

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 16, 1969

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

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

The journal of yesterday was read and approved.

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

Covered by Other Legislation

Report of the Committee on Legal Affairs on Bill "An Act Designating Monday for the Celebration of Certain Holidays" (S. P. 401) (L. D. 1293) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Creating a Council-Manager Form of Government for the City of Saco" (S. P. 248) (L. D. 790)

Came from the Senate read and accepted.

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Homestead Exemption" (S. P. 407) (L. D. 1369) reporting "Ought to pass" as amended by Committee Amendment "A" (S-142) submitted therewith.

Report of the Committee on State Government on Bill "An Act to Establish a Police Training Facility" (S. P. 3) (L. D. 17) reporting "Ought to pass" as amended by Committee Amendment "A" (S-148) submitted therewith.

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

In the House, the Reports were read and accepted in concurrence and the Bills read twice. Commit-

tee Amendment "A" to each was read by the Clerk and adopted in concurrence, and the Bills assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Increasing Salaries and Duties of Liquor Commissioners other than the Chairman" (S. P. 151) (L. D. 432)

Report was signed by the following members:

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

Messrs. DENNETT of Kittery
RIDEOUT of Manchester
D'ALFONSO of Portland
Miss WATSON of Bath

—of the House.

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

Report was signed by the following members:

Mr. BELIVEAU of Oxford
—of the Senate.

Messrs. DONAGHY of Lubec
MARSTALLER

of Freeport
STARBIRD

of Kingman Township
—of the House.

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

In the House: Reports were read.

On motion of Mr. Rideout of Manchester, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Divided Report

Report "A" of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Assessments on Interment Space of Cemeteries" (S. P. 173) (L. D. 574)

Report was signed by the following members:

Mr. KELLAM of Cumberland
—of the Senate.

Messrs. COTE of Lewiston
NORRIS of Brewer

SHAW of Chelsea
COX of Bangor

—of the House.

Report "B" of same Committee on same Bill reporting same in a new draft (S. P. 459) (L. D. 1513) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
CONLEY of Cumberland
—of the Senate.

Mrs. BAKER of Orrington
Mr. CUSHING of Bucksport
Mrs. WHEELER of Portland

—of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read. On motion of Mr. Shaw of Chelsea, the Reports and Bill were indefinitely postponed in concurrence.

Non-Concurrent Matter Tabled and Assigned

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) which was passed to be enacted in the House on May 14 and passed to be engrossed on May 6.

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

In the House: On motion of Mr. Soulas of Bangor, tabled pending further consideration and specially assigned for Monday, May 19.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, May 19, at 4 o'clock in the afternoon. (S. P. 460)

Came from the Senate read and passed.

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

Messages and Documents

The following Communication:
THE SENATE OF MAINE
Augusta

May 15, 1969

Honorable Bertha W. Johnson
Clerk
of the House of Representatives
104th Legislature

Dear Madam Clerk:

The Senate has voted to Adhere to its former action whereby it Indefinitely Postponed Bill, An Act Relating to Legislative Ethics. HP 909 - LD 1170.

Respectfully,

(Signed)

JERROLD B. SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

Tabled and Assigned

The following Communication:

STATE OF MAINE

OFFICE OF THE GOVERNOR

AUGUSTA

May 15, 1969

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

I have considered House Paper 943, Legislative Document 1204, An Act Relating to the Retirement of the Chief Liquor Inspector, and have decided to return it to the Legislature without my signature.

It is the function of the Legislature to enact the state's personnel policy. The detailed supervision of the state's administrative personnel properly falls within the province of the Governor and other executive officers.

The Legislature has already determined a general policy with regard to the retirement of liquor enforcement officers. For the Legislature, in effect now to exempt a particular person from workings of this general policy would be to preempt an area of executive responsibility.

The Legislature can properly authorize executive action to exempt individuals of a particular class of employees from the general retirement age provisions of law. This has been done, for example, with regard to the retirement of personnel in a number of specialized categories, including law enforcement officers, fish and game wardens, and state airplane pilots. R. S. Title V, s. 1121, (4). In such cases, on recommendation of the Governor and Council to the Board of Trustees of the

State Retirement System, the occupants of these offices may be exempted from the workings of the retirement regulations for limited periods.

In L. D. 1204, the Legislature is undertaking to make a judgment about the merits of the continued service of a specific liquor enforcement official. This is a judgment which in fact can reasonably be made only by the Liquor Commission and the Governor, in the first instance, with the aid of the Executive Council, and with final decision by the Board of Trustees of the State Retirement System after taking all facts into account.

Further, the Legislature is undertaking to make such a judgment and to apply it for a set period of five years. Sound personnel practice would dictate that any extension of service time be accorded a particular member of a class of employees on a more controlled basis, so that supervising officers might insure that continued efficient service is likely. Decisions of this kind can of course properly be made only by those who are in close touch with the employee and in a position to make a continuing, realistic assessment of his performance. It can also be made only by those in a position to make a particular judgment of the effect of an extension of one man's service on the morale of other employees in the agency in question or in the administrative service as a whole.

In general, I believe it is wise to adhere firmly to retirement ages as set by law for members of a particular category of state employees. Such retirement ages should be fixed by legislation after careful study of the normal pattern of performance at particular age levels in the service or type of work in question. There will be justification for extensions in special circumstances. Such extensions should always be made possible under law only on the decision of executive officers able to assess the many variables involved.

I therefore request the said L. D. 1204 either be amended to vest the discretion for such an extension of mandatory retirement with the Governor and Council, or sus-

tain my action to disapprove this measure.

Respectfully submitted,
(Signed) KENNETH M. CURTIS
Governor

The Communication was read and ordered placed on file.

(On motion of Mr. Richardson of Cumberland, tabled pending further consideration and specially assigned for Monday, May 19.)

Petitions, Bills and Resolves Requiring Reference

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

Education

Bill "An Act to Validate Proceedings and certain Action Taken by Baileyville School District" (H. P. 1194) (Presented by Mr. Casey of Baileyville)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Birt of East Millinocket presented the following Order and moved its passage:

WHEREAS, it appears to the House of Representatives of the 104th Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, the question of the drunken driver has long presented a serious problem to law enforcement agencies in this jurisdiction and affects the safety of our highways and the protection of the lives of persons lawfully upon said highways, all of which affect the public peace, health and safety of the inhabitants of this State and requires immediate legislative action; and

WHEREAS, there is pending before the 104th Legislature legislative document #1339 entitled An Act Providing for Implied Consent Law for Operators of Motor Vehicles; and

WHEREAS, the constitutionality of L. D. #1339 has been questioned in the legislative debate on the grounds of self-incrimination; due process and lawful search and seizure, and questions

have been raised as to its interpretation; and

WHEREAS, it is important that the Legislature be informed as to the constitutionality and interpretation of legislative document #1339:

NOW, THEREFORE, BE IT ORDERED that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution, on its behalf, their opinion on the following questions:

1. May the State properly, by the enactment of legislative document #1339, suspend a persons license and privilege to operate, when the licensee, upon being legally arrested on the charge of operating or attempting to operate a motor vehicle while intoxicated or while his mental and physical faculties are impaired by the use of intoxicating liquor, refuses to submit to one of the tests enumerated in the bill for the purpose of determining the alcoholic content of his blood, when requested to do so by a law enforcement officer, whether or not the person is subsequently convicted of the offense charged?

2. Assuming that a person is legally arrested and has legally consented to the taking of a test, do the provisions of legislative document #1339 relating to the taking of chemical tests of breath, blood or urine violate the provisions relating to self-incrimination under the Fifth Amendment of the Constitution of the United States or under the provisions of the Constitution of Maine, Article I, Section 6?

3. Assuming that a person is legally arrested and has legally consented to the taking of a test, do the provisions of L. D. #1339 relating to the taking of chemical tests of breath, blood or urine violate the provisions relating to due process contained in the Fourteenth Amendment of the Constitution of the United States and in the Constitution of Maine, Article I, Section 6-A?

4. Assuming that a person is legally arrested and has legally consented to the taking of a test, do the provisions of L. D. #1339 relating to the taking of chemical

tests of breath, blood or urine violate the provisions relating to unlawful searches and seizures contained in the Fourth Amendment of the Constitution of the United States and in the Constitution of Maine, Article I, Section 5?

5. If legislative document #1339 is enacted and a person is legally arrested under its provisions and is advised of the tests available to him and requests a test not available but refuses to take any other test, is his license and privilege to operate susceptible of suspension by the Secretary of State under the provisions of subsection 2 of Section 1312 of L. D. #1339?

The SPEAKER: This order will lie upon the table for one legislative day under the Rules, pending passage.

House Reports of Committees Leave to Withdraw

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act relating to Motor Vehicle Liability Insurance Policies" (H. P. 798) (L. D. 1112) reported Leave to Withdraw.

Mr. Hewes from the Committee on Judiciary reported same on Bill "An Act relating to Jurisdiction of Courts in Domestic Relations Matters" (H. P. 861) (L. D. 1103)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Provide Funds to Supplement Federal Grants for School Food Service Programs" (H. P. 917) (L. D. 1178)

Mr. Scott of Wilton from the Committee on Business Legislation reported same on Bill "An Act relating to Powers of Attorney on Accounts in Savings Banks" (H. P. 660) (L. D. 847) which was recommended.

Same gentleman from same Committee reported same on Bill "An Act relating to Exempted Transactions and Definition of Dealer under Dealers in Securities Law" (H. P. 678) (L. D. 877)

Mrs. Lincoln from the Committee on Claims reported same on

Resolve to Reimburse Frederick C. Adams of Steep Falls for Loss of Turkeys by Raccoons" (H. P. 921) (L. D. 1182)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Lack of Privity as a Defense in Action Against Manufacturer or Seller of Goods under the Uniform Commercial Code" (H. P. 167) (L. D. 206) which was recommitted, reported same in a new draft (H. P. 1195) (L. D. 1516) under title of "An Act relating to Lack of Privity as a Defense in Action Against Manufacturer, Seller or Supplier of Goods" and that it "Ought to pass"

Mrs. Brown from the Committee on Natural Resources on Bill "An Act relating to Approval of Refuse Disposal Areas" (H. P. 739) (L. D. 957) which was recommitted, reported same in a new draft (H. P. 1196) (L. D. 1517) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

Ought to Pass Printed Bills

Mr. Martin from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Appropriating Funds to Defray Part of Cost of Radio Homing Beacon at Norridge-week Airport" (H. P. 914) (L. D. 1175)

Mr. Sheltra from the Committee on Claims reported same on Resolve Reimbursing the Town of Sullivan for Winter Road Maintenance (H. P. 853) (L. D. 1095)

Same gentleman from same Committee reported same on Resolve to Reimburse Julia Judkins of South Portland for Damage to Property (H. P. 1078) (L. D. 1401)

Mr. Dennett from the Committee on State Government reported same on Bill "An Act Establishing the Bureau of Geology and Mineral Resources within the Forestry Department" (H. P. 944) (L. D. 1205)

Reports were read and accepted, the Bills read twice, Resolves read

once, and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Lund from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Increased Board Payments for State Wards" (H. P. 620) (L. D. 808) reported "Ought to pass" as amended by Committee Amendment "A" (H-329) submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-329) was read by the Clerk and adopted, and the Bill assigned for third reading the next legislative day.

Tabled and Assigned

Mrs. Cummings from the Committee on Education on Bill "An Act relating to the Formation of a School Administrative District in the Machias-East Machias Area" (H. P. 721) (L. D. 939) reported "Ought to pass" as amended by Committee Amendment "A" (H-330) submitted therewith.

Report was read.

(On motion of Mr. Kelley of Machias, tabled pending acceptance of the Report and specially assigned for Monday, May 19.)

Divided Report

Majority Report of the Committee on Education on Bill "An Act to Create a School Administrative District in the Town of Sanford" (H. P. 1065) (L. D. 1394) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. STUART of Cumberland
KELLAM of Cumberland
—of the Senate.
Messrs. RICHARDSON
of Stonington
ALLEN of Caribou
CHICK of Monmouth
WAXMAN of Portland
Mrs. KILROY of Portland
—of the House.

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

Report was signed by the following members:

Mr. KATZ of Kennebec

—of the Senate.

Mr. MILLETT of Dixmont

Mrs. CUMMINGS of Newport

—of the House.

Reports were read.

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

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

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

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: We have had in this session a total of four bills presented to the Education Committee asking for consideration by this Legislature to become single unit SAD'S. We also have had, and have now reported out of committee, what initially was a mandatory school administrative district bill. It is coming out and will be on our calendar hopefully next week in substantially different form.

In reference to this particular issue before us this morning and the following item which is a similar bill, and the Portland bill which will be coming out again soon, and the Jay situation which has already come before the House, I have consistently taken a negative stand on all of these bills and I would like to explain my reasoning.

For those of you who were here in 1957 and I suspect remember very vividly the debate which centered around the adoption of the so-called Sinclair Law, I am sure you will recall and have recalled many times your own impression of the original intent of this bill. I have only one way of getting the intent and that is from the rules and the laws as I read them and from the comments I have heard from people who have had experience in this particular type of formation.

I would like to quote from the policy of the school administrative district formation the initial policy, and I might add that this policy has not been changed since 1957

except for the deletion of one word. "Initially it was declared the policy. It is hereby declared to be the policy of the state to encourage the development of school administrative districts of sufficient size to provide a more equalized educational opportunity for pupils to establish satisfactory school programs and achieve a greater uniformity of school tax rates among the school administrative districts and a more effective use of public funds expended for the support of public schools." The only change down through the years, now going on twelve years since this bill, is the deletion of the word "hereby." The policy is not changed whatsoever.

I would point out certain points of this policy which I find in violation of the — or these bills before us to be in violation of the initial intent. First of all the "sufficient size" idea has been criticized and we have had in this session much debate on the use of statistical numbers to determine a quality educational program. I would not like to indulge in that at this time.

However, the two items before us, this one and a second one, present two extremes. First of all, Sanford having certainly sufficient size by any criteria and the next item Swan's Island being a very small size. The intent was to provide a more equalized educational opportunity. Therefore it implies that in the formation of a school administration district some change takes place, some change which would help to equalize the educational opportunity for those pupils.

I submit that any school administrative district consisting of only one municipality can in no way help to equalize educational opportunity, unless if you adopt the one theme that maybe the additional funds—and I will talk briefly on this issue later, might help that community to provide a better quality program. But I submit that there is no equalization when one unit, merely by a legislative act, becomes a school administrative district.

I would secondly say that the last phrase of this law was to provide a more effective use of public

funds. We are at a point in time now when everyone is quite cognizant of the fact that school funds in the area of general purpose aid, in the area of school construction, have increased to a point where we are now seriously concerned with where we are going. I would submit to you that in no way would public funds be utilized more effectively in a single unit school administrative district.

I feel this is an issue you are going to have to decide on your own understanding of the intent of the law anyway and I will not attempt to point the finger at any one of these four particular municipalities.

I would list first of all the eligibility requirements and a supplemental change in the law which was adopted two years ago to allow for a procedure for this type of formation. First of all initially the requirements consisted of these statements. "Whenever two or more towns containing 300 or more resident high school students desire to form a school administrative district" and so on.

Secondly, any community school administrative district was given the alternative of forming a school administrative district. Thirdly, a small combination of towns having less than 300 resident high school pupils were allowed to contract with a neighboring school administrative district or contract high school, provided that with this combination the total of at least 300 high school pupils existed.

And fourthly, and the section that I would like to call attention to this morning, Section 212 of our law, subsection six, allows for the "State Board to investigate, analyze and make recommendations to the Legislature for the formation of any kind of school administrative district not meeting the criteria previously stated." Therefore it is possible for any single community, who feels it has a particular case in hand, to request the State Board to intervene, to analyze the predicament, to make recommendations to the Legislature. This has not been done in this case, although through no fault I might hasten to add of the

sponsors of the legislation or the residents of the community.

However, I do feel that this is a proper point and I would like to emphasize this point in view of the compulsory district bill which will be coming before us. We will be asked at that time to give some degree of faith to the State Board of Education to adopt a master plan of efficient combinations of units wherever they exist and in all cases of extreme geographic, economic and financial isolation. That recommendation should be a compact and efficient recommendation to the 105th Legislature. In the interim those communities will be given the opportunity to decide for themselves.

I would hope that in view of the situations surrounding and following the initial Sinclair Law passage that you would see fit that at this time a single municipality be not given consideration to form a school administrative district but be given alternatives and eventual recommendations on the part of the State Board of Education through the master plan approach.

In terms of what these units intend to gain, I think we can all consider the alternatives for remaining as a single unit as opposed to joining a school administrative district in very black and white terms. First of all, the school administrative district has to by law assume certain responsibilities. First of all they must within four years institute a kindergarten program. Secondly they must make provision for their secondary students, whether that be through contract or through a school of their own. Thirdly, they must provide secondary transportation — there is no deviation in the law whatsoever in this issue.

In terms of the extra responsibilities there are always extra incentives — some people call them bribes, some people call them clubs. I prefer to think of them as recognitions of the increased responsibility and the entire change in structure and organization of the educational system. I am speaking primarily about the 10% bonus on operational subsidy. I am speaking also of construction

aid whereby a unit may get construction aid on a sliding scale percentage in all construction that they undertake following the formation of a school administrative district. Thirdly, the increased debt limit; fourth, construction.

And fourthly the fiscal autonomy idea that we have heard discussed here already and will hear discussed I am sure in the weeks to come. Fourth, the provision for a bond issue procedure. In both cases requiring citizens' approval.

I submit that in this particular case of Sanford there is no real reason why they should not exist by themselves. I have taken this position after realizing that geographically they are a large community centrally located within a hub of small satellite communities. I do, however, feel that if there is an obligation on the part of a large community to its smaller neighbors, this has not been assumed in this case. Now whether or not we shall give acceptance to this failure to recognize that responsibility or not is a decision that you must make.

I would prefer to say—they have taken this course of action by themselves, they are where they are today because of what they have wanted. I see no real reason why we should bring them in under the umbrella of school administrative districts without asking them for anything in return. I would prefer—I would make this as a recommendation but not as a motion, that they be given a two-year stay whereby a master plan might make a recommendation. If that recommendation considers them as a single unit SAD, I certainly would not have any reason to argue with their finding.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to defend my position on an "ought to pass" report on Sanford. Frankly, all of the surrounding towns to Sanford have already formed a district and it was not primarily that the Town of Sanford didn't want the people around them but it was because of

financial disparities. Two years ago we corrected this by permitting towns to form a district basing their formulas on 70% students and 30% valuation or 30% students and 70% valuation, on a sliding scale.

We have approved this time a bill which would give them 85% and 15%. So it may be that in the future these towns would be encouraged to join together. But I do feel that the town of Sanford has an exceptional point and I would certainly hope that you would take this into consideration.

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

Mr. GAUTHIER: Mr. Speaker, I would like to inform the ladies and gentlemen of this House that Sanford was approved by the State Board of Education as a single District a couple of weeks ago, and I would also like to inform this august body that in 1967 on March second a master plan was brought out by the State Board of Education and Sanford was singled out as a single District.

You have always been told that the towns and cities should do more for education. Sanford, when we appeared before the State Board of Education, there was a gentleman on the Board that I didn't know but found out afterwards who he was, and he got up and made the statement that Sanford was one of the towns that really went out and had a very good, had an excellent school system and that was Professor Hazelton from Bowdoin College. And the reason for this is that the people of Sanford have sacrificed, the real estate taxpayers and so forth for years and years, to bring out a good system and we are known all over the state, but it has got to the point that our borrowing power is at its extreme and our taxes at the present time are \$32 and we are building a new High School, we are building a regional vocational school which we will take in 60% of the county in our regional vocational school. I think this is doing quite a lot for a SAD, don't you?

And furthermore, Sanford is also taking in St. Ignatius Regional

High School which is closing this June with almost three hundred pupils plus the other—there might be some other grade school like Springvale that we will have to take in. We will have a total of three to four thousand pupils in our system plus the Regional Vocational School and I think that Sanford is doing its share as far as an SAD. I don't see any reason why we shouldn't be considered an SAD at this time and I hope you will go along with the motion of my friend from Stonington, Mr. Richardson. And I would ask for a roll call on this.

The SPEAKER: Is the House ready for the question? A roll call vote has been requested on the motion of the gentleman from Stonington, Mr. Richardson, that the House accept the Majority "Ought to pass" Report. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Richardson that the House accept the Majority "Ought to pass" Report on Bill "An Act to Create a School Administrative District in the Town of Sanford," House Paper 1065, L. D. 1394. If you are in favor of this motion, 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, Berman, Bernier, Binnette, Boudreau, B o u r g o i n, Bragdon, Brown, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chick, Clark, C. H.; Corson, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Curran, Curtis, Cushing, Dam, Dri-gotas, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier M.; Fraser, Gauthier, Gilbert, Giroux,

Hall, Hardy, Harriman, Hawken, Heselton, Hewes, Huber, Immonen, Jalbert, Jameson, Jutras, Kelley, K. F.; Kelley, R. P.; Kilroy, La-berge, Lawry, Label, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marquis, Martin, McKinnon, McNally, McTeague, Meisner, Mitchell, Mores-head, Morgan, Mosher, Nadeau, Noyes, Ouellette, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Sahagian, Santoro, Scott, C. F.; Shaw, Snow, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, Thompson, Trask, Vincent, Watson, Waxman, Wheeler, White.

NAY — Birt, Cummings, Don-aghy, Finemore, Foster, Hanson, Henley, Hichens, Kelleher, Mar-staller, Millett, Mills, Norris, Page, Payson, Rand, Ross, Williams, Wood.

ABSENT — Brennan, Chandler, Clark, H. G.; Coffey, D'Alfonso, Danton, Dennett, Dudley, Durgin, Good, Haskell, Hunter, Johnston, Keyte, Lund, Scott, G. W.; Sheltra, Tyndale, Wight.

Yes, 112; No, 19; Absent, 19.

The SPEAKER: One hundred and twelve having voted in the affirmative and nineteen in the negative, the motion does prevail.

The Bill was then given its two several readings.

Committee Amendment "A" (H-331) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act to Authorize the Town of Swan's Island to Form a School Administrative District" (H. P. 1082) (L. D. 1403)

Report was signed by the following members:

Messrs. STUART of Cumberland
KELLAM of Cumberland
KATZ of Kennebec

— of the Senate.

Mrs. CUMMINGS of Newport

Messrs. RICHARDSON

of Stonington

WAXMAN of Portland

Mrs. KILROY of Portland

— of the House.

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

Report was signed by the following members:

Messrs. MILLETT of Dixmont
 CHICK of Monmouth
 ALLEN of Caribou
 — of the House.

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report and I would speak briefly to my motion.

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

The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Swan's Island is a community which is located 5.3 miles off the coast of Maine, it is located outside of Bass Harbor and is served by the Maine State Ferry Service. They at the present time are sending part of their students to Mount Desert High School and boarding the remainder of the secondary students all over the State of Maine. One of the reasons for which they desire an SAD is to be able to bring all of their youngsters home, contract with Mount Desert High School, and have them all educated there so they can be transported over in the morning and brought home at night.

I think perhaps one of the arguments that you will hear against this is the fact that of course the 10% bonus looks attractive to them, and it does look attractive to them. These people for many years have been absorbing an excess cost of boarding their students because you certainly can't board any student for room and board for \$7 a week which the State was allowing. So they have had to pick up the additional amounts and the transportation costs out of their own pocket.

The State Board of Education does have a policy for giving specific study to isolated cases and I would certainly submit that Swan's Island is an isolated case. We

treated Islesboro yesterday as an isolated case and that is only half the distance off the coast of Maine and it is well up in Penobscot Bay where Swan's Island is out in the jaws of the ocean.

Many many times in the past the State School Board has accepted gracefully the recommendation for small units and I think that this is a just request. Mount Desert High School is a community school district; it is not a School Administrative District, and by the valuation formula under which the community school district was formed the town of Swan's Island could not join in. I am sure that if the Mount Desert Island group of towns should form a School Administrative District that Swan's Island would request permission to be absorbed and to be taken into that District because this has been indicated several times in the past.

I would certainly hope that you would approve of this in order to give these fine people a boost in their educational opportunities. I thank you.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I hesitate to get into this but I don't argue with these single town districts; as a matter of fact I come from a town that has one. I voted against the Sanford District, not because I don't think that they should have one but I don't think the House realizes what we are being faced with by this lobbying deal and what we heard at a hearing yesterday afternoon as a result of this Maine Municipal Association new formula. It certainly will change the water on the beans as far as whether or not you will want School Districts. For instance, Swan's Island would drop from a present school aid of \$35,200 down to \$15,400 and there will be no assistance given as incentives. So I think that this should be considered before we make any decision whether we are going to help these people or hurt them.

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

Mr. CHICK: Mr. Speaker and Members of the House: I hate to appear in opposition to my good friend from Stonington, Mr. Richardson; however, I must oppose this bill. The good gentleman stated that as he started his speech that one of the main reasons for the SAD was to allow Swan's Island to contract with a High School, the district High School. I would like to point out to the membership that that can be done without the passage of this bill. There is nothing to prevent them from doing that now.

The only real reason for allowing Swan's Island to form an SAD at the present time is to allow them to collect another 10% on the subsidy, and I don't feel that that is enough justification for allowing them to form an SAD at this time. There is no question but what if an SAD is formed on the mainland at some future date, that at that time Swan's Island could then become a member of the SAD nearest to them. So at the present time I must appear in opposition to the forming of an SAD on Swan's Island.

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

Mr. MILLETT: Mr. Speaker and Members of the House: I concur one hundred percent with the gentleman from Monmouth in terms of his comments relative to the desire to be brought in under the SAD umbrella for the purpose of getting another 10%. And again, I have no particular quarrel with the people of Swan's Island or Sanford or any other community, but it was stated very bluntly and very definitely that they really desired a School Administrative District because, one, their State valuation had been increased, therefore requiring a larger local assessment at the previous town meeting; secondly, this bonus would help them quite a bit to effect their property tax rate in the future. I submit to you, in view of what this gentleman has said and also in view of what the gentleman from Lubec has said, the concept of a School Administrative District is in jeopardy right now.

The entire action taken by a municipality in voluntarily swallowing their pride, dropping their municipal boundaries, assuming each others assets and liabilities, voluntarily involves a great deal of relaxation of pride in the minds of a Maine Yankee. Those who have done this, these 75 SAD's that we now have, have done this reluctantly but willingly and I submit in most cases intelligently. If we take action at this point to allow any town, here, there or everywhere to come in under the umbrella of an SAD, utilize the 10% bonus, construction aid, increased debt limit and so on, we are destroying a concept that we have built up over twelve years and I submit to you this is just like slapping the wrists of the people in all of these communities who have voluntarily, and I say voluntarily, given up much of their local control of their school systems, the pride that they have, and now are being treated as if they had done nothing at all.

I hope you will think a little bit more deeply about this issue of the fate of the School Administrative District formation procedure.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think this law is only good in that it is human enough to take some regard for individual situations such as Swan's Island. It seems to me that it would be a hardship to this group to keep them out of the benefits that the rest of the towns that have joined districts have assumed. I think that they thoroughly deserve it. They have done a good job. They have spent extra money to transport their children; they have put their children into homes and sent them away to school when they would rather have them come back to their own homes at night, and I for one would like to see this bill passed.

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

Mr. BENSON: Mr. Speaker and Members of the House: I would like to add just a few words to what has already been explained

by the gentleman from Stonington, Mr. Richardson. There are very very few people that fall in this category and I submit that we, at the State level, do very very little for this group of people.

We have a ferry service that services Swan's Island. These young people leave their home probably before six o'clock, well before six o'clock in the morning, they go to the ferry, come across to the mainland and are then bussed to the Mount Desert Regional School. This is, I feel, a good step in the right direction to do a little something for a community that works extremely hard for their existence, and I hope that you will support the motion to pass this bill.

Thereupon, Mr. Richardson of Stonington requested a roll call on the motion.

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

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Richardson, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Authorize the Town of Swan's Island to Form a School Administrative District," House Paper 1082, L. D. 1403. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Barnes, Bedard, Benson, Berman, Bernier, Boudreau, Bourgoin, Bragdon, Brown, Buckley, Bunker, Burnham, Carey, Carter, Casey, Clark, C. H.; Corson, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Cummings, Curran, Curtis, Cushing, Dam, Donaghy, Drigotas, Dyar,

Emery, Erickson, Eustis, Evans, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Giroux, Hall, Hanson, Hardy, Harriman, H a w k e n s, Heselton, Hewes, Huber, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Label, Lee, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Scott, C. F.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, White, Wight, Wood.

NAY — Allen, Birt, Chick, Dudley, Finemore, Hensley, Hichens, Millett, Page, Ross, Sahagian.

ABSENT — Binnette, Brennan, Carrier, Chandler, Clark, H. G.; Coffey, D'Alfonso, Danton, Dennett, Durgin, Farnham, Gilbert, Good, Haskell, Hunter, Johnston, Leibowitz, Santoro, Scott, G. W.; Trask, Wheeler, Williams,

Yes, 117; No, 11; Absent, 22.

The SPEAKER: One hundred and seventeen having voted in the affirmative and eleven in the negative, the motion does prevail.

Thereupon, the Bill was given its two several readings and assigned for third reading the next legislative day.

Mr. SOULAS of Bangor was granted unanimous consent to address the House.

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the 104th Legislature: The roll call vote which was just taken was the 104th roll call to be taken in the 104th Legislature, House of Representatives, State of Maine. This is a record for roll call votes. Never in the history of the Maine Legislature has this many roll call votes ever been taken for such a short period of time.

For the record, based on a twenty-week period, this totals 52 roll calls for a four-day week, or 13 roll calls per day.

Order Out of Order

On motion of Mr. Tyndale of Kennebunkport, it was

ORDERED, that Jonathan Gray and Robert Riche of Lyman be appointed to serve as Honorary Pages for today.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Jurisdiction of Probate Court in Adoption Cases" (H. P. 690) (L. D. 890) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. MORESHEAD of Augusta
HESELTON of Gardiner
FOSTER

of Mechanic Falls
HEWES of Cape Elizabeth
DANTON

of Old Orchard Beach
BRENNAN of Portland
— of the House.

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

Report was signed by the following member:

Mr. BERMAN of Houlton
— of the House.

Reports were read.

On motion of Mr. Nadeau of Biddeford, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings.

Committee Amendment "A" (H-333) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Enacting Building Codes by Municipalities" (H. P. 698) (L. D. 898)

Report was signed by the following members:

Messrs. CONLEY of Cumberland
KELLAM of Cumberland

TANOUS of Penobscot
— of the Senate.

Messrs. SHAW of Chelsea
CUSHING of Bucksport

Mrs. BAKER of Orrington
Mr. COTE of Lewiston

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. NORRIS of Brewer
COX of Bangor

Mrs. WHEELER of Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move the acceptance of the Majority Report "Ought not to pass."

Whereupon, on motion of Mr. McNally of Ellsworth, tabled pending the motion of Mrs. Baker of Orrington to accept the Majority "Ought not to pass" Report and specially assigned for Monday, May 19.

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Providing for Fines in Lieu of Suspensions under Liquor Laws" (H. P. 778) (L. D. 1011) reporting same in a new draft (H. P. 1197) (L. D. 1518) under title of "An Act relating to Application for Class A Restaurant Liquor Licenses" and that it "Ought to pass"

Report was signed by the following members:

Messrs: BERRY of Cumberland
CONLEY of Cumberland
BOISVERT

of Androscoggin
— of the Senate.

Messrs. STILLINGS of Berwick
FAUCHER of Solon
COUTURE of Lewiston
CHANDLER of Orono
LEIBOWITZ of Portland

Bill "An Act Increasing Mileage
— of the House.

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

Report was signed by the following members:

Messrs. TANGUAY of Lewiston
HICHENS of Eliot

— of the House.

In the House: Reports were read.

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

The SPEAKER: The Chair at this time would request the Sergeant-at-Arms to escort the Speaker's grandson to the rostrum as his special guest for the session.

Thereupon, Eric Kennedy was escorted to the rostrum amid the applause of the House.

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Permitting Attendance Promotions by Liquor Licensees" (H. P. 779) (L. D. 1012) reporting same in a new draft (H. P. 1198) (L. D. 1519) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. CONLEY of Cumberland
BOISVERT

of Androscoggin

— of the Senate.

Messrs. TANGUAY of Lewiston
CHANDLER of Orono
COUTURE of Lewiston
LEIBOWITZ of Portland

— of the House.

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

Report was signed by the following members:

Mr. BERRY of Cumberland

— of the Senate.

Messrs. HICHENS of Eliot
FAUCHER of Solon
STILLINGS of Berwick

— of the House.

Reports were read.

On motion of Mr. Tanguay of Lewiston, the Majority "Ought to pass" Report in new draft was accepted.

The New Draft was given its two several readings and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Increasing Certain Liquor License Fees" (H. P. 1005) (L. D.

1307) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. BERRY of Cumberland
CONLEY of Cumberland
BOISVERT

of Androscoggin

— of the Senate.

Messrs. STILLINGS of Berwick
CHANDLER of Orono
HICHENS of Eliot
LEIBOWITZ of Portland

— of the House.

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

Report was signed by the following members:

Messrs. TANGUAY of Lewiston
COUTURE of Lewiston
FAUCHER of Solon

— of the House.

Reports were read.

Mr. Hichens of Eliot moved that the House accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Eliot, Mr. Hichens, moves that the Majority "Ought to pass" Report be accepted.

Thereupon, Mr. Marquis of Lewiston requested a vote on the motion.

The SPEAKER: A vote has been requested on the motion to accept the Majority "Ought to pass" Report. Is the House ready for the question?

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

Mr. TANGUAY: Mr. Speaker and Members of the House: If you would take a good look at this document, you would notice that this is part of class legislation. We have now pending in the Liquor Control Committee a bill whereby so-called "bottle clubs" would have to register. In order to get support for these bottle clubs to register, if you are to increase the fees on licenses, I doubt very much whether you would get much support from these bottle clubs, and in turn they will fail to register as in the past.

Many clubs have taken the big step forward and subject themselves to inspections and controls. And if you are to raise the license fees just for a certain class of licensees, I fail to see where you

are accomplishing anything. If we are in need of money in any sense, let's increase the cost of beer, let's increase the cost of liquor. Let's not go by class legislation where you have some organization and possibly have only 60 or 70 members who can cater to and increase their fees in proportion where they can no longer license themselves and support their organizations. So I would move that you vote against the motion of Mr. Hichens and that his motion does not prevail.

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

Mr. HICHENS: Mr. Speaker, because the sponsor of this bill is not present this morning, I would request that somebody table this until the next legislative day.

Whereupon, on motion of Mr. Marquis of Lewiston, tabled pending the motion of the gentleman from Eliot, Mr. Hichens that the House accept the Majority "Ought to pass" Report and specially assigned for Monday, May 19.

**Divided Report
Tabled and Assigned**

Report "A" of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Time of Payment of Salaries of Members of the Legislature" (H. P. 1008) (L. D. 1310)

Report was signed by the following members:

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

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

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

Report was signed by the following members:

Messrs. DENNETT of Kittery
DONAGHY of Lubec
RIDEOUT of Manchester
Miss WATSON of Bath
Mr. MARSTALLER
of Freeport
— of the House.

Reports were read.

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

Mr. RIDEOUT: Mr. Speaker, I move that the House accept Report "B" of the Committee, "Ought not to pass."

Whereupon, on motion of Mr. Starbird of Kingman Township, tabled pending the motion of Mr. Rideout of Manchester to accept Report "B" "Ought not to pass" and specially assigned for Monday, May 19.

Passed to Be Engrossed

Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 308) (L. D. 395)

Bill "An Act relating to Husband or Wife of the Accused as Witness in Criminal Cases" (H. P. 468) (L. D. 605)

Bill "An Act Reallocating Certain Bond Issue Funds for Norridgewock Airport" (H. P. 939) (L. D. 1200)

Bill "An Act Providing a Bond Issue in the Amount of Two Hundred and Thirteen Thousand Dollars for Construction of Necessary Added Facilities at Camp Waban, York County" (H. P. 949) (L. D. 1227)

Bill "An Act Increasing Salary of Selectmen of Town of Mount Desert" (H. P. 1110) (L. D. 1431)

Bill "An Act relating to Sick Leave under Lewiston City Charter" (H. P. 1160) (L. D. 1481)

Bill "An Act relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (H. P. 1192) (L. D. 1514)

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

Amended Bills

Bill "An Act relating to Arrest of Parole Violators" (H. P. 469) (L. D. 606)

Bill "An Act Appropriating Funds to Expand Homemaker Services in the Department of Health and Welfare" (H. P. 539) (L. D. 718)

Bill "An Act to Clarify the State Records Law" (H. P. 991) (L. D. 1275)

Bill "An Act relating to the State Probation and Parole Board" (H. P. 993) (L. D. 1277)

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

Enactor

Tabled and Assigned

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

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be enacted and specially assigned for Monday, May 19.)

Passed to Be Enacted

An Act relating to Trial Costs (S. P. 106) (L. D. 313)

An Act relating to Financing Statements under the Uniform Commercial Code (H. P. 454) (L. D. 591)

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

Enactors

Tabled and Assigned

An Act relating to Short Term Permits for Trucks to Haul Loads (H. P. 631) (L. D. 819)

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

(On motion of Mr. Quimby of Cambridge, tabled pending passage to be enacted and specially assigned for Monday, May 19.)

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

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

(On motion of Mr. Casey of Baileyville, tabled pending passage to be enacted and specially assigned for Monday, May 19.)

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

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

Enactor

Tabled and Assigned

An Act Creating the Uniform Limited Partnership Act (H. P. 978) (L. D. 1262)

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

(On motion of Mr. Scott of Wilton, tabled pending passage to be enacted and specially assigned for Monday, May 19.)

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

Finally Passed

Resolve Providing for Purchase of Copies of History of Auburn (H. P. 1077) (L. D. 1400)

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

Orders of the Day

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

SENATE REPORT — "Ought to pass" as amended by Committee Amendment "A" S-121—Committee on Judiciary on Bill "An Act relating to Discrimination on Account of Race or Religion" (S. P. 397) (L. D. 1349) (In Senate, Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A")

Tabled—May 13, by Mr. Dennett of Kittery.

Pending—Motion of Mr. Berman of Houlton to accept Report in concurrence.

On motion of Mr. Rideout of Manchester, retabled pending the motion of Mr. Berman of Houlton to accept Report in concurrence

and specially assigned for Monday, May 19.

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

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

Tabled—May 13, by Mr. Marquis of Lewiston.

Pending — Passage to be engrossed.

On motion of Mr. Corson of Madison, retabled pending passage to be engrossed and specially assigned for Monday, May 19.

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

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 449) (L. D. 1483)

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

Pending — Passage to be engrossed.

On motion of Mr. Richardson of Cumberland, retabled pending passage to be engrossed and specially assigned for Monday, May 19.

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

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

Tabled—May 13, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be engrossed and specially assigned for Monday, May 19.

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

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

Tabled — May 13, by Mr. Marquis of Lewiston.

Pending—Final Passage.

On motion of Mr. Corson of Madison, retabled pending final passage and specially assigned for Monday, May 19.

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

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

Tabled — May 13, by Mr. Levesque of Madawaska.

Pending — Acceptance of either Report.

On motion of Mr. Richardson of Cumberland, retabled pending acceptance of either Report and specially assigned for Monday, May 19.

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

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

Tabled — May 13, by Mr. Levesque of Madawaska.

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

On motion of Mr. Richardson of Cumberland, retabled pending the motion of Mr. Susi of Pittsfield to accept Majority Report and specially assigned for Monday, May 19.

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

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

Tabled — May 13, by Mr. Curtis of Bowdoinham.

Pending — Passage to be engrossed.

Mr. Curtis of Bowdoinham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-328) 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 ninth item of Unfinished Business:

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

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 tenth item of Unfinished Business:

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

Tabled — May 13, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

Mr. MARTIN: Mr. Speaker, for about the tenth time I'm afraid it will have to be tabled. Jon Doyle of the Attorney General's office is presently drafting the amendment and because he was working on the questions which had to go to the Supreme Court for the gentleman from East Millinocket, Mr. Birt, he did not have time to work on my amendment and so I would ask that someone retable this matter for one legislative day.

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

Mr. RICHARDSON: Mr. Speaker, because I am so deeply touched by this request I am going to join and ask someone to table it for one legislative day.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending passage to be enacted and specially assigned for Monday, May 19.

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

An Act relating to Compensation for Full-time Deputy Sheriffs and

Chief Deputies (H. P. 494) (L. D. 648)

Tabled — May 13, by Mr. Dam of Skowhegan.

Pending — Passage to be enacted.

On motion of Mr. Marquis of Lewiston, under suspension of the rules, the House reconsidered its action of April 24 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

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

House Amendment "A" (H-311) was read by the Clerk.

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

Mr. WIGHT: Mr. Speaker, this is an amendment to exclude Androscoggin County from salary for their full-time deputy sheriffs and chief deputies. This is a salary bill for that purpose which was proposed for a \$2 a day increase. This increase was not allowed by our committee but a compromise was worked out that it should be a dollar a day. The budgets take care of this I think in most counties. This will be an exclusion from this regulation of Androscoggin County only. Other counties have been on the list and there are only two. This is not a good amendment, it was proposed before in a Senate Amendment and I hope you will oppose this Amendment being put on this bill.

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

Mr. MARQUIS: Mr. Speaker and Members of the House: This amendment does not give a pay raise as per se to the sheriff's department or to the chief deputy and his deputies. All it does is include it along with two other counties who are now exempt from coming to the Legislature every time they want a dollar pay raise. This entitles the county commissioners along with the legislative delegation to enact any pay raise they see fit if it is justified to the Commission and to the state legislators.

Therefore, Mr. Speaker, when the vote is taken I ask that it be taken by the yeas and nays.

The SPEAKER: The pending question is the adoption of House Amendment "A". The yeas and nays have been requested on the adoption of House Amendment "A". 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 the adoption of House Amendment "A". If you are in favor of adopting House Amendment "A" you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bernier, Boudreau, Bourgoin, Brown, Burnham, Casey, Cote, Couture, Cox, Croteau, Emery, Eustis, Fecteau, Gauthier, Giroux, Hewes, Hunter, Jalbert, Jutras, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, MacPhail, Marquis, Martin, McKinnon, McTeague, Mills, Morgan, Nadeau, Ricker, Rocheleau, Ross, Santoro, Sheltra, Tanguay, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler.

NAY — Allen, Baker, Barnes, Bedard, Benson, Berman, Binnette, Birt, Bragdon, Buckley, Bunker, Carrier, Carter, Chick, Clark, C. H.; Crommett, Crosby, Cummings, Curran, Curtis, Cushing, Dam, Donaghy, Dudley, Durgin, Dyar, Farnham, Faucher, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Hall, Hanson, Harriman, Haskell, Hawkens, Henley, Heselton, Hichens, Huber, Immonen, Jameson, Kellher, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Lewis, Lincoln, Lund, Marstaller, McNally, Meisner, Millett, Mitchell, Moreshead, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Richardson, H. L.; Rideout, Sahagian, Scott, G. W.; Shaw, Snow, Soulas, Starbird, Stillings, Susi, Thompson, Trask, White, Wight, Wood.

ABSENT — Brennan, Carey, Chandler, Clark, H. G.; Coffey, Corson, Cottrell, D'Alfonso, Danton, Dennett, Drigotas, Erickson,

Evans, Foster, Gilbert, Good, Hardy, Johnston, Noyes, Ouellette, Quimby, Richardson, G. A.; Scott, C. F.; Williams.

Yes, 47; No, 79; Absent, 24.

The SPEAKER: Forty-seven having voted in the affirmative and seventy-nine in the negative, House Amendment "A" fails of adoption.

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

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

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

Bill "An Act to Amend the Jet Fuel Tax" (S. P. 458) (L. D. 1504) (In Senate, referred to Committee on Taxation)

Tabled — May 14, by Mr. Richardson of Cumberland.

Pending — Reference in concurrence.

Thereupon, referred to the Committee on Taxation in concurrence.

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

MAJORITY REPORT (7) — "Ought not to pass" — Committee on Judiciary 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) and MINORITY REPORT (3) reporting "Ought to pass" (In Senate, Minority Report accepted and the Resolve passed to be engrossed)

Tabled — May 14, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either Report.

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

Mr. BERMAN: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

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 Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: This

matter has been debated once before and in opposition to the motion I will not bore the House with an accounting of the very important issues that are involved, the major among which I think is quite properly summed up in the editorial comment in the Lewiston Daily Sun, a copy of which is on every one of your desks. It concludes by saying that "One of the greatest needs of the day in Maine and in the nation is for public support of officers in the performance of their vital work."

Today as Manduca faces a law suit he deserves the full backing of the State and the benefit of its resources in defending himself. For this reason I am opposed to acceptance of the Majority "Ought not to pass" Report and I would like to request a roll call when the vote is taken.

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

Mr. McTEAGUE: Mr. Speaker, I recall either yesterday or the day before, and I hope some member can refresh my recollection, there was a bill to have the State provide professional liability insurance for the state troopers. My recollection again is uncertain but I think it went through under the gavel. It seems to me a very good idea to help out this trooper who has a civil complaint against him because of the performance of his duty. I fully concur with the idea of backing him up. On the other hand I wonder if it doesn't make more sense to take care of this in advance and on a uniform basis, so that the trooper will know when he is in a desperate situation that may require the use of a firearm, that he won't have to wait until the next legislative session and hope that we go along with him but he will know in advance that there is insurance to protect him and his family from lawsuits of this type.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to the ladies and gentlemen of the House that the Highway Committee taking up

and passing that bill out "ought not to pass" were not in disagreement with the idea, it wasn't enabling legislation, they already have that right to purchase the insurance, and it was just a matter of funding, and hopefully the money will be in the budget for the funding of the insurance. We agreed with the concept and the idea. I agree with Mr. Richardson on this that we should at least back our troopers to the fullest extent.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I am very much in favor of backing our troopers to the hilt. I am very much in favor that this type of situation should not occur again. As a matter of fact, in the debate two days ago I posed the question to the Chair to my colleague from Cumberland, Mr. Richardson, and asked him that if the majority of the members of the Committee on Judiciary who signed the "ought not to pass" report tried to protect the State of Maine would see fit to reconsider, would the gentleman from Cumberland see fit to help the Committee on Judiciary abolish governmental immunity so that future legislatures won't be faced with this problem, and it will back every state employee in the state to the hilt. And as I read the record, Mr. Richardson replied "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 state and municipal governments responsible for the negligent acts of its servants."

Now I called upon our Majority Floor Leader, I left a message in his office the next morning, sometime around 8:30 or so, saying I would be available so we could work out something to protect every State employee in the state. His secretary was very nice, very gracious, and she told me later that she gave the gentleman from Cumberland the message, but apparently it may have slipped his mind

because I know he is a very busy gentleman.

Now what you will do if you pass out this bill today and ignore the Majority "Ought not to pass" Report, you're going to do something that is very seldom done in the administration of justice in this state. This case is already under litigation, it's already in the courts. Now, if you go along with Mr. Richardson, you're going to take this case away from its present position in the courts, you're going to pass special enabling legislation. The State of Maine is already backing up this trooper. The State's Attorney's office has hired a special attorney in Portland to defend Mr. Manduca at no cost to Mr. Manduca. The State is already paying for this man's defense.

This particular case on the plaintiff's side I suggest has no merit whatsoever and now if you go along with Mr. Richardson you're going to tie up by this resolve three judges of our very busy Superior Court, and I say that's not right and I hope that you will go along with the Majority "Ought not to pass" Report.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Those of you who know me at all know that things frequently do slip my mind. Unlike my secretary, I suppose I am not as gracious as she is certainly, but I do not recall being requested to participate in the preparation of legislation which would abolish the governmental immunity. My statement on record in response to the question of the gentleman from Houlton some days ago was that I would support liberalization of our present governmental immunity law. As I did at the 102nd Maine Legislature I believe that I supported the concept of removing various immunities to the extent that the agency was covered by public liability insurance and could insure against the loss.

Now I want to make it crystal clear that no change in the law which we might make will affect trooper Manduca. The bill that went through here earlier that

would permit the securing of public liability insurance for these gentlemen won't be of any benefit to trooper Manduca. The basic issue here is whether or not we are in effect going to give a vote of confidence to this officer and others similarly situated who are now confronting the possibility of a judgment far in excess of their ability to pay, the judgment being based purely on their carrying out of the job which we by our laws require them to carry out.

Therefore I again ask you to vote against the the acceptance of the "Ought not to pass" Report.

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

Mr. HEWES: Mr. Speaker and Members of the House: Getting to the merits of this particular bill, this is a \$618,000 bill. As the gentleman from Houlton said, the other suit against the state trooper is presently pending, and this bill would interrupt that pending suit.

I firmly believe in supporting the state troopers and if, per chance, the jury should find that Mr. Manduca is liable here, I certainly would be in favor of the state—of a bill—of a resolve paying the judgment and costs.

As Mr. Berman has said, the state is now paying for the lawyer's fees in defending the man. And this suit was brought by the parents of this 20-odd-year-old felon; they were harboring him; he was escaping at the time of the accident; and the only people that benefit under this \$618,000 matter would be the parents of this man who were harboring him. I back the motion of the gentleman from Houlton, Mr. Berman.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Houlton, Mr. Berman, that the House accept the Majority "Ought not 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 a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Houlton, Mr. Berman, that the House accept the Majority "Ought not to pass" Report. All in favor of this motion will vote yes; all opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Barnes, Bedard, Berman, Bernier, Binnette, Bourgoïn, Buckley, Burnham, Carrier, Carter, Cottrell, Couture, Crommett, Croteau, Curran, Curtis, Donaghy, Drigotas, Dudley, Emery, Eustis, Faucher, Fecteau, Finemore, Fortier, A. J.; Giroux, Hall, Hanson, Hawkins, Hewes, Huber, Hunter, Immonen, Jameson, Jutras, Kelleher, Kelley, K. F.; Keyte, Kilroy, Laberge, Lebel, LePage, Levesque, Marquis, Marstaller, McKinnon, McNally, McTeague, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Ouellette, Page, Payson, Rand, Ricker, Santoro, Soulas, Starbird, Temple Thompson, Waxman, Wheeler, White, Wood.

NAY — Baker, Benson, Birt, Boudreau, Bragdon, Brown, Bunker, Carey, Casey, Chick, Clark, C. H.; Corson, Cote, Cox, Crosby, Cummings, Cushing, Dam, Durgin, Dyar, Erickson, Evans, Farnham, Gauthier, Hardy, Harriman, Haskell, Henley, Heselton, Hichens, Jalbert, Kelley, R. P.; Lawry, Lee, Leibowitz, Lewin, Lewis, Lincoln, Lund, MacPhail, Martin, Norris, Noyes, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Stillings, Susi, Tanquay, Trask, Tyndale, Vincent, Watson, Wight.

ABSENT — Brennan, Chandler, Clark, H. G.; Coffey, D'Alfonso, Danton, Dennett, Fortier, M.; Foster, Fraser, Gilbert, Good, Johnston, Meisner, Quimby, Rocheleau, Williams.

Yes, 70; No, 63; Absent, 17.

The SPEAKER: Seventy having voted in the affirmative and sixty-three in the negative, the Majority "Ought not to pass" Report is ac-

cepted in non-concurrence and will be sent up for concurrence.

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

Bill "An Act relating to Installation of Sprinkler Systems in Hotels" (H. P. 260) (L. D. 336) (In House, passed to be engrossed as amended by Committee Amendment "A" (H-186 and House Amendments "A" H-214 and "B" H-235) (In Senate, House Amendments "A" and "B" indefinitely postponed and bill passed to be engrossed as amended by Committee Amendment "A")

Tabled—May 14, by Mrs. Boudreau of Portland.

Pending—Further consideration.

On motion of Mr. Scott of Wilton, the House voted to insist and ask for a Committee of Conference.

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

MAJORITY REPORT (6) — 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 "Ought to pass" in new draft (H. P. 1190) (L. D. 1509) under same title and MINORITY REPORT (4) reporting "Ought not to pass"

Tabled — May 14, by Mr. Temple of Portland.

Pending — Acceptance of either Report.

On motion of Mr. Scott of Presque Isle, retabled pending acceptance of either Report and specially assigned for Monday, May 19.

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

MAJORITY REPORT (7)—Committee on Transportation on Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 752) (L. D. 970) reporting "Ought to pass" in new draft (H. P. 1184) (L. D. 1505) under same title and MINORITY REPORT (3) reporting "Ought not to pass"

Tabled—May 14, by Mr. Lee of Albion.

Pending—Motion of Mr. Crosby of Kennebunk to accept Majority Report.

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

Mr. LEBEL: Mr. Speaker, I would ask a question to anyone on the Committee is the family of the dealers and the employees of the dealers, the salesmen, if they will all be used alike in this bill, if anybody wants to answer.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, poses a question through the Chair to anyone who may answer if they choose. The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, I don't know as I exactly understand the question, but under this bill the use of a dealer plate is limited to the salesman alone. His wife can use the car with a dealer plate, and the rest of the family can use the plate, but that would be the only plate which will be involved. The other members of the family will not have additional plates.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: In this L. D. 1505, there is three different kinds of dealers — the new car dealers, the used car dealers, and the heavy equipment dealers.

As the gentleman just said, the salesman can use the plate, but only the salesmen of the new and used car dealers. The salesmen of the heavy equipment dealers cannot use the plate; and more than that, the dealers themselves and the heavy equipment dealer cannot use his plate. So we are just working here for a small group, just the new car dealers and the used car dealers, and I will read here how it spells out:

“Dealers’ plates. New car dealers, used car dealers plate may be displayed on any new and used automobile, motor truck, or truck tractor owned or controlled by

the dealer with such vehicles in use for the personal use of such dealer”, which it says in the first paragraph: “New car dealers and used car dealers.”

So if we are working here just for a small group, this is why I am against this bill, and I do hope that we vote against it.

And in another paragraph here it says that the new car dealers and the used car dealers can buy transporter plates or a loaner's plate for the price of \$10 without buying the certificate. The heavy equipment dealer, if he wants a transporter plate or a loaner's plate, he has to buy a certificate at \$25 and \$10 for the plate.

So I feel this is not just to all; it's not fair for all the people. So I hope we do not accept the Majority “Ought to pass.”

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

Mr. CROSBY: Mr. Speaker and Members of the House: For the members of the House who were here during the last session, I am sure you will recall that we went through this same argument and as a result of the argument, perhaps, the bill lost.

So the Governor formed a committee made up of all of the people who were involved in this industry, and they have studied this for two years. L. D. 1505 is the result of this study, and they have all agreed that this is the bill that they would like to have passed. Now if there was any discrimination, I am sure that it would have been picked up long before this.

It was perhaps unfortunate that in our committee we had two very similar bills presented to us. We tried very hard to work out among ourselves a compromise so that we could present one bill before this House which could be discussed. But there were perhaps two areas where we could not agree. So as a result we now have two very similar bills before you today.

This L. D. 1505 I think accomplishes most all of the things that were intended to be accomplished. The first and primary objection, and the reason that this bill has been worked on and pre-

sented, was the fact that some people felt the dealer plates were being abused. Now under this bill it definitely defines and restricts the use of various dealer-type plates and corrects the abuses. Not only that, but the automobile dealers themselves have, in a way, penalized themselves to the tune of \$45,000 a year. They have accepted fees which will bring in the state \$45,000 a year.

Now I think they have made concessions. We tried to make concessions in the committee, but it was not possible.

Now we are talking about quite an industry, which in my opinion has already been clobbered quite badly in this Legislature. We have imposed an exemption to the automobile trade-in tax, and now we are talking about a minute amount of money which could perhaps penalize them further.

For your information, there are 330 new car dealers in the state and 600 used car dealers. They employ in excess of 6,000 people with a payroll of \$40,000,000 a year. They pay the state a sales tax of \$13,830,000.

Perhaps by restricting the use of a plate here and there something may be accomplished, but I fail to see what it is.

There is another bill before you which will do away with the dealer board. It will probably be brought up that this bill refers to the dealer board. If the dealer board bill is passed, then the other branch will amend the bill to take care of changing the name from the dealer board to the Secretary of State.

I think we are talking about very small, picayune items in this, and as the industry as a whole has agreed that this is something that they will live with, and as I say have made concessions, I think we should go along with the Governor's committee and with the dealers and pass this piece of legislation.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I concur with some of the things that the good Representative, Mr. Crosby has just related to you; namely,

these are the things that I concur with: that this group has been before us many times and always asking for something, like all the other special groups in the state. I concur with that amount. I concur with the amount of dealers that there are, but I do not concur that they pass this x-number of millions of dollars to the State of Maine in state tax. I say their customers pay that. If that was the case, I pay the state over \$24,000 myself in state tax, but this is not the case. I collect that from my customers, and I suspect they do the same. So this would not be a matter of fact.

I do want to point out to you that this committee naturally would make this report because this Governor's committee was made up of these very people, these very dealers. Naturally they want concessions, they do every legislature. And most legislatures, by the mere fact that we have been lobbied quite hard on this type of legislation, and most legislatures I have served in they have received these concessions. And they are not satisfied; they are here for more concessions.

Now I think we have got to consider the people as a whole, not just a small minority of dealers, whether they be used car dealers or new car dealers. I think that we have got to consider that they are getting away now; now they don't have to pay any excise tax because they are dealers. The other bill that comes before us allows them to buy their plates for \$10 and everybody pays \$15; you people pay \$15.

They have a lot of advantages, in my opinion now, and I don't think this House should be willing to give them any more at the present time. So I hope that this bill receives an "Ought not to pass" Report. Thank you.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: This is the paragraph I am wondering about — paragraph B. I'll go along with one part of it: "for the personal use of such dealer or the immediate families residing in the same household."

That I will go along with. I've got it in my other bill. But I was forced to put in my bill the other paragraph, and this is what it is — "for the personal use of persons regularly or directly employed in the automobile or truck business of said dealer as salesman or department heads." Just imagine how many dealer plates there would be on the road, I mean cars, on the road not paying taxes that they are paying today.

The salesmen today, just a few take a chance of driving a dealer's car on the road on Sunday. But if this adopted the department heads, and who are the department heads? In a garage there might be fifty employees working as they do there. Some have sixteen or twenty salesmen. Department heads would be like a grease department, sales department, parts department. How many? You might have about forty salesmen and department heads in just one big garage.

So if you feel this is good legislation you may pass it, but if you do pass this bill, I've got a lot of amendments to put on. I am against this bill. I request a roll call on this please.

The SPEAKER: A roll call is 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 acceptance of the Majority "Ought to pass" Report in new draft on Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." If you are in favor of accepting the "Ought to pass" Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Bedard, Birt, Brown, Buckley, Bunker, Carey, Chick, Clark, C. H.; Cote, Cox, Crosby, Cummings, Drigotas, Durgin, Dyar, Erickson, Evans, Finemore, Hall, Hardy, Harriman,

Hawkins, Henley, Immonen, Jalbert, Kelleher, Lee, Lewin, Lincoln, MacPhail, Marstaller, McKinnon, Millett, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Rideout, Ross, Sahagian, Scott, C. F.; Shaw, Snow, Soulas, Thompson, Trask, Tyndale, White, Wight.

NAY — Allen, Barnes, Berman, Bernier, Binnette, Boudreau, Bourgoin, Bragdon, Burnham, Carrier, Carter, Casey, Corson, Cottrell, Couture, Crommett, Croteau, Curran, Curtis, Cushing, Donaghy, Dudley, Emery, Eustis, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hanson, Haskell, Heselton, Hewes, Huber, Hunter, Jutras, Kelley, K. F.; Kelley, R. P.; Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewis, Lund, Martin, McNally, McTeague, Meisner, Mitchell, Moreshead, Morgan, Mosher, Ricker, Rocheleau, Scott, G. W.; Starbird, Stillings, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler, Williams, Wood.

ABSENT — Benson, Brennan, Chandler, Clark, H. G.; Coffey, D'Alfonso, Dam, Danton, Dennett, Foster, Good, Hichens, Jameson, Johnston, Keyte, Marquis, Mills, Nadeau, Richardson, H. L.; Santoro, Sheltra, Susi.

Yes, 56; No, 72; Absent, 22.

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

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

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

MAJORITY REPORT (7) — "Ought not to pass" — Committee on Transportation on Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 1056) (L. D. 1409) and MINORITY REPORT (3) reporting "Ought to pass" in new draft (H. P. 1185) (L. D. 1506) under same title.

Tabled — May 14, by Mr. Crosby of Kennebunk.

Pending — Motion of Mr. Lebel of Van Buren to accept Minority Report.

On motion of Mr. Lebel of Van Buren, the Minority "Ought to pass" Report was accepted, the New Draft read twice and assigned the next legislative day.

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

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

Tabled — May 14, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

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

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

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

Tabled — May 14, by Mrs. Lincoln of Bethel.

Pending — Passage to be engrossed.

On motion of Mr. Harriman of Hollis, retabled pending passage to be engrossed and specially assigned for Monday, May 19.

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

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

Tabled — May 14, by Mr. Gauthier of Sanford.

Pending — Motion of Mr. Lebel of Van Buren to reconsider passage to be engrossed.

The SPEAKER: Is it the pleasure of the House to reconsider? All 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 twenty-first item of Unfinished Business:

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) un-

der same title and MINORITY REPORT (3) reporting "Ought not to pass"

Tabled — May 14, by Mr. Moreshead of Augusta.

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

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Tanguay of Lewiston to accept the Minority "Ought not to pass" Report and specially assigned for Monday, May 19.

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

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

Tabled — May 14, by Mr. Huber of Rockland.

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

On motion of Mr. Benson of Southwest Harbor, retabled pending the motion of Mr. Richardson of Cumberland to reconsider passage to be enacted and specially assigned for Monday, May 19.

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

Bill "An Act relating to Fee for Breweries and Wholesale Outlets to Sell Malt Liquor" (H. P. 1178) (L. D. 1499) (In House, passed to be engrossed) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-150)

Tabled — May 15, by Mr. Hichens of Elliot.

Pending — Further consideration. Whereupon, the House voted to recede and concur with the Senate. (**Later Reconsidered**)

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

HOUSE REPORT — "Ought not to pass" — Committee on Judiciary on Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon" (H. P. 1031) (L. D. 1361)

Tabled — May 15, by Mr. Richardson of Cumberland.

Pending — Acceptance.

On motion of Mr. Carter of Winslow, the Bill was substituted for the Report, read twice and assigned the next legislative day.

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

HOUSE REPORT—"Ought not to pass"—Committee on Legal Affairs on Bill "An Act Reestablishing a Passageway for Boats Across the Dam on the Kennebec River at Augusta" (H. P. 899) (L. D. 1160)

Tabled—May 15, by Mr. Lewin of Augusta.

Pending—Acceptance.

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

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

HOUSE REPORT — Committee on Public Utilities on Bill "An Act Amending the Sanford Sewerage District" (H. P. 706) (L. D. 920) reporting "Ought not to pass", as covered by other legislation.

Tabled—May 15, by Mr. Gauthier of Sanford.

Pending—Acceptance.

On motion of Mr. Lawry of Fairfield, retabled pending acceptance of the "Ought not to pass" Report and specially assigned for Monday, May 19.

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

MAJORITY REPORT (6) — "Ought not to pass"—Committee on Legal Affairs on Bill "An Act to Authorize Municipalities to Incorporate by Reference the Provisions of Nationally Known Technical Codes Prepared by State or Regional Agencies" (H. P. 607) (L. D. 788) and MINORITY REPORT (4) reporting "Ought to pass"

Tabled—May 15, by Mr. Heseltin of Gardiner.

Pending—Acceptance of either Report.

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

Mr. McNALLY: Mr. Speaker and Members of the House: This bill and another one that I re-

quested to be tabled, which was my own bill, this bill would be known as the Maine Municipal Bill, and the bill I put in was in the interest of the contractors, and they're both heading down the same road. Now the Maine Municipal Association is preparing an amendment which will be attached to one of these bills and the other one will be killed, and I hope somebody will table this for another legislative day.

Thereupon, on motion of Mr. Norris of Brewer, retabled pending acceptance of either Report and specially assigned for Monday, May 19.

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

Bill "An Act relating to Agricultural Roads" (S. P. 403) (L. D. 1355) (In Senate, passed to be engrossed.)

Tabled—May 15, by Mr. Gilbert of Turner.

Pending — Passage to be engrossed.

Mr. Hardy of Hope offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-319) was read by the Clerk and adopted, and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Providing for Implied Consent Law for Operators of Motor Vehicles" (H. P. 1030) (L. D. 1339)

Tabled—May 15, by Mr. Norris of Brewer.

Pending — Adoption of House Amendment "A" H-327.

On motion of Mr. Birt of East Millinocket, House Amendment "A" was adopted.

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

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

Mr. BIRT: Mr. Speaker, am I too late to table this?

The SPEAKER: The gentleman may reconsider whereby this Bill was passed to be engrossed.

Thereupon, Mr. Birt of East Millinocket moved for reconsideration.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Birt of East Millinocket to reconsider and specially assigned for Monday, May 19.

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

Bill "An Act to Authorize Bond Issues in the Amount of \$9,800,000 to Provide Funds for School Building Construction under the Provisions of Section 3457 and Section 3459 of Title 20, R.S. and \$800,000 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) (Committee Amendment "A" adopted H-317)

Tabled—May 15, by Mr. Hewes of Cape Elizabeth.

Pending—Passage to be engrossed.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: This is a very important bill, L. D. 513. It's the state's commitment to the SAD's and the municipalities to pay for the new construction subsidy that it has agreed to pay, and apparently it is \$10,600,000. I have no complaint. In fact I agree that the state should honor its commitment and pay the amount.

What bothers me about this bill is the fact that it is being financed by bonding, by borrowing. This as I see it is a recurring expense and should be paid for by regular revenues. It would seem to me that if this is not, certainly, part of the Part I budget, it would be a Part I-A budget.

I don't feel that we should pass on to the next generation for the next twenty years, because this bill would provide a bond up to twenty years, a recurring expense such as this.

Two years ago we bonded, and it was then perhaps in the six million range. Two years in the future it will be at least this \$10,600,000 and apparently more. I don't feel that we are accepting our responsibility when we ask the younger generation over the next twenty years to pay the costs that are occurring right now.

Another factor, at the present time money is extremely tight so that the interest rate is as high as it has ever been during my adult life. We certainly have to pay the communities and the SAD's, the \$10,600,000. If it's put out to bond and the vote is to be the second Monday in October, it well may be that the public will vote down this bonding issue, and then where are we?

You will recall in 1967 several bonds were defeated. I submit that it would be better to have this \$10,600,000 item a part of the Part II budget, and if when this L. D. 513 comes to a final vote and is defeated, I will do my best to have an amendment to Part II, L. D. 1483, that would include this as a Part II item to be funded by tax revenue. Thank you.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Just to clarify some of the points made by the gentleman from Cape Elizabeth, I would point out that there is no question that in the past, until 1967, that the cost of such items were included in the Part I budget. Also we have to remember that since 1967 there has been no surplus and it cannot be made a part of what was then Part I.

I think there is one comment which he made which is worth thinking about. He indicates that this is a recurring expense. I think that we can look at it the other way, that you can say that we are building schools not for two years, but we are building schools that will be used over and over again. So granted we are not paying for it right now in one lump sum, but we are paying it as the school building is being used. And

so for that reason, it does make sense to bond a school building.

Now it is another matter about bonding teachers' salaries and bonding other provisions, for example, desks, and books, etcetera, in a school building. But it does make some sense to bond the construction of a school building when it is going to be around for a long time.

I would point also that the pending bond issues that were distributed on that sheet by the gentleman from East Millinocket, Mr. Birt, will not all see final passage. At this point there is already four that are dead, there are another couple that are in committee that are dead, and there are a couple more that are going to be amended, and so this figure of 172 million looks rather staggering, and indeed it is; but I am sure that all of you realize that this will not be the figure that this Legislature will be sending out to the people in November.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: The sheet that was circulated on your desk this morning relative to the bond issues was prepared by the Legislative Finance office, and I acknowledge that some of those have been defeated already. This is a list of the bond issues that have been submitted to this Legislature. There are a few of them, as the gentleman from Eagle Lake, Mr. Martin points out, have been already disposed of but there are many others that are not, and I thought that the Legislature as a whole might be interested in seeing what bond issues are presently before them.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In agreeing with the gentleman from Eagle Lake, Mr. Martin, I might suggest that he is correct in his assumption, and I discussed this with the good gentleman from Cape Elizabeth, Mr. Hewes.

This is a dead set commitment. We have no surplus. We have no

surplus in sight. We have raised the estimates to a breaking point.

Now in answer to his comment as to what we would do if this bond issue would not pass, we would have to come back here and re-issue, as we did at a special session, another bond issue, or use a wampum.

The SPEAKER: The pending question is the passage of this Bill to be engrossed. Is it the pleasure of the House that this Bill be passed to be engrossed?

(Cry of "No")

The Chair will order a vote. All in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 92 having voted in the affirmative and 20 having voted in the negative, the motion prevailed.

Sent to the Senate.

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

An Act Revising the State Purchasing Law (S. P. 253) (L. D. 793)

Tabled—May 15, by Mr. Donaghy of Lubec.

Pending — Passage to be enacted.

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

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

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

Tabled—May 15, by Mr. Dennett of Kittery.

Pending — Passage to be enacted.

On motion of Mr. Rideout of Manchester, retabled pending passage to be enacted and specially assigned for Monday, May 19.

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

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

Tabled — May 15, by Mr. Berman of Houlton.

Pending — Passage to be enacted.

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

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

Mr. HICHENS: Mr. Speaker, I move that we reconsider our action whereby on item one we receded and concurred with the Senate.

The SPEAKER: Bill "An Act relating to Fee for Breweries and Wholesale Outlets to Sell Malt Liquor," House Paper 1178, L. D. 1499. The gentleman from Eliot, Mr. Hichens, moves that we reconsider our action whereby the House receded and concurred with the Senate on item one under tabled and today assigned matters.

Whereupon, Mr. Emery of Auburn requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes and 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 Eliot, Mr. Hichens, that the House reconsider its action whereby it receded and concurred with the Senate.

Whereupon, on motion of Mr. Lawry of Fairfield, tabled pending the motion of Mr. Hichens of Eliot to reconsider and specially assigned for Monday, May 19.

Mr. Benson of Southwest Harbor was granted unanimous consent to address the House.

Mr. BENSON: I rise this morning to regretfully announce to the members of this House the passing of Malcolm P. Noyes of Franklin, County of Hancock.

Mac — as he was more affectionately known to many of us — was born in Jonesboro, educated in Portland High School, Washington Normal School, Boston University, and the University of Maine which awarded him a Bachelor of Science degree in Education.

In his early years of life, Mac was deeply interested in education and served as Principal in Steuben, Milbridge, and Franklin High School.

Later, being interested in affairs of government, he served in this body in the 87th — 88th and 89th Legislatures and served in the Senate in the 92nd — 93rd, 94th and 95th Legislatures. As many of you know, he later served as legislative agent and was well known to many of us for his kind assistance with the affairs of government here in Augusta of which he had an intimate knowledge.

In his later years, Mac was interested in farming, raised blueberries and Christmas trees. Only last year he received an award from the University of Maine as "Maine tree farmer of the year."

While Mac has been seriously ill for some time, many of us were glad to see that he was again a member of the Third House this session and visited with us last only two or three weeks ago.

The soft voice, easy manner, and pleasing personality of Mac Noyes is a sad loss to his community, Hancock County and the State of Maine.

On motion of Mr. Good of Westfield,

Adjourned until Monday, May 19, at four o'clock in the afternoon.