

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

Wednesday, May 14, 1969

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

Prayer by the Rev. Mr. Fred More of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, that the House concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to conduct a comprehensive study of the Bill, "An Act Creating the Professional Practices Act for Teachers," H. P. 222, L. D. 272, as introduced at the regular session of the 104th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with any necessary recommendations and implementing legislation, to the next regular or special session of the Legislature (S. P. 454)

Came from the Senate read and passed.

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

From the Senate:

Resolve Changing Name of Louse Island, Penobscot County, to Thor-eau Island (S. P. 457) (L. D. 1503)

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

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

Tabled and Assigned

From the Senate:

Bill "An Act to Amend the Jet Fuel Tax" (S. P. 458) (L. D. 1504)

Came from the Senate referred to the Committee on Taxation.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, would I be in order to have this tabled for two legislative days?

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves

that this matter be tabled until Friday pending reference.

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

Mr. Norris of Brewer then withdrew his tabling motion.

On motion of Mr. Richardson of Cumberland, tabled pending reference in concurrence and specially assigned for tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine (S. P. 209) (L. D. 618)

Report was signed by the following members:

Messrs. QUINN of Penobscot
VIOLETTE of Aroostook
MILLS of Franklin
— of the Senate.

Messrs. FOSTER

of Mechanic Falls
BERMAN of Houlton
HEWES of Cape Elizabeth
MORESHEAD of Augusta
— of the House.

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

Report was signed by the following members:

Messrs. HESELTON of Gardiner
BRENNAN of Portland
DANTON

of Old Orchard Beach
— of the House.

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

In the House: Reports were read.

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

Mr. BERMAN: Mr. Speaker, I would move acceptance of the Majority "Ought not to pass" Report and would speak briefly to that motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves the acceptance of the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. BERMAN: Mr. Speaker and Members of the House: Your Committee on Judiciary, at least the

majority of the Committee, was very much concerned that the State of Maine not be spending the taxpayers' money on this particular matter. It appears that there was a certain individual with a rather extensive criminal record and a propensity toward violence, who was a fugitive from justice. A state trooper in the pursuance of his duty, and what at least seven members of the Committee thought was proper under the circumstances, attempted to apprehend the criminal and being unsuccessful fired a shot. The criminal perished.

We couldn't see that the family of the criminal, who happened to be harboring him as a fugitive from justice, had any right to bring a suit against the State of Maine and make all of the taxpayers responsible. We did go along with the State Attorney's office hiring outside legal counsel to defend the state trooper. The Committee feels that this matter, which is now in litigation, certainly should result in a successful verdict for the police officer and he would not be held liable for pursuing his duty as he saw it.

Therefore we felt at this time that we certainly ought not to give an "ought to pass" report to this type of measure. However, should we be wrong, should the jury down in York County feel that the trooper was not acting with due care in apprehending this fugitive, our Committee certainly would be willing to back up the trooper one hundred percent. But at the present time I hope the House will see fit to go along with the majority of the Committee on Judiciary to protect the taxpayers of the State of Maine.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Reluctantly I must oppose the motion made by the gentleman from Houlton, Mr. Berman, and I would like to give this House the other side of the story and the reasons why I think

ultimately this body would concur in the acceptance of the Minority Report.

Generally speaking I am able to stand before you and give you my side of a case without reading it, but only just minutes ago this document reached my desk and I think to fully give the House the picture I would be forced to read at least portions of it. This is relative to the document that is before us, which is Legislative Document 618. It is a Resolve allowing the Estate of David Hilton to sue the State of Maine. Here are the facts. Hilton, who was a resident of Wells in the County of York, was wanted on a felony charge. On information that he was at the home of his parents, the State Police surrounded the house one night and called on Hilton to surrender. Hilton jumped from a window and ran. A state trooper called on him to halt and fired a warning shot. Hilton kept on running across a field through some woods. The trooper fired again and Hilton fell dead.

To avoid any charge of whitewash, the state trooper was presented to a Grand Jury, which found no criminal action. Hilton's parents are now suing the trooper—and this is the trooper personally, for \$100,000. On agreement between counsel this bill would replace the trooper in this suit with the State of Maine. And here are the arguments in favor of concurring with the other body:

Trial will be before three justices of the Superior Court—there will be no jury.

Every policeman, sheriff and constable in the state is watching this particular case.

Brink's Express, which we know hires guards to protect the monies which they carry, carries \$250,000 of insurance on the guards against a situation like this. The State of Maine carries no insurance whatsoever.

If the trooper stands trial alone and comes to the next legislature for relief, there is no guarantee of help. We cannot bind a future legislature. In other words, the trooper personally is presently in jeop-

ardly and there are no funds whatsoever to alleviate his situation.

If we do not stand behind this man now, our police will no longer risk themselves.

Now this is a very serious thing. If the State Police, if the municipal police, find that they are personally going to be confronted with suits such as this, they will be very reluctant—and I can't blame them, from attempting to enforce the law.

The state itself is on trial since it has been charged that the Police Department was negligent; that Hilton—and this is the man who was killed, was said to be armed and dangerous, and incidentally he wasn't; that the capture was improperly organized; that he should never have been allowed to jump out of the window and run; since the state itself was on trial the state should also be directly involved, and not the trooper alone.

The seventh point that is made was the trooper was not there that night because he wanted to be, that he was there because he was ordered to be and was clearly an agent of the state.

If a judgment is made against the trooper, he will be subjected to all the harassments of a poor debtor until some future legislative action should be taken.

This of course as you know was a 7 to 3 "ought not to pass" report out of the Judiciary Committee, but I feel very strongly the case for accepting the Minority Report and concurring with the other body is certainly well founded, and I hope in this instance you may reject the motion made by the gentleman from Houlton, Mr. Berman.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: I am very much opposed to this bill. The only beneficiaries here that would benefit in this \$618,000 suit are the parents of this boy who were harboring him. I say boy—he was in his twenties; he was a felon; he was escaped at the time, was reported to be dangerous; and his parents were harboring him in the Wells-York area,

and the man was running away from the police at the time. A warning shot was fired, he didn't stop; a second shot was fired, and he dropped dead.

Now this bill would allow a suit against the State of Maine, which I don't think is proper here, if—and the hearing would be before judges only and not before a jury. I feel that the pending suit which is pending now in York Superior Court should continue, and if perchance a jury should make an award against the trooper I certainly would be in favor of reimbursing the trooper—that's the way it was done when we had municipal immunity some years back against the individual fireman, policeman or municipal employee, and then the city or town would vote to reimburse him. And that is what should happen here. I cannot see this bill, in which damages of \$618,000 are claimed, should be passed.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: When I first learned of this particular bill I shared the views that have been expressed by the gentleman from Cape Elizabeth, Mr. Hewes. I felt at that time that the facts in this case were such that here was a police-officer, he was directed under his orders to go there, he was directed to apprehend a felon whom the record indicated was dangerous, and he tried to apprehend the felon and he tried to escape and the trooper in line of duty carried out the action which we by our laws require him to carry out. And I felt, as I say, that the position as so ably presented by Mr. Hewes of Cape Elizabeth was correct.

But I have had an opportunity to review all the facts in this case and there is a larger issue as to whether or not these people are going to gain. The real issue is whether or not we have the courage to support our police officers. At this time this man, this trooper, who was doing his job, who was doing his duty, is being subjected to a civil suit for damages far in excess of his ability to

pay, and I suggest to you that the way to remedy the problem is to have the State accept responsibility for his acts and defend the suit, and I for one am quite sure that the defense will be successful. Because of the facts in this case I don't see how a three-judge court would find that this trooper was negligent in carrying out his duties in the manner in which he carried them out.

Therefore I am going to support the gentleman from Kittery, Mr. Dennett, and I request that when the vote is taken it be taken by division, and I hope that you will see that the larger issue here is whether or not the State is going to underwrite and support the people who carry out its laws.

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

Mr. BERMAN: Mr. Speaker, I would like to pose a question to my colleague from Cumberland, Mr. Richardson. If the majority of the members of the Judiciary Committee who signed the "ought not to pass" report tried to protect the State of Maine from this suit, would see fit to reconsider, would the gentleman from Cumberland see fit to help the Committee on Judiciary abolishing governmental immunity so that future legislatures won't be faced with this problem and it will back every state employee in Maine up to the hilt?

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

Mr. RICHARDSON: The 102nd Legislature I believe effected a number of changes in governmental immunity and I think in answer to the gentleman's question I will continue to support liberalization in this area of the law to make the state and municipal government responsible for the negligent acts of its servants.

The basic problem that you have here is that this trooper is caught in a no man's land by him-

self and has no recourse really, no way to pay, and I think I for one would much rather have the State a party to this suit than have the decision made, not by the jury in York County, which is going to hear the case against the trooper, but by three judges. And this is the proposal that is before you today.

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

Mr. MILLS: Mr. Speaker, I pose a question to any member of the House that cares to answer in this effect. A law enforcement officer in the State of Maine, is he considered an employee of the municipality that hires him or is he considered an agent of that municipality? There has always been a difference in other states on that question and I wish that somebody could answer it here.

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

Mr. Berman of Houlton was granted permission to speak a third time.

Mr. BERMAN: Mr. Speaker, I would like to withdraw my motion and have this matter tabled until the next legislative day.

The SPEAKER: The gentleman has withdrawn his motion to accept the Majority "Ought not to pass" Report. What is the pleasure of the House?

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the acceptance of either Report and specially assigned for tomorrow.

Non-Concurrent Matter

Joint Order recalling H. P. 1115, L. D. 1434, Bill "An Act relating to Chiropractic Services for Injured Employee under Workmen's Compensation Law" from the legislative files (H. P. 1183) which was passed in the House on May 12.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Huber of Rockland, the House

voted to recede and concur with the Senate.

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority (S. P. 97) (L. D. 307) which was referred to the Committee on Appropriations and Financial Affairs in non-concurrence in the House on March 4.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was passed to be engrossed, and asking for a Committee of Conference.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to insist and join in a Committee of Conference.

Non-Concurrent Matter

An Act relating to Trial Costs (S. P. 106) (L. D. 313) which was passed to be enacted in the House on April 29 and passed to be engrossed on April 24.

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.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Installation of Sprinkler Systems in Hotels" (H. P. 260) (L. D. 336) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A" and "B" in the House on May 1.

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

In the House: On motion of Mrs. Boudreau of Portland, tabled pending further consideration and specially assigned for tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Legislative Ethics" (H. P. 909) (L. D. 1170) which was passed to be engrossed in the House on May 6.

Came from the Senate indefinitely postponed in non-concurrence.

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

Petitions, Bills and Resolves Requiring Reference

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

Appropriations and Financial Affairs

Bill "An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities" (H. P. 1187) (Presented by Mr. Bragdon of Perham) (Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Liquor Bought from the State Liquor Commission for Use on Commercial Airlines" (H. P. 1186) (Presented by Mr. Soulas of Bangor) (Ordered Printed)

Sent up for concurrence.

The following Bill appearing on Supplement number one:

Judiciary

Bill "An Act to Allow Corporations to Enter into Partnership or Joint Venture Arrangements with Other Corporations" (H. P. 1191) (Presented by Mr. Richardson of Cumberland) (Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Marquis of Lewiston, it was

ORDERED, that Diane Duval and Francis Ouimette from Holy Cross Grammar School in Lewiston be appointed to serve as Honorary Pages for today.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Casey.

Mr. CASEY: Mr. Speaker, I would ask if the House is in possession of Senate Paper 88, L. D. 278, Bill "An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits."

The SPEAKER: The Chair will advise the gentleman in the affirmative; it is in the possession of the House.

Mr. CASEY: I would move that we reconsider our action of yesterday whereby this bill was indefinitely postponed.

The SPEAKER: The gentleman from Baileyville, Mr. Casey, having voted on the prevailing side of yesterday, now moves that the House reconsider its action whereby this bill was indefinitely postponed. Is it the pleasure of the House to reconsider?

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I am well aware that the Maine Trial Lawyers Association after yesterday's vote here in the House, from an office in Portland became very active and called many many many of you, and I cannot really add to what I said yesterday except that I think that the origin of the calls indicates the interest involved.

You have I think by your vote of yesterday indicated your support of the proposition that, in view of the fact there is no evidence whatever that the unanimous jury verdict effects an impediment to efficient judicial administration, have taken very wise, I think, very wise judgment on the matter. I find the bill personally repugnant, although it would benefit me as an attorney if it were to become law. This is my reason and my only reason for urging you to vote against reconsideration, and when the vote is taken I request a roll call.

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

Mr. McTEAGUE: Mr. Speaker, I regret discussing something which at the most is only peripheral to the merits of this bill before us. The gentleman from Cumberland stated that certain calls were made out of the Portland area yesterday. I personally have no knowledge in one direction or the other, but I assume he is correct. He implies that there is something improper and wicked regarding this. He implies that it is a special interest matter only

spoken for by people who have those interests. It has not been stressed that twenty-four of our sister states have this program or a similar one providing for eight, nine or ten-man verdicts.

He discussed yesterday another peripheral matter regarding the system of fees by which attorneys representing injured parties may be compensated. This is on a percentage or contingent basis. There are a few things which I believe he neglected to mention and they go about like this. An attorney representing an injured party commonly gives that party the option of the choice between representing him on a time basis or a per diem basis, or on a percentage basis. Many people do not have adequate funds to pay on a per diem basis for litigation when the outcome is uncertain and the outcome of all litigation is uncertain. The attorney may receive compensation if he prevails in the case; he may receive nothing for months of effort if he does not prevail.

On the other hand, the representative of the defendant, or more properly and accurately the insurance carrier involved, is compensated on a per diem basis. He receives compensation for his work put in regardless of the result, and if the result is a mistrial due to a hung jury or for any other reason, after a five day trial, the insurance carrier's attorney is again compensated, if there is another trial, for the subsequent five days. Of course the injured party does not receive any additional compensation for the additional five days, nor would his attorney; and there is, as we discussed yesterday, a cost to the county of a significant amount.

Attorneys have a grave disadvantage, I guess, in discussing this matter because we do not in the main have experience in sitting on juries unless we happen to do so before admitted to the Bar. I believe almost all of the members of this House have sat on juries and they perhaps have some insight into the problem that we don't. I was particularly impressed yesterday by Mr. Sheltra's comment regarding his experience in sitting on a jury. Perhaps all of us in some way have

an interest in this matter. Some of us represent insurance carriers and some on occasion injured people. All of us or most of us will serve on juries. Some of us may be injured. Most of us pay insurance premiums. But let's try to strain the accusations and the self interest out of it and ask the question, "Is it fair and reasonable that one person out of twelve have a veto, in effect, on the action of the other eleven?"

If you were injured, would you want your right to be compensated for your injuries to be held up by one man out of twelve. Thank you, Mr. Speaker.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House. During the debate on this topic the opponents to the bill have stated time and time again the old threat, if you pass this bill your insurance rates will go up. This argument is used every time a bill of this sort comes along in which they claim the plaintiff's lawyer will benefit. I submit to you that one of the most enlightened pieces of legislation concerning trial and jury work and automobile accident claims was submitted and passed in the 102nd Legislature and this was the law concerning contributory negligence and at the time that this bill was being debated in the House time and time again the gentleman from Cumberland cited that the reason for opposing this bill was the fact that your insurance rates would go up, and I have in front of me the debate on this matter this morning and in five or six places during the debate this was stated, it was stated that your rates would go up innumerable per cent if you passed the bill. The bill was fortunately passed.

I do not believe, and you people know, many of you know better than I do, I do not believe that the insurance rates have increased that much because of the contributory negligence law. When we consider the benefits that have run to many injured persons because of the passage of this law, I say if the rates went up at all

the benefits which resulted far overshadow the increase in rates.

So I submit to you that we as legislators in the State of Maine have a responsibility to persons who are citizens of the State, our fellow citizens who might be injured for one reason or another and who seek compensation for their injuries and are turned down for one reason or another, and if we do not try to help these people and do what we can so that the people of the State of Maine get fair verdicts, which I do not believe for the most part people in the State of Maine get today, then I say we are not doing our duty. And if the reason that we are not doing our duty is because we are afraid of this old bugaboo that the insurance rates might go up, I submit to you that this is not a valid claim, that the passage of this bill would not substantially affect the insurance rates one bit, and I submit to you, as was argued yesterday, this matter could go either way, the nine jurors could be for the lower verdict or for no negligence at all. So it is a two-way street on this matter, and it doesn't always run against the insurance companies as some would like you to believe.

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

Mr. BENSON: Mr. Speaker and Ladies and Gentlemen: In brief response to the gentleman from Augusta, Mr. Moreshead, how many of you have enjoyed a reduction in your insurance premium recently? If I were improperly accused and taken to court and confronted with circumstantial evidence, I am sure that I would wish to have a unanimous decision of the jury. I would feel very very badly if it were otherwise.

Now this applies to civil action and not criminal, and this was pointed out specifically yesterday by the proponents of the bill, and if this is so why is it not as good for the criminal action as it is for the civil? Why can we say that passing this for civil action is perfectly all right, and yet maybe it is not quite good enough for the very heavy responsibilities of criminal action?

I suggest to you that this is no different than a basketball game. When you go into a game you know that someone is going to win and someone is going to lose. I think that we are involved in a similar game here today. I think that we are going to have a winner and we are going to have a loser, and I just hope that it is not the legal profession that wins once again and the poor people of the State of Maine the loser. Thank you.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the remarks made by the gentleman from Southwest Harbor, Mr. Benson, how many have enjoyed reductions in any expenditures lately? In regard to criminal action, in criminal action we are dealing with liberty; in civil action we are dealing with dollars and cents. If you lose a civil case, the lawyers and the litigants get up, take their papers and they go home. If you lose a criminal case someone stays behind, the defendant.

Now I want to remind ourselves too that this was a unanimous committee report and as it has been pointed out it is not pioneer legislation we have in some twenty-four states. In this House we make most of our decisions by a majority vote; we make our exceptional decisions, for example Constitutional amendments, by two-thirds vote. This bill would require a three-fourths majority for a verdict, which is still much more strict than the requirements for a bill to become law in this House. I submit that passage of this bill would prevent some mistrials and save the counties some money. It would prevent one recalcitrant juror from frustrating the will of a substantial majority. I urge you to support the motion for reconsideration.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I have had the privilege of serving on juries five different times and in no case have we had a hung jury. We have

had some stubborn people it is true, but finally we made the decision. Based on my experience I would vote against this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Baileyville, Mr. Casey, that the House reconsider its action of yesterday whereby Bill "An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits," Senate Paper 88, L. D. 278, was indefinitely postponed in non-concurrence. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Baileyville, Mr. Casey, that the House reconsider its action of yesterday whereby this Bill was indefinitely postponed. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEAS—Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Corson, Cote, Cottrell, Couture, Crommett, Crosby, Croteau, Curran, Dam, Dennett, Drigotas, Dudley, Dyar, Emery, Erickson, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Giroux, Good, Hanson, Hawkens, Henley, Hewes, Huber, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Lewin, Marsteller, Martin, McKinnon, McNally, McTeague, Mills, Mitchell, Moreshead, Morgan, Mosher, Noyes, Ouellette, Richardson, G. A.; Santoro, Shaw, Soulas, Starbird, Tanguay, Temple, Tyndale, Vincent, Watson, Waxman, Williams.

NAYS — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Chick,

Clark, C. H.; Clark, H. G.; Cox, Cummings, Curtis, Cushing, Donaghy, Durgin, Evans, Farnham, Finemore, Gilbert, Hall, Haskell, Hichens, Immonen, Johnston, Kelley, R. P.; Lawry, Lee, Lewis, Lincoln, Lund, Meisner, Millett, Norris, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Snow, Stillings, Susi, Thompson, Trask, Wheeler, White, Wood.

ABSENT — D'Alfonso, Danton, Gauthier, Hardy, Harriman, Heselton, Keyte, MacPhail, Marquis, Nadeau, Sheltra.

Yes, 79; No, 60; Absent, 11.

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

The pending question is indefinite postponement. Is the House ready for the question?

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

Mr. BERMAN: Mr. Speaker and Members of the House: I hope that you will vote against indefinite postponement and let this bill have life. One of the most highly respected lawyers in the state happened to be talking to me last week. He is a very distinguished lawyer in the City of Portland. He is an author of a very famous law book. He grew up in a country town in Piscataquis County, was a Phi Beta Kappa at Bates, I think was educated in the Massachusetts Institute of Technology, went on to Harvard Law School, and is the only person in the State of Maine that I know of that was president of the Harvard Law Review.

When I talked to Mr. McKusick last week about this nine-man majority jury verdict, Mr. McKusick told me, he said—"Malcolm, I think this is a good step in the administration of justice. It will make the jury system work better." Thank you.

When the vote is taken I ask for the yeas and nays.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those members

desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is the indefinite postponement of this Bill. 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, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Clark, C. H.; Clark, H. G.; Cox, Curtis, Cushing, Donaghy, Durgin, Evans, Farnham, Finemore, Gilbert, Hall, Haskell, Hichens, Immonen, Johnston, Kelley, R. P.; Lawry, Lee, Lewis, Lincoln, Lund, Millett, Norris, Payson, Porter, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Snow, Stillings, Susi, Thompson, Trask, White, Wight, Wood.

NAY — Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Chick, Coffey, Corson, Cote, Cottrell, Couture, Crommett, Crosby, Croteau, Cummings, Curran, Dam, Dennett, Drigotas, Dudley, Dyar, Emery, Erickson, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Giroux, Good, Hanson, Hawkens, Henley, Hewes, Huber, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Lewin, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Mills, Mitchell, Moreshead, Morgan, Mosher, Noyes, Ouellette, Page, Pratt, Santoro, Shaw, Soulas, Starbird, Tanguay, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler, Williams.

ABSENT — Baker, D'Alfonso, Danton, Gauthier, Hardy, Harriman, Heselton, Keyte, MacPhail, Nadeau, Sheltra.

Yes, 54; No, 85; Absent, 11.

The SPEAKER: Fifty-four having voted in the affirmative and

eighty-five in the negative, the motion does not prevail.

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

**House Reports of Committees
Leave to Withdraw**

Covered by Other Legislation

Mr. Dennett from the Committee on State Government on Bill "An Act Increasing Salary of County Attorney of Hancock County" (H. P. 483) (L. D. 637) reported Leave to Withdraw, as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Cumberland County" (H. P. 487) (L. D. 641)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Donaghy from the Committee on State Government reported "Ought not to pass" on Bill "An Act to Provide a Uniform Fiscal Year for Municipalities" (H. P. 98) (L. D. 106) which was recommitted.

Mr. Starbird from same Committee reported same on Bill "An Act relating to Salary of Commissioner of Education" (H. P. 244) (L. D. 299)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mrs. Lincoln from the Committee on Retirements and Pensions on Bill "An Act relating to Service Retirement of Law Enforcement Officers in Department of Sea and Shore Fisheries" (H. P. 347) (L. D. 454) reported "Ought not to pass", as covered by other legislation.

Mr. Marquis from same Committee reported same on Bill "An Act relating to Service Retirement of Inland Fisheries and Game Wardens" (H. P. 348) (L. D. 455)

Reports were read and accepted and sent up for concurrence.

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

Mr. Carrier from the Committee on Health and Institutional

Services on Bill "An Act Revising the Laws Relating to Physicians and Surgeons" (H. P. 811) (L. D. 1050) reported same in a new draft (H. P. 1188) (L. D. 1507) under same title and that it "Ought to pass"

Mr. Hichens from the Committee on Liquor Control on Bill "An Act to Provide Controlled Sale of Alcoholic Beverages by Catering at Events and Gatherings Beyond the Capacity of Area Licensee Facilities" (H. P. 772) (L. D. 1005) reported same in a new draft (H. P. 1189) (L. D. 1508) under title of "An Act to Provide Controlled Sale of Alcoholic Beverages by Catering at Events and Gatherings" and that it "Ought to pass"

Report was read and accepted, the New Drafts read twice and tomorrow assigned.

**Ought to Pass
Printed Bill**

Mr. Farnham from the Committee on Industrial and Recreational Development reported "Ought to pass" on Bill "An Act Amending the Municipal, Industrial and Recreational Obligations Act" (H. P. 599) (L. D. 780)

Report was read and accepted, the Bill read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issues in the Amount of \$8,200,000 to Provide Funds for School Building Construction under the Provisions of Section 3457 and Section 3459 of Title 20, R.S. and \$1,600,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers under the Provisions of Section 2356-B of Title 20, R.S." (H. P. 402) (L. D. 513) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. HEWES: Mr. Speaker, I would just like to pose a question

if I could to Mr. Jalbert or one of the members of the Appropriations Committee relative to interest on the bonded indebtedness. As I understand, interest rates are at an all time—not at an all time, at a high rate at the present time. As I look at the document distributed to us in the office of the Treasurer of the State as to bonded indebtedness back, that we have, for bonds that were purchased—for example the Kennebec Bridge bond in 1947, the interest rate is one and a half percent, and as the time goes on in 1952 it became one and three-quarters percent, and many of the bonds are in the two percent ratio. However, in the sixties the ratio has become three or three and a half percent and I even notice four or even five percent interest on some very recent bonds. And could someone tell me if they know approximately what rate of interest these bonds would be at. Are they going to be at high percent ratio perhaps and if so should we become involved in borrowing money at this time when money is tight rather than waiting until money becomes freer?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes poses a question through the Chair to any member of the Appropriations Committee who may answer if they choose, and the Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: In answer to the gentleman's question I think he is reasonably correct in that interest rates are high. However if I might be permitted I would like to offer a further explanation of this particular item, this bond issue which is now before us. I think possibly you may have a wrong conception of what we are doing here. This is the bond issue which provides for the payment of the retirement and interest on the bonds which have previously been issued by the School Administrative Districts and is the State's share.

In my opinion I think the gentleman might agree with me that this is strictly a Current Services

item that should never have been put into a bond issue at all. However, I feel, we did this two years ago, I objected then and to the principle—I still object to the principle but I question very seriously whether we can meet these payments any other way than by a bond issue. They are obligations of the State to the School Administrative Districts to pay the State's share of the two-years' interest and retirement on bonds previously issued by those Districts.

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

Mr. HEWES: Mr. Speaker, I thank the gentleman from Perham, Mr. Bragdon, and did I understand correctly that this item is for money that the State is giving to the communities; in other words this is not a State owned capital item, it's merely money that we are borrowing to give away?

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

Mr. BRAGDON: Mr. Speaker, I'm afraid that perhaps I didn't get my message across. I will yield to the gentleman from Lewiston who possibly can explain it better than I did, tried to.

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

Mr. JALBERT: Mr. Speaker, these are commitments and payments we are making yearly. This involves a lot of areas and to alleviate the possible fear of the gentleman from Cape Elizabeth, Mr. Hewes, wherein it concerns the \$800,000 on the area vocational schools, it involves Cape Elizabeth as well as Sanford, as well as Waterville. It's also on school construction, it involves Auburn, Augusta, Bangor, Bath, Biddeford, Brewer, Brunswick, Bucksport, Cape Elizabeth, Caribou, Gorham, Hermon, Kittery, Lewiston, Madawaska, Millinocket, Old Town, Portland, Rumford, Sanford, South Portland, Waterville, Westbrook and Winslow and all of the SAD's. This merely fulfills our commitment and this money is for the ensuing two years.

Thereupon, the Report was accepted and the Bill read twice. Committee Amendment "A" (H-317) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Terminations of Human Pregnancy by Therapeutic Abortion" (H. P. 602) (L. D. 783)

Report was signed by the following members:

Messrs. QUINN of Penobscot
VIOLETTE of Aroostook
— of the Senate.
Messrs. BERMAN of Houlton
HESELTON of Gardiner
MORESHEAD of Augusta
HEWES of Cape Elizabeth
BRENNAN of Portland
DANTON
of Old Orchard Beach
— of the House.

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

Report was signed by the following members:

Mr. MILLS of Franklin
— of the Senate.
Mr. FOSTER
of Mechanic Falls
— of the House.

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I ask unanimous consent that this matter lie on the table specially assigned for ten o'clock tomorrow morning as a special order of business pending acceptance of either Report.

Thereupon, by unanimous consent made a specially assigned item for 10:00 a.m. tomorrow morning.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Providing for Implied Consent Law for Operators of Motor Vehicles" (H. P. 1030) (L. D. 1339)

Report was signed by the following members:

Messrs. MILLS of Franklin
QUINN of Penobscot
— of the Senate.

Messrs. FOSTER
of Mechanic Falls
BERMAN of Houlton
DANTON

of Old Orchard Beach
BRENNAN of Portland
MORESHEAD of Augusta

— of the House.
Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. VIOLETTE of Aroostook
— of the Senate.
Messrs. HESELTON of Gardiner
HEWES of Cape Elizabeth
— of the House.

Reports were read.

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

Mr. BIRT: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt moves that the House accept the Minority "Ought to pass" Report. The gentleman may proceed.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: One of the great failures of our civilization is the inability to cope with the growing accident rate on our highways. During the present week over a thousand people will be killed on the nation's highways according to statistics and about 16,000 will be injured. The Federal Government and Congress have long been aware of this problem but have left the development of motor vehicle laws to the individual states.

However, in 1966 the National Safety Council developed a 16-point program of recommendations which they felt would improve highway safety. Among these sixteen points was the passage of the Implied Consent Law, and I would read from one of those points. As a minimum, in Implied Consent Law, a person by accepting a driver's license is deemed to have given his consent to a chemical test in the event he is arrested for driving while intoxicated and refusing

to take the test is cause for revocation of his license. And provisions for chemical tests to determine the alcohol concentration, the limit is set at ten one-hundredths of one percent. The standard also recommends blood alcohol tests on accident victims and drivers surviving accidents fatal to others. This is the recommendation of the National Highway Safety Committee.

This law has presently been enacted in 34 states. Arkansas and Indiana have passed the law this year. Six other states have passed the law in at least one branch of the legislature. Presently only three states have not either passed this law or are not presently considering this law before their state legislatures. And I would say of those three states two presently do not have legislatures convening this year.

Use of alcohol or driving under its influence is the major single cause of highway accidents, and I would quote from one article from the National Highway Users Conference on Highway Safety. And this is a study that was made in Massachusetts.

So the "Massachusetts Public Safety Commissioner, Leo L. Laughlin has released statistics based upon the blood analyses of 847 drivers killed in the Bay State during the past seven years. Of 369 operators who were killed in single vehicle accidents, 69 per cent were impaired by alcohol. Of 221 operators who were killed in multiple car accidents, 49 per cent were impaired by alcohol. Of 257 pedestrians, 57 per cent were impaired by alcohol. Blood alcohol concentrations of 0.10 per cent or more were considered sufficient to cause impairment."

Last session this Legislature passed a law which, after a Supreme Court case, actually weakened the penalty for driving under the influence. This was a step in the wrong direction and is contrary to the action which has either been taken or is considered by eleven states at present.

The Governor has continually mentioned this in his budget message and he has devoted an entire paragraph in his message on

governmental reforms for the passage of the Implied Consent Law. He has also when speaking before various groups in the state, and this was commented on in an editorial in one of the leading papers a short while ago, he said that Maine needs an Implied Consent Law and if it is passed and put on his desk, he will sign it. A feature article in the Maine Sunday Telegram several weeks ago discussed this legislation. The last time that I talked to the author of this article 110 letters had been received to the editors supporting the passage of this legislation. He indicated to me at that time that this was the highest number of letters that had ever been received relative to a single article that had been printed in the Sunday Telegram. Since that time there have been continual letters come in as evidenced by the fact that every week there have been one or two letters featured in the "Letters to the Editor." The last Sunday's edition had two very excellent letters in support of this. At the time that I talked with him he also indicated to me that there were only four letters that had been received opposing this law.

As a lay person not steeped in judicial law I have tried to review this concept of Implied Consent. I feel very strongly that a person has no more right to be on the highway drunk than he has the right, using a quote from a very famous Supreme Court decision by Charles Evans Hughes, when he said that a person has no right to stand up in a crowded theater and holler "fire" as a right of free speech.

As to the constitutionality of this, I believe the decision should be left with the Courts. It is not a legislative, it is a judicial decision and should not be made on the Floor of this Legislature. I would hope that this bill would be given adequate discussion on the Floor this morning and not tabled and we can determine then what procedures are necessary to send this to the Courts and get a decision from the comments that are made here and when the action is taken I would hope that the

Minority "Ought to pass" Report is accepted.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: In supporting the Governor of Maine and the Highway Safety Council I think it is important for us to understand what the objection is to this bill so that when we request the Supreme Judicial Court of the State of Maine for an opinion with respect to the constitutionality of this legislation the issues will be clearly drawn.

At the risk of boring you I want to touch on three principal objections that were voiced in the public hearing on this bill by various members of the Judiciary Committee whose divided report is before you today. The first claim is that an Implied Consent Law which requires the driver of a motor vehicle to submit to one of three tests, a urinalysis, a blood test or a breath test when he is apprehended under such circumstances as reasonably leads to the belief that he is under the influence of alcohol.

The three objections that are raised are, first of all that this is contrary to our constitutional right against self-incrimination. Article I, Section 6, of the Constitution of the State of Maine provides, "He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers or the law of the land." Now many of the cases which have had occasion to pass on this question of self-incrimination and the right of every citizen to be free from the compulsion to testify against himself have been based on the question of testimonial compulsion, that is the compulsion to give oral testimony as opposed to the taking of blood or urine or breath.

There are many cases throughout the country, the chief of which is Furber against State, which is a United States Supreme Court decision holding that the right against self-incrimination refers to "testimonial," that is a statement

not to physical evidence secured from the defendant. Those who oppose this bill, and I say that their opposition is ill founded, say that this is against the constitutional right against search and seizure but the law is clear. The only search and seizure which is prohibited under our Constitution and under our laws is an unreasonable search and seizure, the search and seizure not reasonably related to a lawful arrest. And I believe that this issue is also one that is being raised by those who I believe in good faith, but mistakenly, see a lot of problems in this legislation that just don't exist.

Finally you are going to hear the legal objection that this is contrary to the constitutional right of every citizen of this state to due process of law and equal protection under the law. There have been several cases in this area and I won't bore you with them except to say that in the United States Supreme Court case it was held that the taking of blood under the supervision of a physician even from an unconscious motorist was not a violation of due process as that phrase is defined by the Constitution of the United States.

Now when you shred out all the legalistic nit picking that has been going on, and I have been guilty of it this morning, the basic issue before you is whether or not you are going to permit a man who has a license to drive, a license to operate a motor vehicle on our highways, to visit death, a grievous personal injury on innocent people simply because he insists that he has the right to get drunk and get behind the wheel of an automobile. I say no man has that right. Those of you who have seen accidents and injuries, those of you who have been injured yourselves, know that this kind of man is a man who should not be allowed on the highway. We should provide in our licenses—certainly you can pass the driver's test, go ahead and drive, but don't get drunk and then drive. Thank you.

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

Mr. ALLEN: Mr. Speaker, Ladies and Gentlemen of the House: Just

a year ago I spent several weeks in the British Isles, driving down on the left-hand side of the road at great hazard to British motorists. I discovered there that the words, "Have courage" that I saw many many places was not an inspirational couple of words, it was the name of a beer. And when I was in London on May 18 there was a report to Parliament on this same legislation that they had had in effect for nearly a year, and I would like to quote you just a few statements from the report to Parliament in the Times of Saturday, May 18.

"No doubt the new law on drinking and driving has had beneficial effect, there was an encouraging reduction in the number of casualties, definite evidence of an enduring change in habits, more careful driving and less drinking and driving. By common consent it is clearly the most successful road safety measure of the decade. The new legislation was having a dramatic effect on the road accident rate. There was a saving, in terms of actual casualties, there has been a saving of 800 lives in over 6,000 serious injuries. The fall in accidents during the late evening after they had come from the pubs was striking." That is a report of the effect in another country.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to refer a question to the gentleman from East Millinocket, Mr. Birt, if he would care to answer. Of the sixteen points that he says are recommended by the Highway Safety Committee, how many of these points have been accepted and adopted by the State of Maine?

The SPEAKER: The gentleman from Bangor, Mr. Soulas, poses a question through the Chair to the gentleman from East Millinocket, Mr. Birt who may answer if he chooses. The Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, I can't give you a definite answer, I have the list of all six-

teen of them. I know that many of them have been adopted, quite a few of them — driver education, motorcycle safety, motor vehicle registration, periodic motor vehicle inspection which the State has had on for a long while, driver licensing, have all been adopted. I could not give you an answer right now but I will find that information and pass it on to the gentleman.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I will be brief. For two sessions when this bill was up for a vote I opposed it, based upon my belief that we were legislating something which was unconstitutional, because I am a layman and I had to judge by listening to the legal heads on it. But I feel that my responsibility basically and primarily is to represent my constituency and I was taken over the coals before for opposing the bill. I stated in last year's campaign that I definitely would be for an Implied Consent Law if it came up again and I still maintain that because of the pressure of our people and the fact that as time goes on and living becomes more complicated, driving along with a lot of other things is a privilege which implies a tremendous responsibility, and I do not see any reason why the Implied Consent Law should not be a part of that responsibility. I shall support it.

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

Mr. HICHENS: Mr. Speaker, without further elaboration on the subject I would rise in full support of the motion of the gentleman from East Millinocket. I would ask for a roll call.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House accept the Minority "Ought to pass" Report. 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 members desiring a roll call vote

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

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt that the House accept the Minority "Ought to pass" Report on Bill "An Act Providing for Implied Consent Law for Operators of Motor Vehicles," House Paper 1030, L. D. 1339. If you are in favor of accepting the Minority "Ought to pass" Report 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, Boudreau, Bragdon, Brown, Buckley, Bunker, Burnham, Chandler, Chick, Clark, H. G.; Coffey, Corson, Cottrell, Crommett, Croteau, Cummings, Curtis, Cushing, Dam, Dennett, Durgin, Dyar, Eustis, Evans, Farnham, Finemore, Fortier, A. J.; Fortier, M.; Gilbert, Giroux, Good, Hall, Hanson, Hardy, Haskell, Hawken, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McKinnon, McTeague, Meisner, Millett, Mitchell, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Snow, Starbird, Stillings, Temple, Thompson, Trask, Tyndale, Watson, Waxman, White, Wight, Williams, Wood.

NAY—Bedard, Berman, Bernier, Binnette, Bourgoin, Brennan, Carrier, Carter, Casey, Clark, C. H.; Cote, Couture, Cox, Curran, Drigotas, Dudley, Faucher, Fecteau, Foster, Fraser, Gauthier, Hunter, Jameson, Jutras, Kelleher, Laberge, Lebel, Marquis, McNally, Mills, Moreshead, Morgan, Norris, Ouellette, Rand, Ricker, Rideout, Rocheleau, Sheltra, Soulas, Vincent, Wheeler.

ABSENT — Carey, Crosby, D'Alfonso, Danton, Donaghy, Emery, Erickson, Harriman, Nadeau, Susi, Tanguay.

Yes, 97; No, 42; Absent, 11.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-two in the negative, the motion does prevail.

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

Divided Report

Majority Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Bill "An Act relating to Retirement Benefits for Rangers in the Department of Forestry and Baxter State Park under State Retirement System" (H. P. 23) (L. D. 26)

Report was signed by the following members:

Messrs. HANSON of Kennebec
DUQUETTE of York
CIANCHETTE

of Somerset
— of the Senate.

Messrs. MEISNER

of Dover-Foxcroft
BARNES of Alton
MARQUIS of Lewiston
SHELTRA of Biddeford
PRATT of Parsonsfield

Mrs. LINCOLN of Bethel

— of the House.

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

Report was signed by the following member:

Mr. TEMPLE of Portland

— of the House.

Reports were read.

On motion of Mr. Meisner of Dover-Foxcroft, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Bill "An Act relating to Benefits for Widows of State Police Officers" (H. P. 196) (L. D. 243)

Report was signed by the following members:

Messrs. HANSON of Kennebec
CIANCHETTE of Somerset
DUQUETTE of York

— of the Senate.

Messrs. PRATT of Parsonsfield
TEMPLE of Portland

Mrs. LINCOLN of Bethel

Messrs. MEISNER
of Dover-Foxcroft
BARNES of Alton
—of the House.

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

Report was signed by the following members:

Messrs. MARQUIS of Lewiston
SHELTRA of Biddeford
—of the House.

Reports were read.

On motion of Mr. Meisner of Dover-Foxcroft, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on State Government on Bill "An Act Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General" (H. P. 181) (L. D. 220) reporting same in a new draft (H. P. 1190) (L. D. 1509) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
LETOURNEAU of York
—of the Senate.

Mr. DENNETT of Kittery
Miss WATSON of Bath
Messrs. RIDEOUT of Manchester
MARSTALLER

of Freeport
—of the House.

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

Report was signed by the following members:

Mr. BELIVEAU of Oxford
—of the Senate.

Messrs. DONAGHY of Lubec
STARBIRD
of Kingman Township
D'ALFONSO of Portland
—of the House.

Reports were read.

(On motion of Mr. Temple of Portland, tabled pending acceptance of either Report and specially assigned for tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Transportation on Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 752) (L. D. 970) reporting same in a new draft (H. P. 1184) (L. D. 1505) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. REED of Sagadahoc
BARNES of Aroostook
—of the Senate.

Messrs. CROSBY of Kennebunk
FINEMORE

of Bridgewater
IMMONEN of West Paris
CAREY of Waterville
ERICKSON of Union
—of the House

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

Report was signed by the following members:

Mr. GORDON of Cumberland
—of the Senate.

Messrs. KEYTE of Dexter
LEBEL of Van Buren
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

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

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, moves that the House accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I am against that motion to accept the Majority "Ought to pass" Report. We have here in front of us two bills, it was reported before as L. D. 970 and L.D. 1409, and this Bill 970 was redrafted under number 1505 and I think if you look in this bill here, yesterday we accepted a bill to ask to accept to remove the Board and on this bill here we still have paragraphs that gives powers and duties to the Board. I think if we do accept this bill, and yesterday we already have

accepted the bill on the transport board, the dealer board, I think it would be in conflict.

On this bill here it was amended, the bill used to be for the dealer's plate \$100 as you see on your L.D. 970, and you didn't have a chance to see this redraft so I will tell you what they did with the redraft. The redraft, they changed the price from \$100 for the certificate, four plates free, five plates at \$10 and the balance of the plates at \$5. On the redraft they put it back to the same price as I had it on my other bill—the certificate \$25, the plates \$10 across the board, and I'll explain to you how they did come to that price.

We had a Committee hearing and we tried to put the two bills together and make one good bill out of it. And there was a motion made to accept \$15 across the board for the plates because the used car dealers wanted \$15 to be able to have the plate and use it the way they wanted. So I did accept \$15 across the board to compromise. Then what they wanted to do, they wanted to keep the dealer's plates on their wrecker and the transporter plates. On my bill I took the wrecker out because dealers' plates are not supposed to be used on wreckers because it does say in the law, "not for hire," and if you put the dealers' plates or the transporter plates on your wrecker it's for hire.

So when it came to the use of the plates on my bill 1409 I had the "A" plate, but as I explained in the hearing I had my redraft made at the time. I explained at the hearing that I was going to leave the plate to the dealer and his family. What they wanted, they wanted also to use it for their employees. So I did accept, trying to make a good bill, I did accept that the salesman could use it but only the salesman, not his family.

So we came out. I didn't want to sign the report right off because I wanted that last phrase to be spelled out by the Attorney General or his assistant, because he had already worked on the bill and he put a lot of time on it, to redraft my bill, so I wanted that paragraph to be spelled out right.

So we agreed to meet two days after that to see if we could get along together.

The next morning when I came in there were two gentlemen in the hall with the lobbyist for the new car dealers, and after they were done talking the Chairman came to me and he said, "Leon, the new car dealers don't want to accept the \$15 across the board for the plates." So I told him, yes, I gave up practically everything to try to help you get that \$15 so they could use the plates, because by paying \$15 they were paying the same price as you and I were paying for our plates. So that is why I did agree to that. So I told my chairman that I couldn't accept that, I said if they don't want to pay the \$15 across the board, all they want, they want the best part of it and that's what they want. And they did accept the best part of my bill in addition to \$10 across the board. I told them we might as well fight it out, and that's why I'm here explaining to you what happened and how it happened that they came down with the reduction in price.

If you didn't have a chance to study this L. D. by the time it has passed the third reading you will have a chance to look it over and I hope that you will not accept the "ought to pass" report, and when the vote is taken I ask for a division.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: In all fairness to these two bills, we have spent a lot of time on them, longer on these two bills than any we had in the Committee. And both bills have their good points. These are not partisan bills, just because the Republicans are on one side and the Democrats the other, by any means. And I hope they are not treated that way because Mr. Lebel has a lot of good points, and so did Mr. Crosby. I hope that someone will table this bill and the bill following, and that the members of the House will study the two bills and find which other bill they would like. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Having been a dealer once myself I understand quite a lot about this bill and I am sure Mr. Lebel has done a very good job trying to explain these to you. Now these people that are dealers, and I was once and I know we like to get away like everybody does without paying if we don't have to.

Now this, as I understand from reading the bills now, they get their plate for \$10 — we pay \$15. That's all right, they save \$5. They only save \$5 there; where they really save is on their excise tax. We're really giving them a bargain even if we charge them 15, which we are not, we're only charging them 10. The thing that is really wrong with this bill before us that we're asked to accept the report, which I am opposed to, is that in my opinion in reading the bill we let the wreckers and they have used the transporter plate or the dealer plate.

Now this is wrong. This is wrong because a lot of garages are not dealers and they have to pay the excise tax and license their wrecker and as a matter of fact have a special wrecker's license. Now we would be saying this. We would be saying one group of you people have got to pay a premium for your wrecker license to run a wrecker, but the others that are dealers, are new car dealers, they can put a dealer plate on their wrecker and run it.

Now I think this is wrong. I think that is one of the big points that is wrong with the bill we are considering, the fact that a dealer, just because he is a dealer—and all garages you understand are not dealers, but because this man is a dealer he is allowed to put a dealer plate on and run it, free of excise tax, for just a mere fact of \$10. Mr. Lebel would like to have it 15 and I would have, but I will go along with the \$10—I think that is a fair compromise. But when you say that they can use their wrecker, they can use it on their neighbor's car or their friend's car and so forth, I think

this dealer plate should be confined to the salesman, to the owner of the place; and I think we should even limit this, some way this should be limited, not for the whole family to take out riding on Sunday; they're not selling cars a great deal on Sunday—but they are running plenty of dealer plates up and down the road on Sunday, and if they are going to do that I think that they should pay like I do and like you do.

And for this reason I hope that this House will not accept this report this morning and that you later go on to another bill that has a committee report that at least takes care of the wrecker, and I haven't had a chance to go into it in detail, if someone wants to table it; but I can assure you that Mr. Lebel's efforts are very sincere and I am sure that lobbyists don't reach him quite as easy as they do some of us. I think that he is right and I hope that we will go along and support him and not accept this report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Members of the House: I would like to explain the wrecker situation to you. Four years ago I guess I was on the committee and I voted for the wrecker as I told you two years ago. And after two years I noticed that I had made a mistake. They were supposed to use that dealer's plate on their wrecker free of charge; now they are charging. Now, let's see the way—I will show you how it reads now.

“Notwithstanding any other provisions of this Title, anyone issued” that was—this is in the law—“new car dealers, used car dealers, registration plates or transporter plates by said board shall have the right to operate his motor vehicle wrecker” — or service automobile—“in connection with his business on such dealer or transporter plate.”

In the redraft it doesn't read quite the same. They changed it. Anyone issued a new motor vehicle or used motor vehicle—instead of cars. And a motor vehicle is anything that is self-propelled. So

anyone that sells motorcycles even, if he has a garage he can ask for a dealer's plate and he can put it on his wrecker. So I will give you a list here who can use the dealer's plate or transporter plate on their wreckers: New car dealers, used car dealers, heavy equipment dealers, garage owner, body shop, trailer dealers, semi-trailer dealers, dealers in mobile homes. If he don't have his own unit, if it is a wrecker he can use it, finance companies, banks, junk yards, farm machinery dealers, fleet owners such as pulpwood companies, and body manufacturers, and so forth.

Before we pass those two bills I hope you have a chance to read both of them. Thank you.

On motion of Mr. Lee of Albion, tabled pending the motion of Mr. Crosby of Kennebunk to accept the Majority "Ought to pass" Report and specially assigned for tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 1056) (L. D. 1409)

Report was signed by the following members:

Messrs. REED of Sagadahoc
BARNES of Aroostook
— of the Senate.
Messrs. CROSBY of Kennebunk
CAREY of Waterville
ERICKSON of Union
IMMONEN of West Paris
FINEMORE

— of Bridgewater
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1185) (L. D. 1506) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. GORDON of Cumberland
— of the Senate.
Messrs. LEBEL of Van Buren
KEYTE of Dexter
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, I move that we accept the Minority "Ought to pass" Report.

Whereupon, on motion of Mr. Crosby of Kennebunk, tabled pending the motion of Mr. Lebel of Van Buren to accept the Minority "Ought to pass" Report and specially assigned for tomorrow.

Passed to Be Engrossed Third Reader Amended

Bill "An Act relating to Secondary Education in the Town of Islesboro" (H. P. 509) (L. D. 680)

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

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

Mr. RICHARDSON: Mr. Speaker, I present House Amendment "A", under filing H-312, and move its adoption.

House Amendment "A" (H-312) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen: This amendment in effect will extend for three more years the existence of a very small high school in the community of Islesboro. There are only nineteen pupils in this four-year high school and I would certainly hope that by the expiration date of July 1, 1973, that they would have phased out the operation of this school.

However, we did feel in the committee that there was a justification for the extending of the life of this school and therefore I would hope that you would support the adoption of the amendment.

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

Third Reader Tabled and Assigned

Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 694) (L. D. 894)

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

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I wish to thank the Representative from Rockland, Mr. Huber, for his confidence in my figures yesterday. However, I must apologize to him and indicate that it wasn't that difficult. It was merely 26 x 5 which is 130, making a total of 1404.

I do find, however, that this bill leaves me somewhat in doubt as to what the all-over weekly benefits are and so I am having an amendment prepared, and I would hope that somebody would table this for one day for me.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for tomorrow.

Third Reader Amended

Bill "An Act relating to Fees of Local Sealers of Weights and Measures" (H. P. 879) (L. D. 1122)

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

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

Mrs. KILROY: Mr. Speaker, I present House Amendment "A", filing number 315. This amendment is agreeable to the Committee and also to the people concerned from the City of Portland. I therefore move for its adoption.

House Amendment "A" (H-315) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Third Reader Tabled and Assigned

Bill "An Act to Establish the State Racing Commission" (H. P. 1047) (L. D. 1375)

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

(On motion of Mrs. Lincoln of Bethel, tabled pending passage to

be engrossed and specially assigned for tomorrow.)

Bill "An Act relating to the Motor Vehicle Dealer Registration Board" (H. P. 1180) (L. D. 1500) (Later Reconsidered)

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 Bill

Bill "An Act to Expand the Territory of the Portland Water District" (H. P. 832) (L. D. 1070)

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

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, I move that we reconsider our action whereby we passed item five, L. D. 1500.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, moves that the House reconsider its action on item five of Third Readers. Bill "An Act relating to the Motor Vehicle Dealer Registration Board," House Paper 1180, L. D. 1500, and the motion is that we reconsider our action whereby this bill was passed to be engrossed. Is this the pleasure of the House?

Whereupon, Mr. Dam of Skowhegan requested a vote on the motion.

The SPEAKER: A vote has been requested on the reconsideration motion.

On motion of Mr. Gauthier of Sanford, tabled pending the motion of Mr. Lebel of Van Buren that the Bill be reconsidered and specially assigned for tomorrow.

Passed to Be Enacted Emergency Measure

An Act relating to the Borrowing Capacity of School Administrative District No. 64 (H. P. 1164) (L. D. 1490)

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Amending Funeral Directors' Law (H. P. 761) (L. D. 981)

An Act relating to Bills Submitted by Charitable Organizations for State Aid (H. P. 1026) (L. D. 1335)

An Act relating to the Treatment of Venereal Disease in Minors without Parental Consent (H. P. 1066) (L. D. 1395)

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

Finally Passed

Resolve Authorizing Forest Commissioner to Exchange Land in T2 R6 (Big Squaw) BKP EKR, Piscataquis County (H. P. 1163) (L. D. 1485)

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

Orders of the Day

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

REPORT "A" (5) — "Ought to pass" — Committee on Towns and Counties on Bill "An Act relating to Agricultural Roads" (S. P. 403) (L. D. 1355) and REPORT "B" (5) reporting "Ought not to pass" (In Senate, Report "A" accepted, and the Bill passed to be engrossed)

Tabled — May 12, by Mr. Hardy of Hope.

Pending — Acceptance of either Report.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I have prepared an amend-

ment for this bill, it's number 319, which I will offer on third reading. So at this time I will move the acceptance of Committee Report "A".

Thereupon, Committee Report "A" "Ought to pass" was accepted in concurrence, the Bill given its two several readings and tomorrow assigned.

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

MAJORITY REPORT (7) — Committee on Liquor Control on Bill "An Act relating to Retail Sale of Wine" (H. P. 1041) (L. D. 1371) reporting "Ought to pass" in new draft (H. P. 1181) (L. D. 1502) under same title and MINORITY REPORT (3) reporting "Ought not to pass"

Tabled — May 12, by Mr. Cote of Lewiston.

Pending — Motion of Mr. Tanguay of Lewiston to Accept Minority Report.

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

Mr. MORESHEAD: Mr. Speaker, I would like to have this item tabled one legislative day please.

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

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Moreshead, that item two be tabled until Thursday, May 15, pending the motion of Mr. Tanguay of Lewiston to accept the Minority "Ought not to pass" Report. A vote has been requested on the tabling motion. All in favor of the tabling motion will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

71 having voted in the affirmative and 38 having voted in the negative, the motion to table did prevail.

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

Bill "An Act Authorizing the Legislative Bodies of Municipalities to Reapportion Council Districts" (H. P. 838) (L. D. 1076)

Tabled — May 12, by Mr. Rideout of Manchester.

Pending — Adoption of House Amendment "A" (H-307).

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

Mr. CAREY: Mr. Speaker, I would move for indefinite postponement of House Amendment "A" and would speak to the motion.

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

The gentleman may proceed.

Mr. CAREY: Mr. Speaker and Members of the House: L. D. 1076 is a small bill which has three paragraphs. The amendment does one thing. It says that everything after the enacting clause is stricken, comes up with an eight page amendment, so in fact there are seven new pages in the amendment that have not had the Committee hearing.

I would certainly hope that this is killed, and then possibly if the gentleman from Augusta, Mr. Moreshead, wants to, we can probably try to get it recommitting. But two of the three paragraphs that are in the bill have been changed in the amendment, so in fact there is only one thing that remains the same, and that is the territory which says that "each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets."

I don't know if all of you people live in rectangular or square towns and cities; the City of Waterville is not one of these, and a rectangular voting district would create some kind of a hardship in Waterville anyway.

We passed a new city charter in 1967 here, and we provide in our charter for a revision of ward boundaries every four years. Some other charters have been passed at least at this level. Whether they were accepted by their communities or not I don't know, but Fort Fairfield in 1965 passed a charter that provides for ward revisions every five years. Westbrook passed a charter which provided for ward

revisions every five years. This was passed in 1965. In Scarborough in '65 we passed a charter here which said there would be six districts, they would be revised every ten years. Biddeford had the revision every five years. During 1967 Waterville's charter, as I said, is revised every four years. Brewer's charter calls for six wards and is revised every ten years.

This is a far-reaching amendment, and I would certainly hope that you support the position to indefinitely postpone.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: As the sponsor of this legislation, I feel I must rise this morning to defend House Amendment "A". The reason for House Amendment "A", and for the fact that it is so lengthy, is that the State Government Committee was a bit concerned about the bill in its original form and therefore reported the same out unanimously "Ought not to pass."

Much of their concern was regarding matters which have been set forth in House Amendment "A". And I have reviewed House Amendment "A" with many of the members of the State Government Committee, and those who I have spoken with do not seem to have any objection, or do not seem to have a strong objection to House Amendment "A".

The main purpose of this legislation, which by the way was submitted on behalf of the Maine Municipal Association, was to change the existing law concerning council reapportionment. Under the existing law the reapportionment can only be done, if once the reapportionment provisions have been set forth, the matter is sent out to the people in the way of a referendum vote. Under the present law, the standards as to reapportionment are set forth. This is done in the original bill and in the amendment, and these standards comply with the recent court decisions on reapportionment, that they must be rectangular in size, and also that each ward within the community is somewhat proportion-

ate as to population, so that there is no one ward with more voters than others or comes within ten percent of each other in regard to population.

The amendment primarily sets forth the procedures to be followed if in the community there is disagreement or concern concerning the reapportionment that is set forth by the city council or selectman, and it would set up a procedure whereby a petition could be obtained to put this particular referendum out to the people concerning their reapportionment. And I feel that this way, if in the community where reapportionment is necessary, the council or selectmen have come up with a satisfactory procedure, or a satisfactory reapportionment, then there is no need to wait for a municipal election and to go to the expense of putting this out to vote. But if the people aren't satisfied, then the amendment sets forth a procedure they can follow to put this out to vote. The amendment also sets forth standards whereby towns have to reapportion themselves over certain periods of time; where under the present law, if they don't come up with satisfactory reapportionment provisions, then they don't have to do anything about it, there are no ways that anyone really can do anything other than perhaps take the matter to court, which is a quite involved procedure.

In talking with the Maine Municipal Association, they had made a survey and found that fifteen larger communities in the State are in need of reapportionment at the present time, but for one reason or another are unable or unwilling to do so. And we all know that if the municipalities themselves do not do something concerning reapportionment, the courts will have to be forced to take this on as a judicial matter and reapportion as per the decisions which have interpreted the Constitution of the United States to call for fair reapportionment as set forth in this bill.

So for these reasons I feel that the amendment is very important. Without the amendment, the bill would not do what we intended it originally to do, and I therefore urge you to accept Committee

Amendment "A" and the bill and let it be enacted into law.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "A" be indefinitely postponed. If you are in favor of the indefinite postponement of House Amendment "A", you will vote yes; if you are opposed, you will vote no. The Chair orders a vote.

A vote of the House was taken.

70 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Carey of Waterville, recommitted to the Committee on State Government and sent up for concurrence.

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

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

Tabled—May 12, by Mr. Ross of Bath.

Pending—Passage to be enacted.

On motion of Mr. Ross of Bath, passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

Tabled—May 12, by Mr. Drigotas of Auburn.

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

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

Mr. DRIGOTAS: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion to indefinitely postpone—this particular motion.

This Auburn Sewerage District is a duly constituted—and I have about five or six different pages here. It was chartered in 1923, and I would just briefly read the pow-

ers that were given to the Auburn Water District.

"Said Auburn Water District shall have the power to adopt by-laws not inconsistent with the general laws of this state, to prevent pollution of the water of Lake Auburn and to preserve the purity of said water and may prescribe penalties for violation thereof, which set by law shall have the same force and effect as municipal ordinances and the municipal court of the City of Auburn shall have jurisdiction of violations thereof. Said Auburn Water District shall have the power and authority to complain by bill in equity to the Supreme Judicial Court to enjoin, prevent or restrain any persons or firms or corporations from polluting the water of Lake Auburn, providing such pollution shall tend to corrupt or impair" that body of water.

Remember that the most important one involved is in Section 7, which is the right of eminent domain conferred. "The said Auburn Water District, for the purpose of its incorporation, is hereby authorized to take in whole for public use by purchase, eminent domain or otherwise any land or interest therein or water rights necessary for erecting and maintaining dams for collecting, storing and holding water for flowage, for power for pumping its water supplies to its mains and reservoirs, for guarding against pollution and preserving the purity of the watershed for laying and maintaining pipes and ducts."

Now this to me is very obvious, that the Auburn Water District has the absolute perfect right to elevate the water level to what it wants to do, and they will do it—and I maintain this—they will do it within the discretion of the engineer, Mr. Earle Tarr of the city, a graduate engineer, and not for the purpose of harming roads or property; and so I will make a motion to the effect that this motion for indefinite postponement be killed.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentleman of the Legislature: I rise in opposition to

L. D. 1077. I will not attempt to belabor the issue, but I do want to point out that the clarity of the intent of this bill is clouded. If you will be so kind as to bear with me, I will, in my humble way, attempt to separate right from wrong.

You have heard the good Representative from Auburn, Mr. Drigotas, explain that the bill simply conveys the title of land from the Central Maine Vocational Institute to the Auburn Water District. True, but hidden in this bill, is a sleeper or two. The fact that if this particular bill is enacted, Central Maine Vocational Technical Institute is giving away land that is valued at \$30.00 per square foot at present values. Another fact is that this particular bill will let the Auburn Water District flood lands belonging to shore property owners, owners of permanent homes, and the basements of certain properties, making them worthless at certain times of the year. This is an old trick, and it will force the owners to go to court and fight for their just compensation, as they have only been offered \$1.00 for their properties up to now.

We, State Legislators, will lay ourselves open to appropriating State funds for the eventual rebuilding of the State-aid road at the north end of Lake Auburn, if this bill is passed. Contrary to arguments otherwise, this lake-shore road will be flooded at the time of high water each spring. Notwithstanding the fact that this has been a Spring with little rainfall, the water level of this particular body of water this past weekend was very close to the road surface. The high waves usual to this lake, plus frost and ice, will gradually undermine this graveled-based road.

One of the Androscoggin County Commissioners stated that the Auburn Water District has never sent any representatives to a public hearing concerning the proposed rise of elevation of the lake level. This scheduled hearing would establish rapport between the District and involved property owners in regards to land damage claims and so forth. This Water District is sailing under false colors and

is not keeping good faith with my people as was originally claimed before this body.

I therefore ask that you join me in voting for the motion to indefinitely postpone this bill.

When the vote is taken, I ask for the yeas and nays. Thank you.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: Just to refute the argument and why it is, I think there are personal feelings involved in this thing here, not concerning me perhaps, but officials in Auburn. I will read to you a letter that is written on Auburn Water District stationery and this has been sent out to fifty-seven of the property owners around the lake. And also there are only perhaps six permanent people that live around the lake that are year-around property owners, and it says here:

“Dear Sir:

Representatives of the Auburn Water District have recently conferred with the Chairman of the Board of County Commissioners relative to the procedure to be followed with respect to your appeal pending before the Board of County Commissioners with respect to the damages awarded to you when the elevation of Lake Auburn was changed.

It is the desire of the Commission, which seems sensible to the District, that no hearings be had until after high water in the Spring of 1969”—and we do know that we have high water this Spring—“so that a more realistic evaluation can be made to determine if you have or will sustain damage in excess of the normal damages allowed you by the District.

If you are not willing to wait as suggested, you should notify the Commission of your desire to have a hearing date set, and one will be.” And this is signed: Very truly yours, Auburn Water District.

So the property owners had every recourse in the world and this letter is dated September 23, 1968. And I concur with Mr. Emery that I would like to have the yeas and nays taken on this vote.

The SPEAKER: Is the House ready for the question? The gentleman from Auburn, Mr. Emery, moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote, it must have the expressed desire of one fifth of the members present and voting. All those who desire a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Rocheleau that this Resolve be indefinitely postponed. All in favor of this Resolve being indefinitely postponed will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEAS—Barnes, Benson, Bernier, Bourgoin, Brennan, Brown, Buckley, Bunker, Carey, Carter, Casey, Cote, Croteau, Curtis, Cushing, Dyar, Emery, Fecteau, Finemore, Fortier, A. J.; Gilbert, Giroux, Hall, Hanson, Hewes, Hunter, Jameson, Jutras, Kelley, K. F.; Lawry, Lee, Leibowitz, MacPhail, Marquis, McNaally, McTeague, Meisner, Millett, Mills, Mosher, Norris, Noyes, Ouellette, Quimby, Ricker, Rocheleau, Ross, Scott, C. F.; Scott, G. W.; Sheltra, Tangauy, Temple, White, Williams.

NAYS—Allen, Baker, Bedard, Berman, Birt, Bragdon, Burnham, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cottrell, Crommett, Crosby, Cummings, Curran, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Erickson, Eustis, Evans, Farnham, Faucher, Fortier, M.; Fraser, Good, Haskell, Hawkens, Henley, Heselton, Hichens, Huber, Immonen, Jalbert, Kelleher, Keyte, Laberge, Lebel, LePage, Levesque, Lewin, Lewis, Lincoln, Marstaller, Martin, McKinnon, Mitchell, Moreshead, Morgan, Page, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Shaw, Starbird, Stillings, Susi, Thompson, Trask, Vincent, Watson, Waxman, Wheeler, Wight, Wood.

ABSENT — Binnette, Boudreau, Carrier, Coffey, Couture, Cox, D'Alfonso, Danton, Foster, Gauthier, Hardy, Harriman, Johnston, Kelley, R. P.; Kilroy, Lund, Nadeau, Payson, Porter, Santoro, Snow, Soulas, Tyndale.

Yes, 54; No, 73; Absent, 23.

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

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the sixth 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) (In House, Minority "Ought to pass" Report accepted)

Tabled—May 12, by Mrs. Cummings of Newport.

Pending — Passage to be engrossed.

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

Mrs. CUMMINGS: I move that this bill be indefinitely postponed as it is covered by other legislation.

The SPEAKER: The gentleman from Newport, Mrs. Cummings, moves that this matter be indefinitely postponed.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: You will recall that this piece of legislation deals with the minimum number of school days annually and changes the present minimum from 175 to 180.

There is no question in my mind that as a goal we should be working towards greater utilization of our existing school facilities. However, in fairness to this piece of legislation, I must point out that there is very real and significant disagreement among educators as to how much longer our school year should be and as to the best means of utilizing that extra time in school.

For example, I am told that there are some districts in the State of Maryland today which are using a 210-day school year. I'm not sure this would be desirable for the State of Maine, but I frankly feel that the possibility for such an experimental program should be studied.

I would also point out that there is some question as to when the extra school days should be added to the present calendar. Should they be added at the beginning of the present calendar, or at the end, or should they be added during our present vacation? Finally comes the question of preservice and in-service training for our teachers. The question arises, should there be more preservice training, or should there be more in-service training? For example, I am told that SAD 51 down in Cumberland has the Wednesday afternoon of every week devoted to in-service training of its teachers. Should this policy perhaps be pursued by more school districts throughout our State?

Because these questions exist, and because I desire to see us use our school facilities to greater advantage, I am sponsoring an order which I will present out of order at the termination of the debate on this bill which will direct the Maine Education Council to examine existing law as it relates to the minimum number of school days to determine the desirability of extending the legal requirements. Also to study the possibility of a 210-day school year and to determine the advisability and use of preservice and in-service training.

I have talked to the Chairman of the Maine Education Council. He welcomes this project, he feels that it could be important and valuable, and will make a report at the next regular or special session of the Legislature. I therefore would reluctantly support the motion of the gentleman from Newport, Mrs. Cummings, and hope that you would pass favorably on the order when I introduce it.

The SPEAKER: The pending question is on the motion of the gentleman from Newport, Mrs. Cummings, that L. D. 1210 be indefinitely postponed.

Thereupon, the Bill was indefinitely postponed and sent to the Senate.

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

Mr. WAXMAN: I now present an Order out of order and move its passage.

The SPEAKER: The gentleman from Portland, Mr. Waxman, presents an Order out of order and moves its passage. Is there objection? The Chair hears objection. It is not in order at this time.

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

Joint Order re Legislative Research Committee study of rising cost of medicine, nursing home care, health and hospitalization insurance, hospital care, and prescription drugs.

Tabled — May 13, by Mr. Benson of Southwest Harbor.

Pending — Passage.

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

Mr. BENSON: Mr. Speaker, I move the indefinite postponement of this order and would speak to the motion.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, moves indefinite postponement of the Joint Order.

The gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: In moving indefinite postponement of this order, I would bring to your attention some of the — as a matter of fact, it might be well to read the order.

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the rising cost of medicine; the cost of nursing home care; the rising cost of health and hospitalization insurance; the cost of hospital care; the ever increasing cost of prescription drugs, and the effects of such costs upon the population of Maine; and be it further

ORDERED, that the Committee report its findings and recommendations to the 105th Legislature."

Now medicine and prescriptions is under constant review by Congress and numerous federal agencies. The cost of nursing home care is very competitive here in the State I feel, and the rates are kept within reason by this competition. Health and hospital insurance increases, but I think it increases in direct relation to the increase in the benefits provided. The cost of hospital care reflects the increase of the demands of the labor market.

This order is far-reaching and I would find it extremely difficult to carry out. If we were to make a true study of all the facets of this order it would probably take half of this Legislature the next two years to do so.

Even if we uncovered some discrepancies in the areas mentioned in this order, I just don't know what we would do about it. I feel that it would be a very very difficult order for the Legislative Research Committee to tackle, and I encourage your support of the indefinite postponement motion.

Thereupon, Mr. Emery of Auburn requested that when the vote is taken it be taken by the yeas and nays.

The SPEAKER: The yeas and nays have been requested on the indefinite postponement motion. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call 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 Southwest Harbor, Mr. Benson, that item 7, a Joint Order relative to the Research Committee study the rising cost of medicine, nursing home care, health and hospitalization insurance, hospital care, and prescription drugs. 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, Bedard, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Burnham, Carey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Crosby, Croteau, Cummings, Cushing, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Fortier, A. J.; Gilbert, Giroux, Good, Hall, Haskell, Hawkens, Henley, Heselton, Hichens, Huber, Hunter, Immonen, Jameson, Johnston, Jutras, Laberge, Lee, Leibowitz, Lewin, Lewis, Lincoln, Lund, Marsteller, McKinnon, McNally, McTeague, Meisner, Millett, Mosher, Nadeau, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, Williams, Wood.

NAY — Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Carrier, Carter, Casey, Corson, Cote, Cottrell, Couture, Crommett, Curran, Curtis, Dam, Drigotas, Emery, Eustis, Faucher, Fecteau, Fortier, M.; Fraser, Gauthier, Hanson, Hewes, Jalbert, Kelleher, Kelley, K. F.; Keyte, Kilroy, Lawry, Label, LePage, Levesque, MacPhail, Marquis, Martin, Mills, Mitchell, Moreshead, Morgan, Ouellette, Richardson, G. A.; Rocheleau, Santoro, Sheltra, Starbird, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT—Cox, D'Alfonso, Danton, Foster, Hardy, Harriman, Kelley, R. P.; Ricker, Sahagian, Snow, White, Wight.

Yes, 83; No, 55; Absent, 12.

The **SPEAKER**: Eighty-three having voted in the affirmative and fifty-five in the negative, the motion to indefinitely postpone does prevail.

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

HOUSE REPORT "Ought not to pass"—Committee on Appropriations and Financial Affairs on Bill "An Act Providing for a Bond Issue in the Amount of Seven Hundred and Fifty Thousand Dollars for Terminal and Parking on Portland Waterfront for Casco Bay Islands" (H. P. 918) (L. D. 1179)

Tabled—May 13, by Mr. Temple of Portland.

Pending—Acceptance.

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

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

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

Tabled—May 13, by Mr. Foster of Mechanic Falls.

Pending—Motion of Mr. Scott of Wilton to indefinitely postpone.

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

Mr. **BRENNAN**: Mr. Speaker, I offer House Amendment "A" to House Paper 168, L. D. 207, and move its adoption, and I would like to speak briefly on the amendment.

The **SPEAKER**: The gentleman from Portland, Mr. Brennan, offers House Amendment "A", which has priority over indefinite postponement, and moves its adoption.

House Amendment "A" (H-320) was read by the Clerk.

The **SPEAKER**: The gentleman may proceed.

Mr. **BRENNAN**: Mr. Speaker and Members of the House: This amendment restricts the provisions of the bill to civil actions arising out of the ownership, maintenance and use of a motor vehicle. I believe that this eliminates the objections that were raised last week in this House in debate.

If the bill becomes law, an example would be if a wife is negligently driving a vehicle in which her husband is badly injured, then he can recover for any lost wages, medical bills and pain and suffering out of her insurance, assuming there is insurance. I submit that this is only just. The provisions of this bill do not make it a giveaway program. In order to recover, the defendant must have done something that was negligent. I move the adoption of the amendment.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: Last week in the excitement of debating this issue, I read a letter from Assistant Attorney General Harry Starbranch stating his opposition to this type of legislation. This letter did not have the approval of the Attorney General, James Erwin, and to set the record straight I would like to read a letter from Mr. Erwin. I was sorry to embarrass him.

"The Honorable Carlton F. Scott
Dear Representative Scott:

Re: H. P. 168, L. D. 207 —
An Act Relating to Defenses
of Family Relationships in
Civil Actions.

Please be advised that, while Mr. Starbranch is entitled to his own opinion, he is not authorized to speak for the Attorney General's Department on the merits of the above entitled bill or any other. This Department has tried very hard to refrain from taking positions on the merits of legislation which has not been initiated by the Department.

I apologize for any embarrassment this may have caused you but want you to know that Mr. Starbranch's letter was unauthorized and, in fact, sent without my knowledge.

Sincerely yours,
James S. Erwin"

Now back to this amendment. Mr. Speaker and ladies and gentlemen of the House. It is obvious from this that all the sponsors really want is to be able to sue in automobile cases. I want to remind you ladies and gentlemen that suits on automobile accidents within families will lead to fake cases and to perjury. This would be so because damages received would remain in the family of the careless driver who would tend to suppress the truth so that his own father, mother or son might win big awards. The wrongdoer would benefit by his own wrong. A careless father would be guardian of money recovered by his son, and you could go on and on.

I move indefinite postponement of this amendment. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I am very much opposed to indefinite postponement of this amendment. This amendment makes very good sense. We went all over this matter, I believe last week; we prevailed on the matter I think by a vote of some 70-odd votes to some 50 votes, so the House had a good chance to make up its mind. This amendment really gets to the heart of the matter.

Yesterday I had occasion to have lunch with a very distinguished gentleman who represents the insurance industry. This man is a very fair-minded man. We went over some basic things. I don't recall that we specifically discussed the bill and I said to this gentleman, I said, "John, what can you tell me about insurance costs here in the State of Maine?" And he said, "Well, Malcolm, for every dollar that we take in in premiums we only try to pay out about fifty-five cents of it in claims." He said, "The administrative costs in the insurance industry are relatively high, and we try to maintain a 55-45 percent ratio."

Now I don't pretend to be a student of the insurance industry as such, even though I have tried to read this very voluminous book called "The Insurance Industry," Hearings before the committee on anti-trust monopoly, Committee of Judiciary, United States Senate, 89th Congress, 1st session, and I have a little better understanding of the insurance industry now than I did before.

Now what we're trying to do is protect the people of the State of Maine. This idea of collusion between families in the State of Maine, I suggest, is very far-fetched. The investigative services of the insurance people are superb. That is why 45% of the premiums that they collect go for administrative costs. So I hope you will vote against the motion to indefinitely postpone and when

the vote is taken I request the yeas and nays.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the gentleman from Wilton, Mr. Scott. I certainly would like to make it known that this debate is certainly not a war between those of the insurance fraternity and those of the legal fraternity. I am certain such is not the case.

I think the main discussion is on the merits of this bill. As you all know, this bill is a new departure in the State of Maine. Yes, I do believe that we who are associated with the insurance industry are very very fearful of a sharp increase in rates because of legislation such as this.

The rates have been increasing sharply. Even to go back to some of the debate this morning when comparative negligence was brought into the State of Maine, and even though now I don't think that it is prosecuted to too great an extent, yet the rates have risen, and they have risen sharply.

Now what happens when the insurance rates rise? There are certain elements in our population. In the insured public, the drivers of automobiles who feel because of their own financial situation that they have been priced out of the market. The net result is they drop their insurance. They feel they can't afford it. And then what have you when you have an accident? It isn't only between husband and wife or between the insured and the family, there is no insurance existent, but it also would exist in case of an innocent motorist who was struck by this car. No one has anything. There is nothing to recover. And I assure you that the average uninsured motorist isn't in much of a position to pay anything.

Now of course we do have in the State of Maine an uninsured motorist clause where up to \$10,000 for one person and \$20,000 for one accident, there is recovery. And even today, I feel there is a goodly percentage of the operators on

the highways of the State of Maine who are uninsured.

I feel very strongly, as the gentleman from Wilton does, Mr. Scott, that this could result in collusion between families to recover. There is no question about it. We who are associated with the industry have seen many many questionable cases.

New Hampshire has this same law. In New Hampshire there are a number — in fact many suits brought between husbands and wives. The only thing that I can point out to you as a resident of the Town of Kittery and engaged in business in that town, that the insurance rates in the Town of Kittery are roughly one half of those in the City of Portsmouth, which lies just across the river.

So this sort of thing does make some difference in the insurance rates.

Now today we go on, we see prices increasing, increasing, we see inflation from every angle, and when we pass legislation such as this, again, we are doing our part to increase this inflationary spiral which is upon us. The State of Maine has got along without this legislation for many many years and I don't think it is an opportune piece of legislation to introduce at this time. I certainly hope you will go along with the motion made by the gentleman from Wilton, Mr. Scott.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I agree with the gentleman from Kittery, Mr. Dennett, that certainly it's in the interest of no one, and particularly not in the interest of the public, that there be any conflict between the insurance industry and the Bar.

I think in many cases the insurance industry has acted responsibly. One area, they developed the concept of uninsured motorist coverage, which is wonderful protection at a very reasonable price, usually between two and five dollars a year for ten-twenty coverage.

I'd like to stress two main points in regard to the amendment offer-

ed by Mr. Brennan. It is certainly possible that some people are so corrupt as to conspire to present a false claim. But corruption of this kind certainly is not limited to families.

As the law stands now, a child 21 can sue his brother or sister or his parent for their negligence in an auto accident. Certainly there is no greater likelihood that a child 21 would conspire to commit perjury and present a false claim than there is if the child is 20. And if a person is of a mind to do something dishonest, he could try to do it with his friend or his neighbor or his brother as well as with his husband and wife. So I don't think that the — I think that the charge of possible collusion and fraud is much overdone. I have great confidence not only in the investigative abilities of the insurance industry and the diligence of the defense bar, but also in our judges and juries.

A plaintiff who presents a claim in a personal injury case is required by the court to submit himself to examination by a doctor selected by the insurance company. This is a great guard against fraud, and I think it is a good and fair provision.

The other thing to keep in mind regarding this bill and the amendment is the coverage—and this was stated by the way by a representative of the insurance industry at the hearing on this bill, coverage for this type of claim can be optional. If there is an added cost, they can put a rider on the policy and charge you an additional premium for the additional coverage. All this law will do is give those who want to protect their own families, as well as strangers, the chance to pay for it. We do not have that choice now.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: I rise today because I cannot sit still on this bill, which I consider to be very objectionable and not in the public interest. Although I am in the insurance business I have not handled automobile liability for some 20 years,

although I did previously to that time.

This is a bad bill, and cannot be cloaked in public interest. Last Friday, the gentleman from Augusta, Mr. Moreshead, stated that this bill, or a similar bill, had been passed in several states, among them Connecticut, California, and New York.

I agree with him. But I also submit that the fact that these very same states are in serious difficulty in regard to their automobile insurance business is a fact, in all the newspapers, trade journals, and now before Congress. In fact I believe these gentlemen are just about twenty years too late in submitting this type of legislation, because it has caused in these other states a great increased rate to a point where people are going without insurance.

In fact right now a great debate is raging across this country, particularly in these states I have mentioned, on suggested new methods of handling the injury to persons from automobile accidents. These are called the "no fault" kinds or methods of insurance in which all injured parties are protected and receive medical and other costs which would do away with any need for such laws as this and a need to pay the high legal fees to obtain a just reimbursement.

Right now the Insurance Commissioner of Connecticut, Mr. William R. Cotter, has proposed such a plan which is gaining widespread appeal countrywide and is now in the Connecticut legislature. But it may not pass because of the extensive opposition of the trial lawyers' association.

I read from a trade journal that crossed my desk this Monday: "The Cotter plan has been endorsed by Connecticut stock and mutual agents, the American Mutual Insurance Alliance, the Association of Independent Insurers, and American Insurance Association. Opposition to the plaintiffs' attorneys, however, has been very strong, and the bill's chances of passage are uncertain."

Now this particular bill before us, if anyone thinks this will not raise the insurance cost, and that

you will not pay it, and the other members of the public, is in a dream world. Would it not be better for the public to receive a broad medical payments coverage or similar kinds of insurance than to inflate the cost not only by the one third of the plaintiffs' attorney fees but the additional cost of defense by the insurance companies?

Right now, in fact here in the State of Maine, you can buy on your automobile policy the so-called medical payments coverage in the amount of \$5,000 per person for as low as \$11 per year—the highest in Maine I think is \$14. Now this allows \$5,000 for husband, \$5,000 for wife, and \$5,000 for each child, or any other person in the car.

Now supposing some of us do have ten children and you can get them all in one car, there is \$50,000, plus husband and wife, \$60,000 coverage. Now I feel it is in the public interest to try to work out a broader type of coverage in this field than to pass such a bill as this.

This certainly is a trial lawyers' bill and that only. One other point which interests me in this case: it has been customary for law suits in regard to all liability claims for the husband or wife to bring an additional suit for loss of consortium. Now this perhaps is justified in some cases but it certainly isn't in many. I think of a case involved recently within the past six years in Maine of a dog bite case; that a woman was injured—her small finger bitten by a dog; two dogs came together. There were no witnesses, so it could never be legitimately determined which dog bit her, but she brought a suit for some \$25,000, and her suit was awarded. The husband brought suit for loss of consortium. I don't believe that passed.

I cannot see where this bill would help the people of Maine, and I feel it would strongly harm them. I support indefinite postponement of this amendment and all its accompanying papers.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: The medical payments coverage that Mr. Scott talks about does not take care of lost wages, so if someone is unemployed for a period of time he will not get any recovery whatsoever for that; nor does it cover pain and suffering.

Also I would like to say that I think there is a presumption of innocence in the law in this country and I presume that people will act honestly rather than dishonestly. I believe that the insurance industry suffers from a syndrome that all claimants are dishonest. Maybe I have a more positive attitude, but I think people are basically honest.

Now in regard to the insurance rates, there were insurance representatives at the hearing and no evidence was offered that this would appreciably increase the rates.

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

Mr. BERMAN: Mr. Speaker and Members of the House: In response to some of the remarks made by my good friend from Presque Isle, Mr. Scott, I would say this — we are really not talking about dog bites today; we are talking about insurance bites.

Now at the very extensive hearings before the United States Senate one of the Republican senators, a very conservative senator by the way, Senator Roman Hruska, from Nebraska, who came very close to being the Assistant Republican Leader in the Senate this last session, had this to say on page 6,719 of the hearings, among other things: "The insurance business is a big business. There are some six thousand companies in America. Their premium income is in excess of 40 billion dollars and there are in assets over 165 billion dollars—not million dollars—165 billion dollars. Eight percent of the national income is the figure that is usually applied to this vast industry. And as the Chairman has well pointed out, promoters and selfseekers who seek to exploit rather than serve have found their way into this industry" — that's into the insurance industry — "just as they have found their way into many many

other businesses of the country where there are large amounts and concentrations of capital, and that is to be deplored, of course."

Now this is the basic problem. The problem is in the insurance industry. And I think that if the insurance industry serves and solves its own problem, they certainly can't be objecting to protecting the public.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I assure you that I am not going to get into this discussion, but I listened to the remarks of my friend from Kittery, Mr. Dennett, and looking up into the biographies of the proponents of this amendment, and looking at the biographies of the opponents of this amendment, when he made the comment that this was not a discussion between insurance men and lawyers, looking at the biographies of all the speakers that have arisen, they are not exactly meatcutters either.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Adopting a phrase that was in vogue before congressional committees investigating Communist activities some years ago and adopting the phrase simply because it's appropriate and not because it is related to that discussion, in response to the statement made by the gentleman from Lewiston, I wish to say that I am not now nor have I ever been a member of the Maine Trial Lawyers' Association.

Mr. Brennan, the gentleman from Portland, made a statement about this amendment, which I am sure that he did not intend to make. He said that it would apply only in the instance where there is insurance. I assure you that that is not the case. Having had an opportunity to defend people who were not covered by insurance, I can assure you that that jury verdict really stings when there isn't any insurance.

Frankly, whether you are willing to pass this legislation and most certainly increase insurance rates

is not my principal concern. On the nine-man jury vote, a few minutes ago, you voted in response to, I am sure, your good judgment, aided, I am positive, by telephone calls from various members of the Maine Trial Lawyers' Association. That's all right. I accept your judgment. But I cannot in good conscience sit here and not comment that in my judgment the basic issue that you are talking about is whether or not you are going to allow and in fact promote fraudulent and collusive suits between members of the same family when the person charged with a wrongdoing stands to benefit directly by his act of wrongdoing, which he himself — and those of you who have served on juries know, he himself, in his testimony, can really nail it.

Now I have seen perjury in courts, I have seen fraud and collusion. I dislike it. It sickens me. It runs contrary to our basic concepts of freedom and justice under the law. And if you don't think this amendment and this entire bill are going to promote that, you are just kidding yourselves.

The Bar has a heavy burden of responsibility. If the present trend continues in which you treat the insurance industry as the golden goose, and the trial lawyers are among the leaders in that operation, you are going to see the day when we abandon our liability system of justice and have simply a compensation payment without reference to that, the question of fault.

The bill will promote fraud and collusion. I am as certain of that as anything in my life. I have seen it; some of you have. Before you vote on this I ask you to very seriously consider the action that you are taking today.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: In answer to the remarks of the gentleman from Cumberland, Mr. Richardson, I believe a reading of the record will show that I said, "usually there will be insurance involved." There is no necessity

for insurance under the terms of this bill.

And I again submit that the insurance industry suffers from the syndrome that all claimants are dishonest. I don't subscribe to that; I think these claimants are basically honest. But the insurance industry time and time again talks about collusion and fraud. I think they ought to clean their own shop first.

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

Mr. MORESHEAD: I rise not as a member of the Maine Trial Lawyers' Association, which I am not, but as a lawyer who sees constantly people — or sees from time to time—people who are deprived of their right to bring suit because of the negligence of another party. And just because this party who is the wrongdoer is the husband or wife of the injured person, or a minor child of the injured person, shouldn't preclude this person from recovering for their damages. And in many instances these damages are substantial and people are maimed for life or disabled for life due to someone else's negligence.

I maintain that if the person who was the wrongdoer were allowed to buy insurance so that his family could be covered under his insurance policy, this should be his option. But under our present law, you cannot buy insurance other than the medical payments coverage to cover your family for your negligence. And I submit to you that the only person that is going to pay for this is in fact the person who wants it in his policy. If you do not want it in your policy, if you do not want to cover your family for your wrongdoings, you can buy a policy without this in the policy and if you are in fact in an accident, your insurance company would not have to defend the case because it was exempt from your policy. And the insurance company, I am sure, can figure out what this would cost and place the burden squarely on the person who wants it and the person who doesn't want it, his rates won't have to go up one red cent.

I therefore submit that all we are asking for today is to give the people who want to protect their family in case of an accident, the right to be able to do so, and if they don't want it then they don't have to buy it. But let's give the people the option who want to be responsible and cover their family for their wrongdoings.

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

Mr. SCOTT: Mr. Speaker and Members of the House: Briefly, in reply to the gentleman from Augusta, Mr. Moreshead, it is possible now for insureds if they want to protect themselves under this type of coverage they can buy death and dismemberment coverage, they can buy weekly indemnity if they want to pay for it. We don't need this legislation.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Although the debate has been extensive and sometimes heated on this measure today, a prior measure which came before us, the Implied Consent Law, would probably do much more to effect savings in insurance rates and more importantly save the lives and health of our people on the highways than this bill will.

I was glad to see that some of the division which exists on this bill did not exist on that. I am very concerned, as I know we all are, with death and injuries which occur on the highway and although in my occupation I have very often defended people in drunk driving cases, I voted for the Implied Consent bill because I think based on the experience in England it will, at least to some extent, reduce accidents.

The main cause, or the main factor, that sets insurance premiums is poor driving. Drunken driving is a part of it. Accidents determine to a great extent insurance premiums. Although we debate the law involved — and that is of some importance in regard to it, the real thing that causes the increase in insurance

premiums are accidents and people getting hurt.

Again, I would stress the optional nature of this coverage. No insurance policy in this state will be required to provide this coverage. It provides an option. When the rates are determined, you go to your insurance broker and he will, I am certain, explain it to you, explain the considerations, but you can make the choice. That is something we can't do now. We don't have that choice now.

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

Mr. FORTIER: Mr. Speaker I am going to ask to be excused from voting on this measure because without impugning the motives of either the proponents or the opponents of this bill I consider the passage of this bill would throw my agency in complete turmoil. Therefore I do have the direct interest and I ask to be excused.

The SPEAKER: The gentleman from Waterville, Mr. Fortier, requests permission to be excused from voting, and this is permissive if the House so desires. Is it the pleasure of the House that Mr. Fortier be excused from voting?

(Cries of "yes" and "no")

The Chair will put it to a vote. All in favor of Mr. Fortier being excused from voting will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

85 having voted in the affirmative and 42 having voted in the negative, the gentleman was excused from voting.

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

Mr. JALBERT: Could I ask for a roll call on this motion and speak to my motion?

The SPEAKER: The yeas and nays have been requested for the indefinite postponement of House Amendment "A".

Mr. JALBERT: Mr. Speaker and Members of the House: In that I sincerely have the highest of regard for the gentleman from Waterville, Mr. Fortier's honesty and integrity, I certainly have an equal

regard for all of those who might be in the good legal profession and the good profession of the insurance business. I think, personally, if we start this procedure here, when it comes right down to brass tacks, at times there will be very very few of us who will be voting. So I ask for a roll call on whether or not Mr. Fortier be excused, and I certainly hope that you vote that he not be excused, because if he were to be excused, then it probably would toss a damper on some of the other men of equally high integrity who are in the same occupation, an honest occupation, that he is in.

Also, we are right back now to where we started a few weeks ago into a tremendous public hassle about who was going to feel a conflict of interest. I mean I have had my degree of levity with the attorneys and members of the Judiciary Committee at times and other people who are in other businesses, and certainly I don't look at the gentleman from Kittery, Mr. Dennett with anything but voting honestly even though he is in a certain industry, no more than I would look at the gentleman from Portland, Mr. Brennan, or the gentleman from Cumberland, Mr. Richardson. I just say that if we did not have the Judiciary Committee, and they they were not lawyers that would be serving on it, where would we be? By the same token, it certainly is helpful if we have people on the Business Legislation who are in the insurance business or other enterprises. I have always felt that a person voted the way he thought was right and not voted because of his own private interest. I have always voted against giving anybody being excused from voting, and I think the procedure should stop and I think the time to stop is right here and now, and I ask for a roll call on whether he should be given the right to vote or not.

The SPEAKER: The Chair would advise the gentleman that the motion is not in order. The only motion before the House now is, shall a roll call be ordered on the indefinite postponement of House Amendment "A"?

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

Mr. DENNETT: Mr. Speaker, I find myself in the same position as the gentleman from Waterville, Mr. Fortier, and for the same reason I will ask to be excused.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, requests permission from the House to be excused from voting on this issue. Is there objection?

(Cries of "Yes")

The Chair hears objection and the Chair will order a vote.

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

Mr. RICHARDSON: Mr. Speaker, is the request of the gentleman from Kittery, Mr. Dennett, debatable?

The SPEAKER: It is debatable.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: As you know, from our past actions, here, I for one am very concerned about this question of legislative ethics, but I must say that under no possible concept of conflict of interest could the gentleman from Kittery, Mr. Dennett, or for that matter, the gentleman who preceded him in requesting permission to withdraw, be considered a conflict of interest. It is only when a direct financial interest to the legislator is directly affected with respect to a specific piece of legislation that there is or is not a conflict.

Now if you permit the gentleman from Kittery, Mr. Dennett, to withdraw, I think that you are, by indirection questioning his integrity as a legislator, and I know that none of you intend to do that. I believe very strongly that if you follow this present thing through its logical course, then you are going to have to, I think, require the other members who have debated this, including particularly those members of the Maine Trial Lawyers, to withdraw.

I don't question the motives or integrity of any member of this House in their vote here. And I hope that you will vote against permitting the gentleman from Kittery to withdraw, and when that vote is taken, I request a roll call.

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

Mr. FORTIER: Mr. Speaker, I want to make it very clear and understood by everybody in this House right at this minute that I am not impugning the motives of any member of this Legislature. I am only concerned with myself.

The SPEAKER: 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 members who desire a roll call vote on this issue 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 request of the gentleman from Kittery, Mr. Dennett to be excused from voting on this issue. If you are in favor of the gentleman being excused from voting you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Berman, Binnette, Carey, Carter, Casey, Coffey, Cote, Couture, Crommett, Curtis, Dam, Driogotas, Dudley, Fortier, A. J.; Foster, Hanson, Hichens, Huber, Laberge, Lawry, Lebel, Mills, Mitchell, Morgan, Nadeau, Ouellette, Payson, Ross, Scott, C. F.; Starbird, Vincent, Watson, Waxman, Wight.

NAY — Allen, Baker, Bedard, Benson, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Bunker, Burnham, Carrier, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cottrell, Crosby, Croteau, Cummings, Curran, Cushing, Donaghy, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fraser, Gilbert, Giroux, Good, Hall, Hardy, Haskell, Hawkens, Henley, Heselton, Hewes, Immonen, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Keyte, Kilroy, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marsteller, Martin, McKinnon, McNally, McTeague,

Meisner, Millett, Moreshead, Mosher, Norris, Page, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Sahagian, Santoro, Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Tanguay, Temple, Thompson, Trask, Tyndale, Wheeler, Williams, Wood.

ABSENT—Barnes, Corson, Cox, D'Alfonso, Danton, Dennett, Fortier, M.; Gauthier, Harriman, Hunter, Kelley, R. P.; Noyes, Sheltra, White.

Yes, 34; No, 102; Absent, 14.

The SPEAKER: 34 having voted to excuse Mr. Dennett from voting, and 102 not desiring him to be excused, his request is denied.

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby we allowed the gentleman from Waterville, Mr. Fortier, to be excused and when you vote I hope you vote yes.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that the House reconsider its action whereby it excused the gentleman from Waterville, Mr. Fortier, from voting. Is the House ready for the question? Does the gentleman request a roll call?

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

A vote of the House was taken.

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

The SPEAKER: The pending question is on the reconsideration of excusing the gentleman from Waterville from voting.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain to you briefly the reason why I am going to vote against the motion for reconsideration this morning.

On the request of the gentleman from Kittery, Mr. Dennett, I felt that he had participated in the

debate or trying to influence the views of the members of the House one way or the other, and therefore should not be excused from voting. He should actually vote his own convictions. Where in the situation of Mr. Fortier from Waterville, he has not participated in the values or the merits or demerits of this particular document. So therefore, I feel that there is a definite line of demarcation between the two gentlemen who requested the motion of abstaining from voting because of conflict of interest. So therefore, I will vote against the motion for reconsideration of Mr. Fortier's abstaining from voting.

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

Mrs. BROWN: Mr. Speaker, I sit here trying to follow a logical debate. If I follow what's going on here in the way of ethics, I don't believe that any of us should vote on this bill because obviously, from what they tell me, I'm either going to gain by my insurance premium or I'm going to lose something. All of us are involved in it more than any of these other people. I think it is getting a little ridiculous.

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

Mr. MORESHEAD: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Waterville, Mr. Fortier. I would like to ask him how his business is going to be affected by this bill if, in fact, the additional premium is going to be paid for by the person who wants this in his policy and not by the general insurance-paying public?

The SPEAKER: The gentleman from Augusta, Mr. Moreshead, poses a question through the Chair to the gentleman from Waterville, Mr. Fortier, who may answer if he chooses. But the Chair would point out that this is not relevant to the issue at hand.

The pending question, and the roll call has been ordered, shall we reconsider our action whereby Mr. Fortier was excused from voting? If you are in favor of re-

consideration you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Allen, Benson, Binnette, Birt, Bragdon, Brown, Buckley, Bunker, Carrier, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Croteau, Curran, Cushing, Dennett, Donaghy, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Fecteau, Finemore, Fraser, Gauthier, Gilbert, Good, Hall, Hardy, Haskell, Hawkens, Henley, Heselton, Hewes, Immonen, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Lee, Leibowitz, LePage, Lewin, Lewis, Lincoln, Lund, Marquis, Marstaller, McKinnon, McNally, Meisner, Millett, Moreshead, Morgan, Mosher, Norris, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Tanguay, Thompson, Trask, Tyndale, Wheeler, Wight, Williams, Wood.

NAY—Berman, Bernier, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Cote, Cottrell, Couture, Crommett, Cummings, Curtis, Dam, Drigotas, Dudley, Emery, Faucher, Fortier, A. J.; Foster, Giroux, Hanson, Hichens, Huber, Keyte, Kilroy, Lebel, Levesque, MacPhail, Martin, McTeague, Mills, Mitchell, Nadeau, Ouellette, Starbird, Temple, Vincent, Watson, Waxman.

ABSENT — Baker, Barnes, Beard, Corson Cox, Crosby, D'Alfonso, Danton, Fortier, M.; Harriman, Hunter, Kelley, R. P.; Lamberge, Lawry, Noyes, Sheltra, White.

Yes, 92; No, 41; Absent, 17.

The SPEAKER: Ninety-two having voted in favor of and forty-one opposed to reconsideration, reconsideration does prevail.

The pending question now before the House is shall the gentleman from Waterville, Mr. Fortier, be excused from voting?

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

Mr. FORTIER: Mr. Speaker: I am sure that most members of the House now understand that to protect my former position I

would have to vote for the proponents of the bill, and I don't think that this is what the House wants me to do.

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

Mr. JALBERT: Mr. Speaker, I hope that the gentleman from Waterville is not excused from voting, and if his conscience annoys my very dear friend to that extent, fifteen feet from him there's a door.

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

Mr. GAUTHIER: Mr. Speaker, I am an insurance agent and I'm on the Business Legislation Committee, and I'm not going to get off that Committee because I am an insurance agent. And I would like to tell every one in this House here that when the insurance bills come up here, I vote not for the companies, not for my agencies, but for my own convictions.

The SPEAKER: The Chair will order a vote. If you are in favor of the gentleman from Waterville, Mr. Fortier, being excused from voting you will vote yes; if you are opposed to it, you will vote no. The Chair opens the vote.

A vote of the House was taken.

35 having voted in the affirmative and 97 in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Scott, that House Amendment "A" be indefinitely postponed. Is the House ready for the question? The yeas and nays have been requested on the indefinite postponement motion. All of those desiring a roll call vote on the motion to indefinitely postpone House Amendment "A" 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 Wilton, Mr. Scott, that House Amendment "A" to Bill, "An Act relating to Defenses of Family Relationships in Civil Ac-

tions" 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, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Carey, Carrier, Chandler, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Durgin, Erickson, Evans, Farnham, Finemore, Fraser, Gauthier, Gilbert, Giroux, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Hewes, Hichens, Immonen, Jameson, Johnston, Kelley, K. F.; Loberge, Lawry, Lee, Lewin, Lewis, Lincoln, Lund, McNally, Meisner, Millett, Mosher, Norris, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Snow, Stillings, Susi, Temple, Thompson, Trask, Waxman, Wight, Williams.

NAY — Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carter, Casey, Coffey, Cote, Cottrell, Couture, Crommett, Croteau, Curran, Driogotas, Dudley, Dyar, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Heselton, Huber, Jalbert, Jutras, Kelleher, Keyte, Kilroy, Lebel, Leibowitz, LePage, Levesque, MacPhail, Marquis, Marstaller, Martin, McKinnon, McTeague, Mills, Mitchell, Moreshead, Morgan, Nadeau, Ouellette, Rand, Ricker, Ross, Santoro, Shaw, Soulas, Starbird, Tanguay, Tynedale, Vincent, Watson, Wheeler, Wood.

ABSENT — Barnes, Corson, Cox, D'Alfonso, Danton, H a r r i m a n, Hunter, Kelley, R. P.; Noyes, Sheltra, White.

Yes, 76; No, 63; Absent, 11.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-three in the negative, the motion to indefinitely postpone House Amendment "A" does prevail.

The question before the House now is the motion of the gentleman from Wilton, Mr. Scott, that the Bill be indefinitely postponed. All those in favor of indefinite postponement of this Bill will vote yes;

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

A vote of the House was taken.

81 having voted in the affirmative and 54 having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

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

Mr. RICHARDSON: Mr. Speaker, having voted on the prevailing side I move reconsideration and I hope that the members of the House would vote against the motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor say yes; those opposed say no.

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

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

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)

Tabled — May 13, by Mr. Richardson of Stonington.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker, I present House Amendment "A" under filing H-314 and move its adoption.

House Amendment "A" (H-314) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

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

Tabled — May 13, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

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

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

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

Tabled — May 13, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Richardson of Cumberland to reconsider passage to be enacted.

On motion of Mr. Huber of Rockland, tabled pending the motion of Mr. Richardson of Cumberland to reconsider passage to be enacted and specially assigned for tomorrow.

On motion of Mr. Gilbert of Turner,

A d j o u r n e d until nine-thirty o'clock tomorrow morning.