) (L. D. 537)

Bill "An Act to Provide for the Registration of Professional Social Workers" (S. P. 346) (L. D. 1212)

Bill "An Act Broadening the Scope of the Uniform Arbitration Act" (H. P. 937) (L. D. 1198)

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**

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

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

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

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

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.

**Orders of the Day**

The Chair laid before the House the following matters on which the House was engaged in at the time of adjournment yesterday, the pending question of each matter being passage to be engrossed.

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. 449) (L. D. 1483)

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I find that today I cannot vote for this at this time: I don't say that I can't vote for it at some later time, but several days ago we here in the House passed a funding bill to fund Part I which would provide over \$30 million in taxes. That funding bill did not pass the other body Wednesday and I don't know just if it ever will pass. I have read the horse blanket, the report of the proceedings over there and I see why it didn't, and I don't understand except that it just didn't pass.

I read in the papers talk about Part III of possible budget, but this we are voting on now is a Part II. We have been warned all session by the gentleman from Lewiston and the gentleman from Enfield as to where we are going and I inquire now, where are we go-

ing? How are we going to pay for this particular item?

Then I read in the newspapers a few days ago that the Governor criticized the Legislature relative to employment at Pineland, apparently the salaries for physical therapists in the Portland Pineland area has gone up so that under the present salary scale physical therapists would prefer to work other than at Pineland, and this Legislature is being criticized now for action that we didn't take two years ago. I submit that two years ago the Governor vetoed a bill that would have provided extra money. I submit now that the Pineland administrator has money in the Personal Services fund that would pay extra salary for the few weeks left in this biennium—in the current biennium which ends June 30. I submit that the Governor and Council has perhaps \$100,000 in its Contingency Fund that they could pay salaries and I feel that we are being led into kind of a dead end here.

And I cannot today vote for this particular bill, although perhaps at some later date when we are on firmer ground I can. I would ask for a division.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the questions raised by the gentleman from Cape Elizabeth, Mr. Hewes, the reason that the Part I budget did not, the funding for the Part I budget did not pass in the Senate is because the Democratic members of the other body are withholding the necessary votes to pass it. I understand there are encouraging signs, however, that next week when the matter comes off the table in the other body, we will be given the necessary votes to fund the Current Services budget for the State of Maine for the next two years.

Now the Part II budget, the budget before you today, represents a unanimous report of the Joint Standing Committee on Appropriations and Financial Affairs. There may have to be some changes

made in it but I would remind the gentleman from Cape Elizabeth, Mr. Hewes and the other members of the House that we are simply asking that this be passed to be engrossed, it is going to be back to us for enactment, that we are still at least several days and possibly a week or two away from the final passage of this bill. There is going to be plenty of time to review the Part II budget, the Part III budget. They are talking of Part IV budget which eliminates Parts II and III, and you will have plenty of time I am sure to review all these programs and make your final decision. As an administrative matter I would ask you to go along at this point to move along on engrossment.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I personally feel this morning that whether this matter is passed to be engrossed or not is not going to make too much of a difference between the action of the Legislature now or in future weeks to come. The only thing that comes to my mind is that if any members of the House are thinking of possibly introducing any amendments to this document at a later date I must remind the members of the House that after the bill has been passed to be engrossed it will be a little bit tougher to have an amendment adopted where the bill is passed to be engrossed and the suspension of the rules will take a two-thirds vote to reopen it.

If some of you have the idea that you might want to reopen this document for the purpose of introducing an amendment without suspension of the rules, this is the only avenue that you are going to have unless it is reopened in the other branch.

So therefore I have no reservation that this bill can be passed to be engrossed today. The only thing I am wondering if some of you members might have some reservations and might think of introducing any amendments, which might be a little bit tougher after the bill is passed to be engrossed.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

Bill "An Act Increasing Amount of State Grants for Community Mental Health Service" (H. P. 325) (L. D. 412)

Mrs. Brown of York offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-296) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Reconstitute School Administrative Districts Numbers 31, 32, 40, 41 and 54" (H. P. 513) (L. D. 684)

On motion of Mr. Richardson of Stonington, retabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

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)

On motion of Mr. Richardson of Stonington, retabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

Bill "An Act relating to Welfare Assistance" (H. P. 687) (L. D. 918)

On motion of Mr. Birt of East Millinocket, retabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

Bill "An Act relating to Harness and Running Horse Races on Sunday" (H. P. 1069) (L. D. 1398)

On motion of Mr. Kelleher of Bangor, retabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

"Bill "An Act to Revise the Laws Relating to Real Estate Brokers and Salesmen" (H. P. 1176) (L. D. 1497)

Mr. Norris of Brewer offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-291) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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)

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

Mr. HASKELL: Mr. Speaker, following the vote the other day, following the session, several member's questioned me regarding the details of the mechanics of the loan process and I realized there was some confusion here over the fact that there are two bills involved. Number one, L. D. 865, which is the Resolve that we are discussing, which allows the Constitutional Amendment to be submitted to the voters of the state for their consideration. The second bill is L. D. 974 which has not reached this body and L. D. 974 establishes the board that will administer the bond issues and the mechanics of the loan are all contained in the second bill.

The Resolve that we are concerned with here is simply allowing this to go out for a vote by the citizens of the State.

Whereupon, on motion of Mr. Farnham of Hampden, tabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1015) (L. D. 1323)

On motion of Mr. Starbird of Kingman Township, tabled pending passage to be engrossed and assigned for later in today's session.

The Chair laid before the House the following matters of Unfinished Business of yesterday, Bills on their passage to be engrossed as amended.

Bill "An Act relating to Parole Eligibility Hearing in Life Imprisonment"

onment and Other Long Term Cases" (S. P. 167) (L. D. 541)

Bill "An Act Creating the Maine Meat Inspection Act" (H. P. 306) (L. D. 493)

Bill "An Act relating to Unfair and Coercive Insurance Requirements" (H. P. 886) (L. D. 1145)

Bill "An Act relating to Contracts Between University of Maine and Town of Orono for Sewer Charges" (H. P. 1134) (L. D. 1460)

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.

The Chair laid before the House the following matters of Unfinished Business of yesterday, Bills on their passage to be enacted and Resolve on its final passage.

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years (H. P. 614) (L. D. 802)

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

(On motion of Mr. Corson of Madison, retabled pending final passage and specially assigned for Tuesday, May 13.)

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

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

An Act relating to Duties of School Committees Concerning Salaries of Persons Employed by Them Who are Absent (H. P. 270) (L. D. 346)

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

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

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

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

(On motion of Mr. Casey of Baileyville, tabled pending passage to be enacted and specially assigned for Tuesday, May 13.)

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

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

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

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

An Act relating to Powers and Duties of the Civil Service Commission of the Town of Old Orchard Beach (H. P. 995) (L. D. 1279)

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

(On motion of Mr. Brennan of Portland, tabled pending passage to be enacted and specially assigned for Monday, May 12.)

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

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

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

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

Tabled—May 6, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

On motion of Mr. Richardson of Cumberland, retabled pending passage to be engrossed and

specially assigned for Monday, May 12.

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

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

Tabled—May 6, by Mr. Dudley of Enfield.

Pending—Passage to be enacted.

On motion of Mr. Waxman of Portland, under suspension of the rules, the House reconsidered its action of April 29 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

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

House Amendment "A" (H-283) was read by the Clerk.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I talked with Mr. Waxman and several others interested in this bill and I told them this amendment didn't change the bill one bit and I will tell the House right now, if they will take this filing 283 and read it and compare it with the second part of 2240 on page two of 1211 they will note the only thing that has been taken out under House Amendment "A" is the words, "and all federal income taxes paid on the prior calendar year." That's the only thing it takes out and this wouldn't amount to very much on a salary of we'll say \$5,000 taxable income. This doesn't change the taxable income one single bit and I told them this and I believe you will go along with me as you read it and I hope you will not pass this House Amendment "A."

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

Mr. WAXMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have two amendments, House Amendment "A" and House Amendment "A" to House Amendment "A." After my conversation with the gentleman from Bridge-

water, Mr. Finemore, I became aware of the problem he pointed out and went to see the Attorney General and he suggested we offer another amendment which is under filing number H-299; H-299 which inserts the word "gross" after the word "total" and before the word "income" so it is "total gross income." The Attorney General's office assures me that in this way the intent of the bill, that is that families whose income is under \$5,000 gross total income before taxes, before deductions, will be in a position to be helped by this bill.

As I understood it in the debate which took place last week, the major objection of the gentleman from Bridgewater, Mr. Finemore was that a family could be earning more than \$5,000 but due to loopholes in the tax laws, et cetera they would be eligible under this Act. This is not the case today; we have corrected this fault. I would therefore hope that the House would go along with House Amendment "A" and would also adopt House Amendment "A" to House Amendment "A."

The SPEAKER: The Chair would advise the gentleman that if he has House Amendment "A" to House Amendment "A" it should be offered at this time, because if House Amendment "A" is adopted it will have to be reconsidered.

Thereupon, Mr. Waxman of Portland offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-299) was read by the Clerk.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I hope my words aren't out of order, but we are getting a run-around here and a good one because as you check this "gross" and "total" mean the same thing. There is no change at all and if the Attorney General told him this, he is very much mistaken and I'd just like to sum it up. You read it with "gross," take the bill and read it with "gross." It says the "gross

income subject to federal income tax, including interest from governmental obligations, less personal exemptions, standard or itemized deductions," we are right back where we started; either one of these amendments means the same thing. If "gross" had been added here as, the effect of income would be the taxable income, it would have been a different thing, but as these are written now you aren't changing the bill as I have told you. The only thing that has been taken out is the federal income tax, taxes paid on prior calendar year, it is the only thing that has been taken out under either one of these amendments, so I hope you won't go along with either one of them.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I hope I won't confuse this thing; perhaps I understand it wrong, but I was about to point out to the gentleman from Portland, Mr. Waxman that when he referred to gross income that it made this thing very unfair. It makes to me a great deal of difference the type of business whether a man is employed or whether he is in a business where he has a considerable amount of expense. Many years in my business I would have a very substantial gross income but no taxable income. I think that this amendment would be very unfair in that respect; it would not treat all citizens of the state fairly.

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

Mr. CAREY: Mr. Speaker, I would move that this be tabled for two legislative days pending adoption of House Amendment "A".

Whereupon, Mr. Richardson of Cumberland requested a vote on the tabling motion.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that this matter be tabled for two legislative days pending the adoption of House Amendment "A" to House Amendment "A". A vote has been requested. All in favor of this matter being tabled will

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

A vote of the House was taken.

60 having voted in the affirmative and 63 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The pending question is the adoption of House Amendment "A" to House Amendment "A". Is the House ready for the question? All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The matter before the House is the adoption of House Amendment "A". Is the House ready for the question? All in favor of the adoption of House Amendment "A"—

Whereupon Mr. Carter of Winslow asked for a roll call vote.

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

A vote of the House was taken.

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

The SPEAKER: The pending question is the adoption of House Amendment "A". All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Casey, Chandler, Chick, Coffey, Corson, Cote, Couture, Cox, Crommett, Croteau, Curran, D'Alfonso, Dam, Drigotas, Dudley, Emery, Eustis, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Gilbert, Giroux, Hall, Hanson, Haskell, Jalbert, Johnston, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, LePage, Levesque, Marquis, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Morgan, Mosher,

Nadeau, Norris, Ouellette, Ricker, Rocheleau, Starbird, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler, Wood.

**NAY** — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Clark, C. H.; Cottrell, Crosby, Cummings, Curtis, Cushing, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Hardy, Harriman, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jameson, Kelley, K. F.; Laberge, Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Moreshead, Noyes, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams.

**ABSENT** — Carrier, Clark, H. G.; Danton, Dennett, Donaghy, Faucher, Good, Heselton, Hunter, Leibowitz, Rand, Sahagian, Santoro, Scott, C. F.; Sheltra, Soulas. Yes, 71; No, 63; Absent, 16.

The **SPEAKER**: Seventy-one having voted in the affirmative and sixty-three in the negative, House Amendment "A" is adopted.

Is it now the pleasure of the House that this Bill be passed to be engrossed as amended in non-concurrence?

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

**Mr. BRAGDON**: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The **SPEAKER**: The gentleman from Perham, Mr. Bragdon, now moves that this Bill be indefinitely postponed.

Whereupon, Miss Watson of Bath asked for a roll call vote.

The **SPEAKER**: Is the House ready for the question?

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

**Mr. RICHARDSON**: Mr. Speaker and Members of the House: I intend to vote in favor of the motion to indefinitely postpone this legislation. I take this position in my individual capacity and I want to make sure that the record indicates why.

Of course it would be politically very appropriate for every one of us who have very serious reserva-

tions about this kind of legislation to vote for it, because who can vote against education? But I think that the responsibility that we in the Legislature have runs a lot more deeply than that. The question is, is this just a sham, a farce of throwing these people a bone to say yes, I voted for education? Well wouldn't we be doing something a good deal more responsive and responsible if we passed increased student loan programs or, if you want a students scholarship program, a real one—not a hokey, phony thing like this?

As an individual I resent this legislation because it isn't what it purports to be; it's simply a device to try to go out to the public and say, "We've really done a great job, folks, we've really helped you out." This bill doesn't do anything. It's politically attractive I'll grant that, but it isn't anything else. That's the reason I'm going to vote for the motion to indefinitely postpone and will, and have in the past, vote to support legislation that will really give a meaningful student loan program even above and beyond what we did in the 103rd. I ask you to search your own consciences sincerely and if you can vote for this legislation in good conscience, then so be it.

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

**Mr. FINEMORE**: Mr. Speaker and Members of the House: I want you to understand I'm not against education; I'm not against this bill if it was made right. But I am against sending someone to school and paying any part of the tuition where the income of the family is going to be \$9,500 on one student and \$15,000 on two and over \$20,000 on three. And I am not against this bill because it was put in by the opposite party. If this bill was brought down to \$3,000 I'd go along with it, but not as it is now.

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

**Mr. McNALLY**: Mr. Speaker and Members of the House: I will be very brief because most of the things have been said, but I feel and have always felt that the State of Maine has no business to be in

scholarships. If they want student loans, I will go for it; but to be considered to be in the business of issuing scholarships, I don't think that that's the place for the State of Maine.

You will recall yesterday that I voted against a meager raise of \$500, only a token raise. If it had been \$5,000 I might have voted for it.

We rode down on the bus to Wiscasset and even the bus driver says, "You folks have got to do something. We haven't got the money that we can pay out in taxes for this thing and that thing. Somewhere you have got to put a stop to this."

Now I am particularly concerned in that the Associated General Contractors that I belong to every year vote sums of money against themselves to furnish two scholarships of \$200 each to two students who are going to take the two-year engineering course; but when the State of Maine goes into scholarships, I can't see all those contractors and material suppliers and so forth voting to tax themselves for a scholarship if the State can do it so much better than they can.

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

Mr. PORTER: Mr. Speaker and Members of the House: I for one wouldn't hesitate to vote against education. I spent thirty-five years in education, and I know some things are right and some things are wrong. A friend of mine who served three sessions in this Legislature told me that he never once voted against an educational bill. I told him I thought he should be ashamed of himself. Educational bills are good; educational bills are bad. This one is bad.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: The only reason I rise today is to state that I am not in opposition to education. Now a member of the opposing party, Mr. Richardson, stated that he would go along with scholarship programs. I think he stated this very well and I think this is only, as he termed it, "throwing a bone out to the people," and this would be

termed a political matter. So I will go along for the indefinite postponement of the bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Some of the prior speakers have characterized this bill as putting the State into the scholarship business, and they stated that they are opposed to that. This bill would put the State into the scholarship business to the tune of a maximum of \$200 a year for students from lower income families.

The State is already in the scholarship business for students from families of all incomes, including high income families, because in effect we subsidize the students at the state university and colleges to the tune of approximately \$1500 a year. And this is a good thing. But is it not also a good thing to recognize that people from the lower income families need a slightly greater amount of help? If you are willing to grant, in effect, the scholarship, which we do, the children from families with incomes of 20 or \$30,000 in the amount of \$1500 a year, what is wrong with granting a scholarship in the amount of 16 or \$1700 to families with incomes below \$5,000 a year?

This has been characterized also, Mr. Speaker, as throwing a bone. It is providing only a small amount of money. I for one wish it were more, but I think it's a start, and it's a start in the direction of giving equality of educational opportunity to all students regardless of the financial resources of their family.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I hate to say it, but I had no intention to rise. After the remarks by the gentleman from Skowhegan, Mr. Dam, I thought that perhaps to clarify the position that this Legislature has been involved in in the last couple of sessions that I would point out to him



a few things that might change his vote.

I perhaps rise also because I feel so much better to be on the opposite side of the gentleman from Cumberland, Mr. Richardson. It seems so much more natural. In 1965 this Legislature adopted a scholarship program to provide for 151 scholarships across the State of Maine.

In 1967 this Legislature did not repeal this law but refused to fund the scholarship program. This Legislature, the 104th, is again not funding the program. And if you take a look in the Part II budget that is recommended by the Governor and you compare this with the Part II budget that has come out of Appropriations Committee, you will find that again the student scholarship program is not funded.

I am not going to go into any reasons as to why this is taking place, but I would point this out to the gentleman from Skowhegan: if this is considered a bone for the low income students to go to college, perhaps it is an adequate bone because let me remind you that once you have convinced a student that he will receive some help to go to college that first year, then it is my contention that once he has received that help that he will find the money for the latter part of his education to finance himself. Because it is the initial hurdle that has to be met in order for that student to have the desire to go on to higher education. And if we can accomplish it by this bill—and I am not saying that we will—but if we can, then perhaps we have done an outstanding job in trying to get more students into higher education into this state.

And so, Mr. Speaker, I will vote against the motion of indefinite postponement of the bill, and I hope that other members would follow me.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: One of the previous speakers referred to the fact that this is politically attractive, and I

would submit that it is also emotionally attractive.

Frankly, I worked very hard in the 103rd Legislature for the scholarship program. I fought the battle right down until the last end. The law is still on the books but it is unfunded. I worked equally hard for the money to finance the loan program, and I feel that we have the number one loan program in the United States, and I think that statistics will bear this out.

I am sure that this gives great encouragement to all youngsters to go to school, and I will vote against this bill simply because I feel that it is not valid.

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

Mr. BENSON: Mr. Speaker and Members of the House: Much of our time here is taken up in determining the fate of money bills, and I submit to you that no one, as has already been amply set forth — no one — no young person in the State of Maine need suffer for a college education. The loan program adequately takes care of that.

We are concerned with many of the needy programs such as the mental health, welfare, et cetera, and we must establish a system of priorities. Personally, I feel that money such as this, which is included in this scholarship program, might much better be spent in the area of mental health and in some of our welfare programs.

Personally, I hope that the motion to indefinitely postpone prevails.

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

Mr. VINCENT: Mr. Speaker and Members of the House: No one in this day and age in the state is going to go to school for a hundred dollars per semester. The University of Maine in Portland it costs \$200 per semester. It would cost anywhere from \$50 to \$60 for textbooks. This doesn't take into account notebook paper and other accessories.

The \$100 scholarship is an incentive. And if the person has the desire to go to school, he will find

other areas to obtain the funds to stay in school, whether through a part-time job or other loans. It is for this reason I would oppose the indefinite postponement of this bill.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I am wondering after hearing all this discussion about throwing a bone out whether they stop and think that if sometimes you throw a bone out to a hungry animal, he will make a decided attempt to gnaw on it.

This in my case, which I believe is right, many here are not aware of the fact that these state colleges and our university are filled to capacity, and in order to get admission you must have a very high rate scholastically, and I believe that we should do everything we can for some of these people who have not the financial ability to assist them to get a little more education. And I am sincerely against the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: I hate this morning to take issue with any member of this House on either side of this issue. I don't know how much or how many students would be helped by such a small amount being passed out to them. But I believe if there is one student in this state that can't get help any other way and we can pass out \$100 to help them and keep them from being a dropout after high school, that it's well worth the effort, and I am going to support this bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Just a few words that comes to mind this morning. I think probably the amount of money that a family earns in the vicinity of five or six thousand dollars a year, and to try to send a stu-

dent to a school of higher learning, might not necessarily pose the ideal burden that will prevent that student from going to a school of higher learning.

We may be forced, however, into a position where a family that makes or earns five or six thousand dollars a year might be able to squeeze enough money to help the first one go to a school of higher learning, but what may happen to the second one is probably the problem where we ought to venture into.

A family that has that kind of earnings in a year could very well ill afford to support two members of his family in going to a school of higher learning. So I think probably the members of this House, as conservative as it has been shown to me in this session of the Legislature, might be well to open their eyes towards this avenue of trying to help these youngsters that may very well be taken out of schools of higher learning because of not the necessary funds, fully understanding that there may not be any money available for this.

These people with this kind of income may not be able to come under the monies available through the borrowing capacity of the family—may not warrant the second kid to be able to get money from the banks because of the amount of returns, that they may not be able to come back and pay the money in due time. They may be, but yet they may not be.

So this is why I feel that we might be able to help the second member of the family in getting higher education, or maybe a third or fourth member of the family. Thank you

The SPEAKER: The gentlewoman from Bath, Miss Watson, has moved 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 Perham, Mr. Bragdon, that Bill "An Act Providing for Scholarship Aid for Students from Low Income Families," Senate Paper 345, L. D. 1211, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Bunker, Clark, C. H.; Cottrell, Crosby, Cummings, Curtis, Cushing, Dam, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Finemore, Gilbert, Hanson, Hardy, Harriman, Hawkens, Henley, Hichens, Huber, Immonen, Jameson, Kelley, K. F.; Laberge, Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marsteller, McNally, Meisner, Noyes, Page, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Wheeler, White, Wight, Williams.

NAY — Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Buckley, Burnham, Carey, Carrier, Carter, Casey, Chandler, Chick, Coffey, Corson, Cote, Couture, Cox, Crommett, Croteau, Curran, D'Alfonso, Drigotas, Dudley, Emery, Fecteau, Fortier, A. J.; Foster, Fraser, Gauthier, Giroux, Hall, Haskell, Hewes, Jalbert, Johnston, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, LePage, Levesque, Marquis, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Morgan, Mosher, Nadeau, Norris, Ouellette, Quimby, Ricker, Rocheleau, Sheltra, Starbird, Tanguay, Temple, Tyndale, Vincent, Watson, Waxman, Wood.

ABSENT—Clark, H. G.; Danton, Dennett, Donaghy, Faucher, Fortier, M.; Good, Heselton, Hunter, Leibowitz, Moreshead, Rand, Sahagian, Santoro, Scott, C. F.; Soulas.

Yes, 63; No, 71; Absent, 16.

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

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

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

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

Tabled—May 6, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

On motion of Mrs. Brown of York, recommitted to the Committee on Business Legislation and sent up for concurrence.

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

SENATE REPORT—"Leave to Withdraw"—Committee on Judiciary on Resolve Authorizing W. H. Hinman, Inc., to Bring Civil Action Against the State of Maine (S. P. 208) (L. D. 617) (In Senate, accepted)

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

Pending—Acceptance in concurrence.

On motion of Mr. Moreshead of Augusta, recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

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

HOUSE REPORT—"Ought not to pass"—Committee on Towns and Counties on Bill "An Act relating to Fees of Local Sealers of Weights and Measures" (H. P. 879) (L. D. 1122)

Tabled—May 6, by Mrs. Kilroy of Portland.

Pending—Acceptance.

On motion of Mr. Dyar of Strong, retabled pending acceptance of "Ought not to pass" Re-

port and specially assigned for Tuesday, May 13.

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

HOUSE MAJORITY REPORT (5) — Committee on Inland Fisheries and Game on Bill “An Act relating to Molesting Game Animals by Snowmobiles” (H. P. 890) (L. D. 1149) reporting “Ought to pass” in new draft (H. P. 1173) (L. D. 1495) under title of “An Act relating to Snowmobiles in Forests during Deer Hunting Season” and MINORITY REPORT (4) reporting “Ought not to pass”

Tabled — May 6, by Mr. Dyar of Strong.

Pending — Motion of Mr. Lewin of Augusta to accept Majority Report.

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

Mr. PORTER: Mr. Speaker and Members of the House: I am not at all sure that this is good legislation. I am not at all sure that it is needed at this time, but I can see the cloud on the horizon.

I voted the Majority Report for two reasons. I wanted to acquaint the Legislature with some of the misuse that people are making of this delightful little buggy, and I also wanted to put the snow sled owners on notice that unless they police their own activities, we are pretty apt to get this type of a bill passed in the next session.

Now we have a number of letters that have been sent into the department explaining some of the misuses of this snowmobile, the detriment it has been to our deer herd, and the members of your Inland Fisheries and Game Committee have these letters, and we would like to read portions of those to you.

The following is a portion of a letter from a hunter: “I wonder if any thought has been given to the banning of skidoos and the like from the woods during the deer season. Many years of course they would pose no problem to the deer because of the lack of snow, but I know of a case this year where eight deer, all does, were taken from an area that had

been reached by the skidoos where they were apparently yarded up due to the deep snow or bad travelling conditions.”

Here is another: “. . . I was hunting south of Eustis Ridge along Stratton Mountain. Each day men would come into the area on snowmobiles and hunt deer from them — I mean from them. I saw them chase deer from one half to a mile shooting from them or alighting from it to shoot; then they return to it to chase again until they killed the deer. This happened every day of the week. They took out seven deer in three days. I don't know what can be done about this, but I thought someone should know.”

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: The Inland Fish and Game Committee deliberated at some length in executive session before reporting out L. D. 1495, which is a new draft of 1149.

The Inland Fish and Game Department received many letters of complaint last fall concerning hunters killing and harrasing deer by use of snowmobiles. Several incidents occurred which came directly to the attention of the wardens. I will mention a few.

Seven non-resident hunters arrived in Maine one afternoon and by the next afternoon each one had killed his deer by use of snowmobiles.

Another: Six men went out to a deer yard area with snowmobiles. Some of them were stationed outside the yard while others roared back and forth harrasing the deer and keeping them on the run. They shot deer until seven had been killed. A court case resulted with the charge of killing a deer after one had already been killed.

Another: Four men using snowmobiles in a deer yard killed five deer. One had to be left in the woods to go to waste. Last November, while in a store in Waterville, the owner told me that one of his customers had bragged that he and a friend on snowmobiles had killed four deer in a deer

yard. They carried two out, they told two of their friends, and they in turn went in and tagged the other two.

Yes, there is a lot of evidence of the slaughter of deer in yards last fall. How much is not known. Deer killed by hunters in snowmobiles — there's not much sportsmanship to it.

This bill is a move to help prevent the possible annihilation of the deer herd in a few years. If snowmobiles are permitted to travel without any restrictions during the hunting season — I repeat, the hunting season, it is quite evident that the deer population will really suffer. It is rare that Maine has snow in November except possibly in northern Aroostook County. Therefore a restriction on snowmobiles use in the forest — I repeat, in the forest, would not be felt to any great extent during the deer hunting season only.

I therefore would ask that you support the motion to accept the Committee's Majority Report "Ought to pass."

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

Mr. CROMMETT: Mr. Speaker and Members of the House: This bill might possibly be well for certain areas of the country, but I don't think it should be statewide. This is not a good bill at all. It is possible, if evidence would indicate that this should be taken care of perhaps later, but not at this time. And ladies and gentlemen, I move the indefinite postponement of this bill and its accompanying papers.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, now moves the indefinite postponement of both Reports and Bill.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I wish to bring to your attention at this time a bad feature of the bill which will affect the deer herd in a very bad way in the northern zone. The bill limits the snowmobile; you can't use a snowmobile in the woods during the hunting season from half an hour before sunrise

to half an hour before sunset. It certainly will give the poachers in my northern zone a good chance to be jacking with their snowmobiles during the night time, which now, when you meet a snowmobile in the night time, if a warden meets a snowmobile, he's pretty sure if he's carrying a gun in that snowmobile that he is poaching. But by the use of snowmobiles after dark, it would be that the only time that they can travel with them to use them to get their deer out of the woods and maybe the poachers will certainly have a license to kill deer at night, and it is a very bad feature of the bill, and it should be indefinitely postponed. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Would I be in order at this time to move the substitution of the bill, 1149, for the report?

The SPEAKER: The Chair would advise the gentleman that the motion before the House now is to indefinitely postpone, which has priority.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I would like to speak against the motion to indefinitely postpone and read part of one more letter for your consideration. This letter was sent to the State of Maine, Department of Fish and Game:

"This last season in Maine I experienced seeing something that I thought was the limit of being low. While I was posted along a ridge, below I saw a hunter chase a deer with a snowmobile for several hundred yards and shoot it right down from the machine. The deer had little chance as the snow was quite deep. That evening at a nearby diner, several hunters were gathered talking hunting and snowmobile. One of the men walked from his car for almost an hour, posted himself, along came the snow machine and chased away anything that might be in that area. All the fellows felt that these machines should be barred from all deer hunting. One of these machines could cover an area that

would take about fifty hunters to cover. Two or three of these machines could clean out an area or chase the deer into the next state. Although I sell these machines, I personally feel they should be barred from all deer hunting."

We do have a very serious problem. The technique of hunting from snowmobiles was pretty well perfected last year, and they are being used to slaughter our deer, and if we are going to have deer we have got to do something to protect them.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Milinocket, Mr. Crommett, that the Reports and Bill "An Act relating to Molesting Game Animals by Snowmobiles," House Paper 890, L. D. 1149, be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 22 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

Whereupon, on motion of Mr. Dyar of Strong, the Bill was substituted for the Reports.

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

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

HOUSE REPORT — "Ought not to pass" — Committee on Education on Bill "An Act relating to Secondary Education in the Town of Islesboro" (H. P. 509) (L. D. 680)

Tabled — May 6, by Mr. Richard of Stonington.

Pending — Acceptance.

On motion of Mr. Richardson of Stonington, retabled pending acceptance of Report and specially assigned for Tuesday, May 13.

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

Bill "An Act relating to Mediation Authority of State Employees

Appeal Board" (H. P. 1035) (L. D. 1345)

Tabled — May 6, by Mrs. Brown of York.

Pending — Passage to be engrossed.

On motion of Mr. Huber of Rockland, retabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

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

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

Tabled—May 6, by Mr. Mills of Eastport.

Pending — Passage to be engrossed.

On motion of Mr. Mills of Eastport, retabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

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

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

Tabled—May 6, by Mr. Levesque of Madawaska.

Pending—Acceptance of either Report.

On motion of Mr. Levesque of Madawaska, retabled pending acceptance of either Report and specially assigned for Tuesday, May 13.

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

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

Tabled—May 6, by Mr. Huber of Rockland.

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

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

Mr. DRIGOTAS: Mr. Speaker and Ladies and Gentlemen of the

House: When L.D. 798, Bill "An Act to Amend the Charter of the Auburn Sewerage District," was heard before the Public Utilities Committee, there was no opposition. Representatives from the Public Utilities Commission were present; namely, Mr. Jack Feehan, Commissioner and Richard Mason and heard the presentation of L. D. 798. At a subsequent executive session it was voted unanimous "Ought to pass" with Committee Amendment "A", House Paper 238.

My reasons for asking indefinite postponement of Amendment H-238 are these—each item placed in referendum vote imposes an additional cost burden on the municipalities' taxpayers. In this instance, as is in the case of most referendums in Auburn, the City of Auburn will run into the expense of several hundreds of dollars. This information came direct from the Auburn City Clerk, Leroy Linnell.

I want to give to you the following summary of the reasons why the Auburn Sewerage District opposes the effort to attach a referendum clause to the bill amending its charter. The amendments are not controversial since they merely change the method by which the District will assess its rates rather than the amount of such rates. The City of Auburn has already expressed its acceptance of the proposed amendments to its City Manager.

The bill provides for public hearing before any new rates go into effect. The Public Utilities Commission has already examined the bill and found it acceptable. It will be difficult to make clear to the voters in a referendum election what is involved. People are likely to vote against anything having to do with rates, not understanding that it is only the method and not the amount of rates which is affected.

The present controversy surrounding certain proposals made by the Auburn firemen which may go to referendum, these perfectly harmless amendments to the Sewer District charter might be defeated if the voters started to vote no generally.

I sincerely hope that you will support my motion for indefinite postponement of this amendment.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: This morning you have before you a motion to indefinitely postpone an amendment attached by unanimous consent of the Public Utilities Committee to L. D. 798.

L. D. 798 is a bill designed to amend the existing Auburn City Sewer District charter. This bill contains sections that will give the Sewer District the right to change its present rate structure, assessment means, new connection provisions, and so forth. As there are many bills drawn up by minority groups in Auburn, the people of this city are not always quite aware of the contents of all bills. This particular bill is going to indirectly affect the lives of approximately 25,000 people of this great state. I feel that we as responsible legislators have to give the citizens of this community a chance to vote on the bill. I also feel that this Legislature is only giving these people their due rights under our democratic system of government. If we let this amendment stay with the bill as our good committee saw fit to do, these people would have a chance to vote on these issues.

The motion to postpone is only an attempt to cloud the issue. I ask you to vote against the motion to postpone and let me go home happy, happy to tell my people that I can tell them they have the right to vote on matters concerning their future in the 11 to \$16 million dollar sewer treatment plant planned for my area. Thank you.

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

Mr. DRIGOTAS: Mr. Speaker and Ladies and Gentlemen of the House: We also have in the process of enactment in the other body at present L. D. 1423, an Act to Regulate Public Sewerage Systems in the State of Maine. Now this will throw the control of the Public

Utilities Sewerage Systems and bring it before the Public Utilities Commission. I again urge the vote of the Legislature here to indefinitely postpone this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Drigotas that Committee Amendment "A" be indefinitely postponed. The Chair will order a vote. If you are in favor of indefinite postponement of Committee Amendment "A" you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 36 having voted in the affirmative and 53 in the negative, the motion did not prevail.

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

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

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

Tabled—May 6, by Mr. Susi of Pittsfield.

Pending—His motion to accept Majority Report.

On motion of Mr. Levesque of Madawaska, retabled pending the motion of Mr. Susi of Pittsfield to accept the Majority Report and specially assigned for Tuesday, May 13.

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

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

Tabled—May 7, by Mr. Richardson of Cumberland.

Pending—Passage to be enacted.

On motion of Mr. Richardson of Cumberland, under suspension of the rules, the House reconsidered its action of April 30 whereby the

Bill was passed to be engrossed as amended by Committee Amendment "A."

On further motion of the same gentleman, recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

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

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

Tabled—May 7 by Mr. Tyndale of Kennebunkport.

Pending—Passage to be enacted.

On motion of Mr. Hewes of Cape Elizabeth, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

Tabled—May 7, by Mr. Carter of Winslow.

Pending—Passage to be enacted.

On motion of Mr. Carter of Winslow, under suspension of the rules, the House reconsidered its action of April 29 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-277) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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 7, by Mr. Corson of Madison.

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

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

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Eliot,



Mr. Hichens, moved to indefinitely postpone this bill and in doing so pointed out that there were certain inconsistencies with this bill and the laws that had already been passed—the bills that had already been passed and signed into law by this Legislature; and I have an amendment which I would like to present to correct this inconsistency. Therefore I ask that you defeat the motion to indefinitely postpone that I may offer this amendment.

The SPEAKER: The Chair would advise the gentleman that the offering of an amendment has priority over indefinite postponement.

Thereupon, on motion of Mr. Corson of Madison, under suspension of the rules, the House reconsidered its action of April 24 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-297) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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

Tabled — May 7, by Mr. Lewin of Augusta.

Pending — Acceptance.

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

Mr. MORESHEAD: Mr. Speaker, I would move that we substitute the bill for the report and as sponsor of this legislation I would state that my reason for so doing is that this bill would allow municipalities to reapportion themselves, a right which presently they do not have. The bill as it was originally drafted by the Maine Municipal Association had some serious

drawbacks as was pointed out by the State Government Committee. They have worked out a compromise bill which will be presented when this bill comes before the House for engrossment and with the House Amendment, so I would like to have the bill substituted for the report so that I can eventually present the House with the House Amendment redrafting the bill.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead, moves that the House substitute the Bill for the "Ought not to pass" Report.

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

Mr. RIDEOUT: Mr. Speaker, in support of the gentleman's position, let me state that the State Government Committee was waiting for a redraft on this and never did get it so we put the bill out "ought not to pass." Now if the amendment does redraft the bill as was indicated, why I would be perfectly happy to support him on it.

Thereupon, the Bill was substituted for the "Ought not to pass" Report, given its two several readings and assigned the next legislative day.

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

HOUSE REPORT — "Ought to pass" — Committee on State Government on Bill "An Act to Establish the State Racing Commission" (H. P. 1047) (L. D. 1375)

Tabled — May 7, by Mr. Hall of Windham.

Pending — Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Hall.

Mr. HALL: Mr. Speaker, this bill having had some amendments made for it I wish somebody would table it until Tuesday next.

Thereupon, on motion of Mr. Johnston of Fort Fairfield, retabled pending acceptance of the "Ought to pass" Report and specially assigned for Tuesday, May 13.

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

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

Tabled — May 7, by Mr. Curtis of Bowdoinham.

Pending — Passage to be engrossed.

On motion of Mr. Curtis of Bowdoinham, retabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

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

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

Tabled — May 7, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Ever since the 102nd Legislature the State of Maine has changed its position on bears. The gentleman from East Millinocket and myself have worked rather hard in an attempt to work in a different direction than those people who were attempting to do so in the 102nd. However, it might be easy to say that we have seen the light and we are more than willing to go along with the registration of bears and establishing bag limits on bears.

In looking at the bill which came out of the Fish and Game Committee, which is L. D. 1492, it was my feeling that if we were going to establish a system of registration that we should attempt to follow as close as possible that registration used for deer, and in looking at this deer registration I notice that one section had been left out and that is the section dealing with the leaving of deer, or in this case the bear in the woods; and so I had a section drafted which says that if the bear is left in the woods, then within seventy-two hours the location of the bear

shall be reported to a game warden. In effect I think this would stop the needless killing of bear in the woods and would force people to report them. If we are going to establish a registration, if we are going to establish them as a game animal then I think this is the proper thing to do.

Therefore, Mr. Speaker, I offer House Amendment "A" to L. D. 1492 and move for its passage and I would also briefly comment that I have spoken with the majority of the members of the Fish and Game Committee and they concur with my decision.

House Amendment "A" (H-292) was read by the Clerk.

Whereupon, on motion of Mr. Gilbert of Turner, tabled pending the adoption of House Amendment "A" and assigned for later in today's session.

The Chair laid before the House the fifth 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 Committee on Legal Affairs)

Tabled — May 7, by Mr. Cox of Bangor.

Pending—Further consideration.

On motion of Mr. Shaw of Chelsea, retabled pending further consideration and specially assigned for Tuesday, May 13.

The Chair laid before the House the sixth 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 7, by Mrs. Baker of Orrington.

Pending — Acceptance.

On motion of Mrs. Baker of Orrington, the Bill was substituted for the "Ought not to pass" Report.

On further motion of the same gentlewoman, recommitted to the Committee on Judiciary and sent up for concurrence.

The Chair laid before the House the seventh 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 7, by Mr. Good of Westfield.

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

On motion of Mr. Huber of Rockland, retabled pending his motion to accept the Majority “Ought to pass” Report and specially assigned for Tuesday, May 13.

The Chair laid before the House the eighth 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 7, by Mr. Huber of Rockland.

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 Tuesday, May 13.

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

Mr. LUND: Mr. Speaker, calling the attention of the House to item five under Bills in the Third Reading on page two, I would move that the House reconsider its action whereby it passed the bill to be engrossed

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the House reconsider its action whereby Bill “An Act Revising the Maine Mining Law, House Paper 339, L. D. 448, was passed to be engrossed.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending the motion of Mr. Lund of Augusta to reconsider and specially assigned for Tuesday, May 13.

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

Bill “An Act relating to Minimum School Year” (S. P. 344) (L. D. 1210) (In Senate, Majority “Ought not to pass” Report accepted)

Tabled — May 7, by Mr. Farnham of Hampden.

Pending — Passage to be engrossed.

On motion of Mr. Marstaller of Freeport, retabled pending passage to be engrossed and specially assigned for Monday, May 12.

The Chair laid before the House the tenth 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 7, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

Mr. MARTIN: Mr. Speaker, you will notice that I have tabled this bill twice already this week and I would like to explain to the members of the House my reason for so doing.

L. D. 1368 would prohibit the expenditure of public funds to promote or oppose measures to be voted on at elections. I have no objection to passing a bill which would prohibit public funds from promoting or opposing measures to be voted on at elections but I think it is dangerous for us to write a piece of legislation which is so broad, and for this reason I have been attempting to reword the bill so that we could at least accomplish what we are trying to do without going too far. And for this reason I would hope that someone would table this until Tuesday of next week at which time we hope to have an amend-

ment ready which would take care of some of the objections in the bill.

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

Mr. LEVESQUE: Mr. Speaker, I move that this lie upon the table until the next legislative day.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending passage to be enacted and specially assigned for Tuesday, May 13.

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

HOUSE REPORT — “Ought not to pass”—Committee on Judiciary on Bill “An Act relating to Increasing Fines in the Superior Court” (H. P. 520) (L. D. 691)

Tabled — May 8, by Mr. Brennan of Portland.

Pending — Acceptance.

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

The Chair laid before the House a matter tabled earlier and assigned for later in today’s session:

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1015) (L. D. 1323)

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

Mr. STARBIRD: Mr. Speaker, I offer House Amendment “A” to L. D. 1323 under filing number H-300 and move for its adoption, and I would speak briefly to explain the amendment, why it is so long and would try to explain some of it.

House Amendment “A” (H-300) was read by the Clerk.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I have had many notes and verbal questions concerning this bill and this amendment. Essentially this amendment to the Constitution does little to our present system except to bring the variation from one district to another, a wide variation down to a reasonable one. At

present we have districts which, using the population figures of the 1960 census, run from the Greene, Leeds, Wales and Webster District, which I think is in the range of 3500, up to several towns or cities that are in the 10,000 range.

Well, now it is quite apparent that with this variation of something over 100% that we are plainly in violation of the Supreme Court ruling. In view of what they ruled a few weeks ago, I was almost despaired of trying this at all, since they apparently would not even agree with this which I think brings it down into the 10 to 15% range. But with the encouragement of my fellow committee members I did go along with it and now it is before you.

It is a good faith attempt to meet the Supreme Court ruling. If you have read the original bill, L. D. 1323, and compare it with the amendment that has been reproduced this morning, you will find that most of the changes in the amendment are merely changes in wording, house cleaning amendments you might say. I have put something like six months of work into this bill off and on and at the last moment it was pointed out to me that two paragraphs of the present Constitution that I fully intended to include in this bill were inadvertently left out. And strangely enough it was pointed out by my Committee House Chairman, Mr. Dennett, and also by my Minority Floor Leader, Mr. Levesque, and Mr. Brennan. This is the phrase respecting that two thirds of both Houses of the Legislature can cause the at large districts of our cities to be divided into single member districts. It was pointed out to me that if this phrase were not used we would imbed the at large system permanently in our Constitution, and I do not believe the people here want to do that.

The other paragraph which is in our present Constitution — in the event the Legislature shall fail to make an apportionment, the Supreme Court of the State shall do so, this also is added in the amendment. This was not in my original bill and it should be.

The other change you will find on page 1 of the bill and compare it with the amendment. It simply changes "exclusive of foreigners not naturalized" to "according to the latest federal census." This was to meet an objection brought by the League of Women Voters in the hearing and also an objection, the same objection was offered by Miss Edith Hary, our Law Librarian whose opinions I respect. I left the original phrase in my original bill so the Legislature would have some more flexibility. However, I am not going to argue the point one way or the other.

On page 2 you will find that in Rule 3 that the words "nearby towns and plantations" has been changed to "contiguous plantations." This was also a suggestion of Miss Hary. And the phrase "so that the district thus formed shall contain enough inhabitants for two representatives" and another of her suggestions, a better phrasing of it "to form a district," "to form districts with enough inhabitants for two or more representatives."

The reason that the entire bill was struck out and the amendment contained it all, including the changes, was that I thought that going through it and offering an amendment with references here and there through the bill would be rather confusing since it is a long bill, and if the amendment contained the total of what we were acting on it would be more understandable. This is somewhat complicated and although it is very much less complicated than the present rule for apportioning our Legislature, I think it requires some explanation, and I might remark that we are commenting on the amendment as written now.

The present system of apportioning our Representatives in this House in effect uses sixteen quotients, or unit base numbers, to decide representation. You divide the total members of this House, 151, into the total population of the state and you will come up in round figures with a number something like 6400. In my bill I use this one unit base number, or quotient, to decide the number of representatives for each and every county.

This saves a heck of a lot of arithmetic and makes everything much clearer. I was quite a while in my slow comprehension of mathematics to even understand the present method and it is quite involved and I think most of you do understand it or can easily have it explained, for there are documents in the Law Library that will explain it more graphically than I could and I won't go into that. But after you use your division and find how many representatives each county is entitled to, not counting remainders, then you go through starting from the county with the highest remainder and go down through adding one representative to a county in the descending order of remainders until you come to 151 representatives. Of course, if you divide your number in and you come out with even figures all over the state you won't have any remainders anyway, but this is unlikely to happen.

Now in the third Rule, you follow the same as you do in the second with respect to our cities and towns, and those cities and towns that contain your quotient wholly will be entitled to one representative, those that contain wholly twice will have two and so forth as under our present method.

However, the change is this: that if a town has one or two, and two thirds of another one, he shall be entitled to two or three. However, if it has less than two thirds, enough other towns and plantations around it can be added to it to give it enough to make up the difference, and the remaining cities, towns and plantations in each county will be joined together, as under the present system, to form class districts where they're nearer to the quotient for the entire state as possible to obtain.

Now in the presentation that we had at the Committee hearing the representative of the League of Women Voters, as always, was striving for perfection, but we as practical people know that sometimes perfection is not so easy to achieve and what some may regard as perfection others do not.

The system that's used will have, according to their presentation in the big cities and towns—and in the class districts, if the rule is followed closely, probably an overall variation of fifteen percent one way or another from the unit base number. This is not as close as I was thinking. An objection was pointed out to me today that a person did not like the method in regard to towns adjoining smaller towns to make enough for two or more representatives, but this is not too much different actually than—in fact it at least gives our towns, leaves them in solid towns where our Senate sometimes splits them off in sections of some towns and cities and joins them to others.

I know I've been pretty long-winded on this one. It is something that I felt required some explanation. I am sure that the House realizes that as presently constituted we do not meet Supreme Court rulings. As regards the latest ruling apparently you have got to be mathematically perfect to meet their rulings without justification, but I think that in our state we can provide considerable justification from many of the variations that might be required under this.

Next session, the 1971 105th Legislature, will be required to apportion anyway under our present constitutional rule, if not under this one. And so that is why I feel that if we are going to do this, this is an opportune time to offer a change that will make our apportionment as near as may be, and in all good faith conform with the Supreme Court's ruling. I do not agree sometimes with what they say, but I have tried, in my interest all through the years that I have been here, to try to make a good effort to do so.

I believe the bill has a great deal of merit or I would not offer it. I would have you note that all ten members of the State Government Committee were in agreement. Mr. Dennett, our House Chairman, although he is not here, has been advised of the amendment that was to be offered; it has been explained to him, and he is in concurrence with it. I have explained it to some other members when I was able

to talk to them, and so far they're all in agreement. So with that I will sit down and let others make comment if they wish.

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

Mr. CAREY: Mr. Speaker and Members of the House: I have listened to the gentlemen from Kingman Township, Mr. Starbird, and I'm so moved by his amendment that I move indefinite postponement of it.

The SPEAKER: The gentleman from Waterville, Mr. Carey, now moves the indefinite postponement of House Amendment "A".

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

Mr. BERMAN: Mr. Speaker and Members of the House: I stand in agreement with the gentleman from Waterville, Mr. Carey, in his motion for indefinite postponement, and I'll try to be quite brief.

This subject of apportionment of this House of Representatives is one that has been truly very close to my heart ever since I came here some nine years ago. The first reapportionment that I sat with I thought was a bad one, in 1961, and apparently there was strong feeling that at first reapportionment that I sat under was not good, so that in the next session the Speaker, who happens to be the present Speaker, appointed me as chairman of a committee representing the House to sit down and try to work out a reasonably fair-minded reapportionment of the House of Representatives.

It seemed that in the prior reapportionment there was at least one area which I thought, and still think, was very very wrong. A small town which usually votes under a thousand people in the Presidential elections was given a single representative seat, and it was given the seat under the basis of the federal census. When we rewrote the Constitution affecting the apportionment of this House of Representatives in 1963, we were very careful to leave out the phrase "federal census" so that this House in its wisdom, in conjunction with the body at the other end of the corridor, could determine on sound pragmatic grounds

how the apportionment should be carried out under the formula.

Under the document which was presented, L. D. 1323, which comes from the Committee on State Government, I find nothing to quarrel about. On the amendment which puts in the phrase "federal census," I most definitely do. The census under the United States Constitution, as I recall, has to be taken every ten years. Another census will be taken, as I understand it, sometime in 1970. Now populations in this day and age are very mobile. What might be our population in 1970 may not be our population in 1971 when we come to reapportion, or in 1973 when this House might reapportion. So with regard to the reapportionment of the House of Representatives, the committee stood very firm that the federal census should not be the basis under which the House of Representatives of the State of Maine should be apportioned. And therefore, if that phrase, "federal census," stays in House Amendment "A" to H. P. 1015, L. D. 1323, I suggest that it is very very bad, and I will go along with the gentleman from Waterville, Mr. Carey, in his motion to indefinitely postpone.

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

Mr. STARBIRD: Mr. Speaker: If the gentleman from Houlton is willing to go along with the adoption of the amendment today, then would he be willing to put in an amendment to restore the phrasing of House Amendment "A" as it is in 1323, and would it meet his approval? I understand that it would meet his approval if this was done. Could he answer that please?

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, poses a question through the Chair to the gentleman from Houlton, Mr. Berman, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. BERMAN: Mr. Speaker and Members of the House: The federal census situation as presently exists in this amendment is the most objectionable feature of the

amendment. There are other objectionable features, and if the deletion of federal census were taken out of the House Amendment, I would still be opposed to the amendment. I am in favor of the legislative document which was reported out of the Committee on State Government.

Mr. Starbird of Kingman Township was granted permission to speak a third time.

Mr. STARBIRD: Mr. Speaker, I might remind the gentleman from Houlton that the last part of my amendment merely restores to the document two paragraphs in our present Constitution that were inadvertently left out. The part that starts on page three with the phrase "cities and towns entitled to two or more Representatives under the foregoing procedure may by affirmative vote of two thirds of both Houses be organized into single member districts," and it goes on to allow the Supreme Judicial Court to make the apportionment if we do not. This is in our present Constitution and it is unchanged. This is something that was left out that I would assume that he would want in there. The other change besides that, and the one concerning the federal census, was merely a rephrasing of part of Rule 3 and it would accomplish what it was intended to accomplish by the sentence in Rule 3 as it is in 1323. And I originally wrote the bill to try to make a bill that was passable and yet to correct some of the most grievous errors in our present computation. And I would be willing to go along with any reasonable adjustment of it.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I had the privilege too of working with Mr. Berman and other members on an interim committee on reapportionment, and one of the big problems has always been the districting of cities. It would be absolutely impossible, and I think you would agree, to divide Portland up into eleven districts, eleven pieces

of pie. And that's what this would call for.

There have been other suggestions about districting. I really don't think any of us in Portland like the way we do it now—eleven names one side and eleven names on the other, and each voter votes for the eleven. But I've talked it over with members of both parties in Portland, and I've also been informed by those who know judicial judgments on reapportionment that it would be possible in these cities to for instance have multiple districts. Of course, if you'd give us another representative from Portland it would be very easy, because then we could have two representatives from each ward. But we have six wards and eleven representatives.

Now one possible solution, and I think it might work out eventually, would be for us to have three legislative districts made up of four, four and three in Portland.

I object to this amendment because it doesn't handle this problem. Of course, other cities are faced with the same thing, like Bangor, Lewiston and so forth.

Mr. Starbird of Kingman Township was granted permission to speak a fourth time.

Mr. STARBIRD: Mr. Speaker and Members of the House: I hate to prolong this, but the fact is that the objection raised by the gentleman from Portland actually is met in this amendment. The part that is added that I noted in the third time I spoke, is now in our present Constitution. It would change nothing. This bill actually changes nothing but to bring the computation, the variation between our cities and towns that is so wide at present down to a 10 to 15 percent maximum. And I see no reason for his objection, because the at large system that is presently used in our cities and towns would remain as it is now unless two thirds of this Legislature voted to abandon it and go to a single member district system in the cities. This we can do under our present Constitution by a two-thirds vote. It is no different one way or another.

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

Mr. MARSTALLER: Mr. Speaker: Is a motion in order to recommit this bill and its accompanying papers to the Committee on State Government?

The SPEAKER: The Chair would advise the gentleman that the only matter before the House at this time is the amendment. We must dispose of the amendment, either adopt it or indefinitely postpone, and this is the pending question. The Chair will order a vote. All in favor of indefinite postponement of House Amendment "A" to Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. House Paper 1015. L. D. 1323, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

66 having voted in the affirmative and 34 having voted in the negative, the motion to indefinitely postpone did prevail.

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

Mr. MARSTALLER: Mr. Speaker, I move that we recommit this bill to the Committee on State Government.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller now moves this bill be recommitted. The Chair will order a vote. All in favor of this matter being recommitted to the Committee on State Government will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

93 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House a matter tabled earlier and assigned for later in today's session.

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

The SPEAKER: The pending question is the adoption of House Amendment "A".



Mr. Gilbert of Turner moved the adoption of House Amendment "A".

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

On the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Compensation of Members of Boards of Hairdressers," (H. P. 227) (L. D. 283) the Speaker appointed the following Conferees on the part of the House:  
 Messrs. ROSS of Bath  
 SOULAS of Bangor  
 CARRIER of Westbrook

On the disagreeing action of the two branches of the Legislature on Bill "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles" (H. P. 1131) (L. D. 1453) the Speaker appointed the following Conferees on the part of the House:  
 Messrs. LEWIN of Augusta  
 RIDEOUT of Manchester  
 FINEMORE  
 of Bridgewater

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Age Requirement for Kindergartens" (H. P. 458) (L. D. 595) the Speaker appointed the following Conferees on the part of the House:  
 Mrs. CUMMINGS of Newport  
 Messrs. MILLETT of Dixmont  
 WAXMAN of Portland

On the disagreeing action of the two branches of the Legislature on Resolve in favor of Town of Harrington for Medical Care of an

Indigent (H. P. 543) (L. D. 722) the Speaker appointed the following Conferees on the part of the House:

Mrs. LINCOLN of Bethel  
 Messrs. CURTIS of Bowdoinham  
 QUMBY of Cambridge

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Fees of Disclosure Commissioners" (H. P. 823) (L. D. 1062) the Speaker appointed the following Conferees on the part of the House:

Messrs. NORRIS of Brewer  
 COX of Bangor  
 OUELLETTE  
 of South Portland

On the disagreeing action of the two branches of the Legislature on Bill "An Act Regarding the Membership of School Committees and Boards of School Directors" (H. P. 1088) (L. D. 1342) the Speaker appointed the following Conferees on the part of the House:

Messrs. HICHENS of Eliot  
 MILLETT of Dixmont  
 Mrs. CUMMINGS of Newport

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Membership on the Board of School Directors" (H. P. 981) (L. D. 1265) the Speaker appointed the following Conferees on the part of the House:

Messrs. MILLETT of Dixmont  
 FINEMORE  
 of Bridgewater  
 DUDLEY of Enfield

On motion of Mr. Fraser of Mexico,

Adjourned until Monday, May 12, at four o'clock in the afternoon.