

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

Tuesday, May 20, 1969

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

Prayer by the Rev. Mr. Roy Moody of Gardiner.

The journal of yesterday was read and approved.

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

Report of the Committee on Legal Affairs on Bill "An Act Establishing the Auburn-Lewiston Airport Authority" (S. P. 424) (L. D. 1420) reporting Leave to Withdraw.

Report of the Committee on Retirements and Pensions reporting same on Bill "An Act relating to the Hospital Insurance Benefits Fund under State Retirement Law" (S. P. 300) (L. D. 993)

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Bill "An Act relating to the Average Highest Compensation under State Retirement System" (S. P. 111) (L. D. 322)

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 Education on Bill "An Act Appropriating Funds to Aid in Constructing a School Building in Danforth" (S. P. 310) (L. D. 1025) reporting "Ought to pass" as amended by Committee Amendment "A" (S-157 submitted there-with).

Report of the Committee on Highways on Bill "An Act Providing for Area Directional Signs on Maine Turnpike for Washington County Area" (S. P. 375) (L. D. 1285) reporting "Ought to pass" as amended by Committee Amend-

ment "A" (S-152) submitted there-with.

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Increasing Salaries and Duties of Liquor Commissioners other than the Chairman" (S. P. 151) (L. D. 432) on which the House accepted the Majority "Ought not to pass" Report of the Committee on State Government in non-concurrence on May 16.

Came from the Senate with that body voting to insist on its former action whereby the Minority "Ought to pass" Report was accepted and the Bill passed to be engrossed.

In the House: On motion of Mr. Dennett of Kittery, tabled pending further consideration and specially assigned for tomorrow.

Orders

On motion of Mr. Marstaller of Freeport, it was

ORDERED, that Rev. Lewis Cutler of Freeport be invited to officiate as Chaplain of the House on Monday, May 26, 1969.

Mrs. Boudreau of Portland was granted unanimous consent to address the House.

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: I feel that the atmosphere around here is getting heated and to alleviate the condition in one way I would move that the gentlemen be permitted to remove their jackets during the humid weather.

The SPEAKER: The gentleman from Portland, Mrs. Boudreau moves that to make it more comfortable today for the gentlemen of the House they be permitted to remove their jackets. Is this the pleasure of the House?

By unanimous consent the request was granted.

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

Mr. DENNETT: Mr. Speaker, I would inquire if House Paper 943, Legislative Document 1204, An Act relating to the Retirement of the Chief Liquor Inspector, is in possession of the House?

The SPEAKER: The answer is in the affirmative; House Paper 943, L. D. 1204 is in the possession of the House.

Mr. DENNETT: Mr. Speaker, I would move that we reconsider our action of yesterday whereby we recommitted this bill to the Committee on Retirements and Pensions and would speak to that motion.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House reconsider its action of yesterday whereby L. D. 1204 was recommitted to the Committee on Retirements and Pensions.

The gentleman may proceed.

Mr. DENNETT: Mr. Speaker and Members of the House: This morning I find myself in quite a dilemma. Yesterday, as you know, I moved that this bill be recommitted to the Committee on Retirements and Pensions in an effort in perhaps some small manner to cooperate with the Chief Executive according to his veto message. Now in his veto message in the last paragraph he says:

"I therefore request that said L. D. 1204 either be amended to vest the discretion for such an extension of mandatory retirement with the Governor and Council, or sustain my action to disapprove this measure."

Now apparently according to his veto message he offered this House an alternative, but there is quite a question how do you amend a veto bill. It is really a problem. According to House Rule number 51 it says in essence that the House shall sustain the Governor's veto, he shall override it, or that it may commit; but it doesn't say to whom it may be committed. But I naturally presumed that it would be recommitted, in this instance, to the committee from

which it originated, and my feelings on the matter were substantiated by many learned people on the subject.

However, on further investigation, we find that the other body has no such rule, that we can commit, but, bills such as this must be in concurrence and have the consent of both bodies—but the other body has no rule. Someone suggested that the other body might possibly suspend the rules, but again I ask, how can you suspend a rule that doesn't exist? So consequently this morning we are at our wits ends—or I am at my wits ends in some effort to work this bill out.

Now this veto message in itself is a most unusual document. In my brief experience in this legislative body I have seen a number of vetoes, but no veto message was ever put to the House exactly in the manner of this. Heretofore it has been customary if a Chief Executive had feelings contrary to a certain bill, or even portions of it, generally he called in the sponsor and said: "Look, I like this or I don't like it. It might be acceptable to me if you will do thus and so," and the Chief Executive has endeavored to work these things out. But I must say in this instance there has been no attempt. I have, as sponsor of the bill, never been contacted by the front office or never have I had any suggestions from any emissaries of the front office. So I will say frankly that this is rather a late hour to attempt to amend this bill.

It was further suggested that perhaps the Governor could withdraw his veto, and then by joint order that the bill could be recalled from the Governor's desk in an effort to work something out. But again there seems to be no precedent for any action such as this. So I think that regardless of you are for or against this particular bill, at least this morning I have your sympathies when you see my dilemma.

Under the circumstances I think perhaps one more day of further exploration of this matter in an effort to try to work something out that would be agreeable to all parties might be tried, and I would ask some kind person in this

House if they wouldn't lay this matter on the table for one legislative day.

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

Mr. RICHARDSON: Mr. Speaker, I move this matter lie on the table for one legislative day pending action.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that this matter be tabled until the next legislative day pending the motion of the gentleman from Kittery, Mr. Dennett that the House reconsider its action of yesterday whereby this bill and its accompanying papers were recommitted to the Committee on Retirements and Pensions. Is this the pleasure of the House?

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

Mr. LEVESQUE: Mr. Speaker, a parliamentary inquiry. Is this action within the realms of the rules of the House that a message such as this that was recommitted could be reconsidered the next day in view of the pending veto that was with the measure when returned from the Chief Executive?

The SPEAKER: The Chair would advise the gentleman and the House that we have one week to reconsider the veto message and parliamentarily the motion to reconsider whereby we recommitted as of yesterday is in order.

Is it the pleasure of the House that this matter be tabled until the next legislative day?

The motion prevailed.

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

Mr. BENSON: Mr. Speaker, I move that we reconsider our action of yesterday whereby we enacted Senate Paper 88, L. D. 278, An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson moves that the House reconsider its action of yesterday whereby L. D. 278 was enacted.

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

Mr. MORESHEAD: Mr. Speaker, I would like to make an inquiry. We moved for reconsideration yesterday and reconsideration was defeated. Is this motion in order today?

The SPEAKER: The Chair would advise the gentleman that inadvertently the reconsideration motion was made on the motion to indefinitely postpone. The motion is in order to reconsider the action of yesterday whereby this bill was passed to be enacted.

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

Mr. BIRT: Mr. Speaker, I move that the bill be placed on the table for one legislative day.

Whereupon, Mr. McTeague of Brunswick requested a vote on the tabling motion.

Mr. Brennan of Portland then requested a roll call.

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

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Southwest Harbor, Mr. Benson, that the House reconsider its action of yesterday whereby this bill was passed to be enacted.

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

Mr. JALBERT: Mr. Speaker, I am thinking the other—the things you have probably forgotten. I think the motion might be on the motion of the gentleman from East Millinocket, Mr. Birt to table.

The SPEAKER: The Chair would advise the gentleman that the motion is being stated, and the motion is the motion of the gentleman from Southwest Harbor, Mr. Ben-

son, that the House reconsider its action of yesterday whereby L.D. 278 be reconsidered; and the motion now is to table the motion of reconsideration. If you are in favor of this tabling motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Carrier, Chandler, Chick, Clark, C. H.; Clark, H. G.; Crosby, Curtis, Cushing, Donaghy, Durgin, Emery, Evans, Farnham, Faucher, Finemore, Fortier, M.; Gauthier, Good, Hall, Hardy, Hariman, Haskell, Hichens, Immonen, Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Lund, Marsteller, Meisner, Millett, Mosher, Norris, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Rocheleau, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Thompson, Trask, Wheeler, White, Wight.

NAY—Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Casey, Coffey, Corson, Cote, Cottrell, Couture, Crommett, Croteau, Cummings, Curran, Danton, Dennett, Drigotas, Dudley, Dyar, Erickson, Eustis, Fecteau, Fortier, A. J.; Foster, Fraser, Gilbert, Giroux, Hanson, Hawken, Henley, Heselton, Hewes, Huber, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, MacPhail, Marquis, Martin, McKinnon, McNally, McTeague, Mills, Mitchell, Morehead, Morgan, Nadeau, Noyes, Ouellette, Ricker, Sahagian, Santoro, Soulas, Starbird, Susi, Temple, Tyndale, Vincent, Watson, Waxman, Williams, Wood.

ABSENT—Baker, Cox, D'Alfonso, Dam, Johnston, Richardson, G. A.; Sheltra, Tanguay.

Yes, 64; No, 78; Absent, 8.

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

The pending question now is reconsideration.

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

Mr. BERMAN: Mr. Speaker and Members of the House: In the words of a good friend of mine of last week or some weeks ago, I simply am flabbergasted. The attacks on this particular piece of legislation, and with all due respects to the honorable gentlemen who occupy seats numbers one and two, it is simply amazing.

This legislation from its very inception has had hard sledding from just a small sector of this Legislature. We have gone over the matter time and again and this House has very carefully considered the matter. This bill will help in the administration of justice and I would like to read you a letter that was placed on my desk this morning by my good friend Representative William Hardy, and it is a letter from the former Republican State Chairman, which states in effect:

"Dear Bill:

I hope you will support for passage L. D. 278, an act which provides that nine jurors may return a verdict in civil actions.

The Judiciary Committee has recommended passage of this bill. I share that committee's view that it would advance the administration of justice in Maine. I also believe that there would be a saving of money inasmuch as some trials would be shortened as a result of the change.

The pending bill would not change the practice in criminal cases, where a unanimous verdict would still be required. It would, however, be a real forward step in civil cases.

I am confident that this would work as well in Maine as elsewhere in the jurisdictions which authorize such verdicts. I hope it may have your support. Yours very truly, David A. Nichols."

Very briefly, too, I would like to paraphrase something out of Shakespeare, when he talks about a jury passing and having to pass unanimously on any issue. And my paraphrase would read something like this: The jury passing on the defendant's case may in the sworn twelve have a miscreant or two guiltier than him they tried.

Now under the present law all you have to do is convince one

juror to hold out, or two jurors to hold out, and you have got to go through over the whole darn trial all over again. This puts the poor person at a very substantial disadvantage, and I hope that the House today will not reconsider, that the House will stand firm and be insistent that its will not be thwarted by a small segment who are, I say, unfairly attacking this bill.

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

Mr. BRAGDON: Mr. Speaker, I would like to pose a question to the good gentleman from Houlton, Mr. Berman, for the benefit of the laymen here in the House. I would like to have the gentleman explain why if this idea of our jury system of twelve jurors arriving at a verdict in a criminal case is good, it has been good over the years, and if it is good there can he give us a brief explanation of why it is not good in civil cases?

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

Mr. BERMAN: I do so choose to answer, Mr. Speaker. I will try to be brief. The question posed, frankly, is a very deep question; it is not necessarily susceptible of a brief answer.

In a criminal case the State, as I understand it, must sustain the burden of proof beyond any reasonable doubt in order to have a conviction. This is a very high burden. Therefore, in protecting the innocent and protecting the public, the State of Maine in its wisdom has incorporated in the Constitution, as I understand the Constitution, that twelve people—while it is not spelled out twelve, it has been so held by some eminent authority, are required in a criminal case.

Now in a civil case the burden of proof, as I understand it, is not the same as in a criminal case. The burden of proof in a civil case is what is known as a preponderance of the evidence, that the scales tip ever so slightly, either

on the side of the defendant or on the side of the plaintiff. Now what has happened in these particular cases is that where you have a lower requirement in the civil cases, lower in the sense that you do not have to sustain your proof beyond a reasonable doubt, a speedy and accurate administration of justice is best accomplished by a majority verdict and not by a unanimous verdict.

I hope that I have made myself clear to the gentleman from Perham, Mr. Bragdon; if not I would be glad to consult with him in the halls so as not to take up any more of the valuable time of this House.

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

Mr. BRAGDON: Mr. Speaker, may I pose one more question? If I understand the gentleman correctly, that with regard to criminal cases this is a part of the Constitution. Do I also understand him correctly that with regard to civil cases it is not?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a further question to the same gentleman, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. BERMAN: Mr. Speaker, in answer to that question I have researched this question very carefully. I have talked it over with eminent authority, namely Mr. Vincent McKusick, who is the author of Field and McKusick on Maine Civil Practice, and he agrees with me that in a civil case the Maine Constitution would allow a nine-man jury verdict.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I shall vote with the gentleman from Houlton, Mr. Berman this morning. However, it appears to me — not only today but over the many years that I have been here, that anyone who treads on any toes of any measure that comes out of the Judiciary Committee, the gentleman from Houlton, Mr. Berman becomes completely indignant.

Now I think that this is just as good a time as any to give vent

to a little bit of my feelings — it is not a very good day out, and we have had a Republican caucus, and I am lining myself up with Vince McKusick and Dave Nichols, so it doesn't help the situation any anyway with me. In the same vein, however, it seems that somewhere along the line no one can actually please the gentleman from Houlton, Mr. Berman. Now I tried to do it on May Day — that is on Law Day, by praising the attorneys from one end of the hall to the other, and I got clobbered for my problem.

Now yesterday I took sharp issue with a friend of mine in the corner from Madawaska, Mr. Levesque. This morning I was the first one to greet Mr. Levesque and I think he will attest to the fact that we had a very very pleasant and usual conversation. I sided with the other gentleman in the corner, Mr. Richardson. Before he called this caucus this morning I went at him with blood in my eye and he said that he was sorry, and that was the end of the argument.

Now somewhere along the line here — we will be here for a few weeks and I assure you that debates like yesterday are going to be not only few but far between, but they are going to be many and in close to us. So we might as well get accustomed to it and in that I am with the gentleman from Houlton, Mr. Berman, I'm with him because I think his bill is good — I mean that if he keeps on taking issue because he's amazed and he's appalled, and he's flabbergasted because somebody is against him, well on that basis then I should be long dead because a lot of people have been against me for a long long time and I am still around.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know and as all the lawyers know in the House, I feel neither strong one way nor the other on this bill. If anything I think the twelve jurors over the two hundred years has worked out very well. However,

as the gentleman from Houlton knows, the lawyers in my area are sort of half and half on this thing and this morning I feel a little shopworn.

I did get a letter from the Honorable David Nichols from Camden and the gentleman from Houlton, Mr. Berman realizes that the three of us were discussing this at the back of the House a few days before and I thought it might amuse him to see that Dave was following up his conversation with me. I didn't realize he was going to read this letter on the Floor of the House and it rather annoys me.

And so this morning I think for not the first time in my legislative career I will change a vote and vote for the twelve jurors rather than the nine.

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

Mr. MORESHEAD: Mr. Speaker, I feel that I should rise this morning to defend Mr. Berman. I do not believe that Mr. Berman's reasons for being upset on this particular matter are that certain people oppose him on the bill as far as the merits of the bill are concerned. I think his opposition and certainly mine are as to the tactics being used. We have fought this bill time and time again or at least four times in this House and the opponents of the bill have been defeated, and yesterday we moved for reconsideration because of a technicality. The bill is again before us this morning and I just feel that this House has much more business before it than this bill, and we have indicated on a number of roll calls that we favor the bill and we wish to have it sent to the Senate, and be enacted and passed into law.

Now if the opponents of the bill are going to pull out all the stops on every bill that's before the Judiciary Committee and fight us on every one of our reports we are going to be here a lot longer on these than we are on tax matters, and I assure you that we are not thin skinned in the Judiciary Committee because just about every bill we report out is usually fought or opposed and we do not mind it one bit. But I think there

comes a time when the opponents to our report or to our bills should realize the will of the House and go along with the will of the House and not use tactical methods such as are being used this morning to upset our committee reports and go against the will of the House.

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

Mr. BENSON: Mr. Speaker and Members of the House: All is fair in love and war. I didn't reconsider this this morning just to be funny, and if my memory serves me correctly I think I can remember back to the House defeating this bill at one point and it was held for reconsideration at that point by the proponents of the bill. Now I am not sure I'm right but I seem to recall that. Remembering this this morning I didn't know but we might if we talked about this enough times get back in that same frame of mind and defeat the bill.

Personally, I do not see the distinction that the gentleman from Houlton, Mr. Berman makes between civil cases and criminal cases. I think if I were the person involved in court in a civil case it would be extremely important to me and I think that I would feel much more comfortable in having a twelve man unanimous decision decide the outcome of this, and it is for this reason that I have asked for reconsideration and I hope that that motion prevails.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: Early in the session I produced the bill in order to hike the pay of our Jury Commissioners in York County, by the way of which there was one Republican and one Democrat so it was not partisan, and actually I inquired through them why they were seeking this pay hike. It appears that in earlier days when the process was that if they needed a jury they would call the City Clerk and he in turn, or the Town Manager or whatever it might be in each locale, he in turn would furnish a list of prospective jurors. In other words

it had already been hand picked and was supposed to be more qualified than the average one would be. However, this has changed because of the new way now the jurors are picked. They are picked from actually the voting list of every municipality and township.

For instance, in York County let's say there are 90,000 registered voters and they establish a factor of say 35 and then the Jury Commissioners meet and they pick every 35th name on a voting roster. Well this might sound all well and good but the point I am trying to make is this, that many of these gentlemen picked by this method are far from being qualified as jurors. I am a layman such as many of you are and I have had the opportunity of serving on a couple of juries and although these attorneys might tell you, well we screen these juries very carefully. Of all the juries that I happened to serve on unless one person or one juror was directly related to someone in the case I haven't seen much screening.

And of course you people here all being politicians, for instance, you can roll with the punch. In other words, if you have a bill that's defeated you can take it and it doesn't affect you too well or too harshly. On the contrary, you take a group of people that have never been assembled before and if the fever runs a little high and some one of them becomes obstinate, he gets to a point where he just won't listen and he is going to hang that jury, come Hell or high water. And this is why I believe that I will go along definitely with Mr. Berman's bill because I feel that it is a shame to have one person intentionally hold up twelve jurors without reason or cause. Thank you.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: Briefly I think we should rise above personalities here this morning and be consistent with our last four or five votes and vote against reconsideration and be done with this bill once and for

all and go on to more important matters.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Southwest Harbor, Mr. Benson, that the House reconsider its action of yesterday whereby this Bill was passed to be enacted.

Whereupon, Mr. Moreshead of Augusta requested the yeas and nays.

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

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Southwest Harbor, Mr. Benson, that the House reconsider its action of yesterday whereby Senate Paper 88, L. D. 278, An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits, be reconsidered. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Crosby, Curtis, Cushing, Donaghy, Durgin, Evans, Farnham, Finemore, Gauthier, Gilbert, Good, Hall, Hardy, Harriman, Haskell, Hichens, Immonen, Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Lund, Marstaller, Meisner, Millett, Mosher, Norris, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Rocheleau, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Trask, White, Wight.

NAY—Bedard, Berman, Bernier, Binnette, Boudreau, B o u r g o i n, Brennan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Cummings,

Curran, Danton, Dennett, Drigotas, Dudley, Dyar, Emery, Erickson, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Giroux, Hanson, Hawkens, Henley, Heselton, Hewes, Huber, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Keyte, Kilroy, Laberge, Label, Leibowitz, LePage, Levesque, MacPhail, Marquis, Martin, McKinnon, McNally, McTeague, Mills, Mitchell, Moreshead, Morgan, Nadeau, Noyes, Ouellette, Ricker, Ross, Sahagian, Santoro, Sheltra, Soulas, Starbird, Tanguay, Temple, Thompson, Tynedale, Vincent, Watson, Waxman, Wheeler, Williams, Wood.

ABSENT — D'Alfonso, Dam, Johnston, Richardson, G. A.

Yes, 60; No, 86, Absent, 4.

The SPEAKER: Sixty having voted in the affirmative and eighty-six in the negative, the motion does not prevail.

House Reports of Committees Ought to Pass with Committee Amendment

Mrs. Wheeler from the Committee on Legal Affairs on Bill "An Act relating to Compensation of Councilmen of City of Biddeford and Prohibiting Contracts of Councilmen and Mayor with the City" (H. P. 1055) (L. D. 1387) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-344) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

The Chair recognized the presence in the rear of the House of Mr. R. Vernon Gaddis, known as Gadabout Gaddis, the Flying Fisherman, and he was escorted to the rostrum where he briefly addressed the House.

The SPEAKER: The Chair would request the Sergeant-at-Arms to escort the gentleman from Lewiston, Mr. Cote to the rostrum to serve as Speaker pro tem; and the Chair would like to advise the House, particularly the new members, that Mr. Cote has served as Speaker pro tem since my first

days of coming here and I didn't want to break his record. I want to see him be pro tem Speaker in this session too.

Thereupon, Mr. Cote assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

Passed to Be Engrossed

Bill "An Act Permitting Acceptance of Personal Recognizances by Allagash Wilderness Waterway Rangers" (S. P. 68) (L. D. 191)

Bill "An Act Providing for Enabling Legislation for Municipal Zoning" (H. P. 843) (L. D. 1081)

Bill "An Act Amending Certain Provisions of the Charter of the Town of Old Orchard Beach" (H. P. 1199) (L. D. 1522)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Service Retirement of Law Enforcement Officers in the Department of Sea and Shore Fisheries and Department of Inland Fisheries and Game" (H. P. 1200) (L. D. 1523)

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

(On motion of Mr. Farnham of Hampden, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Amended Bills

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

Bill "An Act relating to Bids for Construction of State Highways" (S. P. 428) (L. D. 1427)

Bill "An Act relating to Disability Retirement and Retirement Allowances under State Retirement System" (H. P. 242) (L. D. 297)

Bill "An Act to Authorize Bond Issue in the Amount of \$310,000 for the Construction of Educational, Recreational, and Water and Sewage Facilities at the Indian Reservations" (H. P. 312) (L. D. 399)

Bill "An Act relating to Damage to Private Water Supplies Resulting from Alteration of Highways" (H. P. 445) (L. D. 569)

Bill "An Act Establishing the Law Enforcement Planning and Assistance Agency" (H. P. 1046) (L. D. 1374)

Bill "An Act to Authorize Bond Issues in the Amount of \$22,000,000 to Provide Funds for Foundation Program School Subsidies for the Period Beginning January 1, 1970 and Ending June 30, 1970" (H. P. 1143) (L. D. 1467)

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.

At this point, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair thanks the gentleman from Lewiston, Mr. Cote for his performance and he did a good job.

Thereupon, the Sergeant-at-Arms escorted Mr. Cote to his seat on the Floor, amid the applause of the House, and Speaker Kennedy resumed the Chair.

Third Reader Tabled and Assigned

Bill "An Act relating to Licensing of Ambulance Service, Vehicles and Personnel" (S. P. 263) (L. D. 867)

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

On motion of Mr. Birt of East Millinocket, the House reconsidered its action of yesterday whereby it adopted Committee Amendment "B".

On further motion of the same gentleman, Committee Amendment "B" was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-345) was read by the Clerk.

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

Mr. **SOULAS:** Mr. Speaker, Ladies and Gentlemen of the House: I rise today because as the Chairman of the Health and Institutional Committee I feel it is my responsibility to—disposition to relate to you exactly what has happened to

this bill to date. The bill was reported out of committee unanimously "Ought to pass," passed in both Houses until it reached enactment in this House, at which time it was referred back to the Committee for further consideration. It was hoped at this time to have this bill reported to a study committee. This failed and the bill was redrafted and brought back to both parties. Since it has been brought back, two amendments have been offered, and both actually restate the bill and bring it back to its original form.

Now I just want to speak briefly on the amendment which was just offered, and under article 62, " 'Ambulance personnel' means individuals responsible for the operation of an ambulance and the protection of the patient in preparation for and during transportation." This amendment says that, "except that 'ambulance personnel' shall not include those persons whose exclusive function is to drive an ambulance." I can just see what would happen if we had a shortage some day of an ambulance driver and only one man to help him get a patient ready and he sits in the car and says, "Well I'm only here to drive the ambulance. I can't help you get a patient ready."

We're not hiring chauffeurs to do this type of work. I further feel, because of the way the bill is so involved, I move indefinite postponement of L. D. 867 and all its accompanying papers.

The SPEAKER: The Chair advises the gentleman that the only matter now before the House is House Amendment "A."

Whereupon, Mr. Soulas of Bangor requested a vote on the question.

The SPEAKER: A vote has been requested on the adoption of House Amendment "A." All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

32 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

Thereupon, Mr. Soulas of Bangor moved the indefinite postponement of L. D. 867.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, now moves the indefinite postponement of L. D. 867.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of the gentleman from Bangor, Mr. Soulas, to indefinitely postpone and specially assigned for tomorrow.

Third Reader

Tabled and Assigned

Bill "An Act Creating Somerset County Commissioner Districts" (S. P. 319) (L. D. 1033)

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

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

Enactor

Tabled and Assigned

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

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

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

Mr. BENSON: Mr. Speaker and Members of the House: I would merely like to pose a question through the Chair to the sponsor, the gentleman from Durham, Mr. Hunter and ask if there is any money on this bill, if there is any cost involved?

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, poses a question through the Chair to the gentleman from Durham, Mr. Hunter, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: Yes, there is money involved. When I first proposed this legislation I thought there was a matter of about \$30,000. As I got into it, they rized it up to a matter about \$277,000, and I got cold feet

about it. And I hemed and hawed quite a lot and finally, I don't know. (Laughter)

It isn't very often that words fail me, but in this particular instance words seem to fail me. The idea is, if we don't do the meat inspection bill, the Federal Government is goin' to do it, but it's the very same thing in this bill as in the Federal Government bill. So I don't think it makes no difference at all. I give up. (Laughter and applause)

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

Mr. BENSON: Mr. Speaker, if the sponsor can't be any more enthusiastic than that, I move indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, moves that item 1, L. D. 493, An Act Creating the Maine Meat Inspection Act, be indefinitely postponed.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of the gentleman from Southwest Harbor, Mr. Benson that the bill be indefinitely postponed and specially assigned for tomorrow.

Passed to Be Enacted

An Act relating to Secondary Education in the Town of Islesboro (H. P. 509) (L. D. 630)

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

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

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

Orders of the Day

The Chair laid before the House the first 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 16, by Mr. Richardson of Cumberland.

Pending — Acceptance of either Report.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Realizing full well that this may be an attempt in futility later on during the session, I would just like to have the indulgence of the House for the purpose of debating these measures later on this week, and possibly tomorrow, that we would accept the Majority "Ought to pass" Report or Report "A" of the Committee, for the purpose tomorrow of debating these two next items and the possibility of adding on an amendment at the third reader stage.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

Thereupon, Report "A" "Ought to pass" was accepted, the Bill read twice, and assigned for third reading tomorrow.

The Chair laid before the House the second 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 16, by Mr. Richardson of Cumberland.

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

Mr. Susi of Pittsfield withdrew his motion to accept the Majority "Ought not to pass" Report.

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

Mr. JALBERT: For purposes of giving this bill the first and second reading and a possible amendment, and in fairness, I move the acceptance of the "Ought to pass" Report at this time.

Thereupon, the Minority "Ought to pass" Report was accepted, the

Bill read twice and assigned for third reading tomorrow.

The Chair laid before the House the third 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 16, by Mr. Levesque of Madawaska.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and assigned for later in today's session.

The Chair laid before the House the fourth 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 16, by Mr. Scott of Presque Isle.

Pending — Acceptance of either Report.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report of the Committee.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Majority "Ought to pass" Report of the Committee.

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

Mr. TEMPLE: Mr. Speaker and Members of the House: There are several aspects of this proposed arson bill, L. D. 1509, which concern me and the fire services throughout the State of Maine. We have here a bill which will transfer the responsibility for the investigation of the crime of arson from the Insurance Commissioner

to the Attorney General. The Fire Chiefs Association and other law enforcement agencies question the intent and, if passed, the effectiveness this document is reported to provide.

The crime of arson has historically been classified as a heinous crime, a crime against the home and property of another, a crime whose roots go back into the earliest times of recorded history. Arson by its very nature is undoubtedly one of the most, if not the most, difficult crimes to investigate and successfully prosecute.

We are being asked to transfer the responsibility of arson investigation from a group of men who in total have 153 years of experience in arson investigation and successful judicial action. This represents literally tens of thousands of investigations, not many of which were arson, but all had to be investigated to determine the cause.

At a recent meeting in Bangor, a representative of the Attorney General's Department, while addressing the State Fire Chiefs Association, pointed out that successful arson investigation in the State of Maine had been declining to a little over a 50 percent rate of conviction. This, I submit, is not a record to be ashamed of. It was pointed out at the same time that the Attorney General's office was successfully prosecuting 95 percent of all homicide committed in our state. They are trying here to compare apples with oranges. In murder you at least have a body; in arson many times you have only ashes.

The fire chiefs are concerned, and rightly so, and question what effect this legislation will have upon their excellent working relationship with the Division of State Fire Prevention. I cannot answer this question nor do I believe anyone in this body can.

We are told by the Attorney General's office that they will select three state troopers and send them to be trained under an arrangement established by a New England compact. I have been unable to determine exactly what this training consists of other than investigatix techniques, evidence

presentation, and other areas related to general investigating procedures. I question how effective this training may be in the specific field of arson investigation, for this area requires knowledge which must be gained from experience. Our body is achieving the reputation for being thrifty. Will we be asked to provide funds for the training of these new men when we already have trained personnel who receive no money from the General Fund but are financed through dedicated revenue?

Another problem I foresee arising from this proposed legislation is that of adequately serving the fire services of our state. It would be virtually impossible for three men, three trained but inexperienced men, to investigate the many fires occurring in this state, and from necessity they would have to be assisted by members of the Division of State Fire Prevention. I believe under existing statute, the Attorney General now has the authority to investigate fires or any other felony occurring in the State of Maine, and I know for a fact that his Department has worked closely in the past with the Division of Fire Prevention.

In conclusion, the State Fire Chiefs Association are today, and have for some time, been working on a plan to remove the Division of State Fire Prevention from the office of the Insurance Commissioner and establish a State Fire Marshal's office.

At their recent quarterly meeting at Bangor, State fire chiefs unanimously voted to oppose passage of this legislation. I feel that the fire chiefs in Maine represent the interests of the people of this State in this area, and I suggest that we give them adequate time in which to formulate an effective plan which, I believe, will be far superior than the proposed legislation.

Therefore, Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Temple, now moves that both Reports and Bill be indefinitely postponed.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: I hate this morning to oppose my friend Mr. Temple of Portland and also my friends in the fire service of Maine. I feel there is considerable misunderstanding in this situation and before I forget it I would like when the vote is taken that it be taken by the yeas and nays.

I rise this morning as sponsor of L. D. 1509 to explain the history of why this bill was introduced.

When our present Insurance Commissioner Frank M. Hogerty took office following the death of the previous commissioner, he found to his consternation that among the other duties of his office he was charged by statute with investigation and preparation leading to arrest and conviction for the crime of arson. Now while Commissioner Hogerty is one of the most knowledgeable in insurance matters ever to hold this office, he is as perturbed as you or I would be at being thrust by statute into the most difficult field of criminal law and investigation.

The duties in regard to arson are, as previously stated, presently being carried out by the Division of Fire Prevention under the supervision of its Director Charles Rogan, with a meager force of eight inspectors covering this very large state.

But the duties of these eight inspectors also consist of so many more things such as inspection of hospitals, schools, nursing homes, fairs, carnivals and all public buildings and so forth. That not only was the staff, training and equipment meager but the time left over to these hard working men for arson investigation was so limited as to be disastrously inadequate in curbing the crime of arson. I do not in any way intend to cast any reflection on the dedicated and hard working men of the Fire Prevention Division.

I personally know most of these men and the work they are performing under great difficulties.

However, the recent Supreme Court Rulings such as the Miranda

and Escapudo decisions have made the work of law enforcement and investigating officers much more difficult.

The advent of a new Insurance Commissioner has focused light on a great weakness in our state government. This weakness is that Maine has not had a legally oriented and coordinated arson investigation team. Past investigations have not been fully coordinated with either the Attorney General's Department or with any other legal source right from the start of the case. Legal assistance has been spasmodic and at times too late.

It is time that Maine provided these men with legal assistance and advice right from the start of each case, and not later.

In regard to arson in general, the 103rd Legislature passed a watered down version of a model arson law in effect in most other states. In supporting passage of this law, I reported to the 103rd that arson was on the increase in Maine — and if you do not believe that just read your papers. But the trend presently seems to be the complete disregard for the property of others — vandalism and destroying property; not by the owners of the property, but by groups of young, and not so young, people.

Also reported to the 103rd were rumors of citizens arming themselves to protect their own property with danger resulting to innocent citizens. The 103rd Legislature was given a choice of vigilantes or vandalism. These same statements are even more valid today as they were two years ago.

Now the original L. D. 220 — which the fire chiefs associations primarily oppose, did have some defects. These defects, however, have been hammered out by conferences between Commissioner Hogerty and Director Rogan and Assistant Attorney Generals Starbranch, Lilley, and Cohen.

This L. D. 1509 in effect is a wedding of the legal know-how of the Criminal Division with that of the investigation ability of the Fire Prevention Department.

Many arson cases have been lost in the past on technical legal

points not allowed for by the investigators.

In some cases, we have had too many law enforcement people on a case getting in each other's way and in some cases destroying the evidence. This has been true when town police, Deputy Sheriffs, Arson Inspectors, and the like all descend on one case.

In answer to some of the questions raised, the intent of this Bill is not to take away the investigative authority of the men in the Fire Prevention Department. They still have it. They are going to, however, when they go out and investigate a fire and they believe it is arson, then notify the Attorney General's Department who then will coordinate all the activities. Now this is not a major change and I submit to you that Maine needs a coordinated law enforcement team. These men will still be investigating the fires and will still have their investigative authority.

In regard to the desire of the State Fire Chiefs Association to have a fire marshal, a state fire marshal in this state, I submit that this law that we are discussing today will not interfere with that. A state fire marshal will still have to work under legal supervision.

I hesitate to bring up one other question in regard to the statement that there is 153 years of arson investigation among the present eight men. There perhaps is. But I submit to you that recently a case in this state, the case was lost because a member of the Division of Fire Prevention was disqualified in court as an expert on arson. This was unfortunate; we were all sorry for it. This was reported in the Lewiston Daily Sun of August 13, 1968.

I strongly feel that Maine needs this legal coordination and I certainly, if I was the Insurance Commissioner, would want it to be where it should be — namely the crime division of the Attorney General's Department. Thank you.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: It grieves me deeply to be on the

opposite side from my very good friend Mr. Dennett of Kittery, I happen to be an insurance broker. Now this very briefly means I am the agent of the people. I am not the employee of an insurance company. I am not an agent of an insurance company. And I must oppose the theory that this should be transferred from the Department where such a good job has been done over the years to an Attorney General's department in such a shot-gun wedding as has been described here.

I can't become perturbed, as was described as the situation of the present Insurance Commissioner. It would cause me quite great consternation if this change were made.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise this morning opposed to the motion made by the gentleman from Portland, Mr. Temple, and in support of the gentleman from Presque Isle, Mr. Scott. The Committee on State Government spent considerable time with this bill. This bill was introduced some time ago and I think we explored every angle, we tried to entertain every objection, and we finally passed it in new draft on this bill.

The Legislature in its wisdom elected an excellent man as the Attorney General of the State of Maine and he is the Chief Law Enforcement Officer of this State. The Governor in his wisdom made an excellent appointment when he appointed the present Insurance Commissioner to his post. They are both excellent men in every respect. Mr. Hogerty however, he is an insurance man. His duty to the State of Maine is to see that the people of this State are protected in matters of insurance. He is not there on behalf of the agents; he is not there on behalf of the companies; he is there on behalf of the people of this State. The Attorney General too is there on behalf of the people of this State as its Chief Law Enforcement Officer.

Now the crime of arson, and it has been admitted by all con-

cerned that arson is a crime—in fact it is a horrible crime. Probably more murders actually result from arson than we will ever know about, and it is certainly the duty of the Attorney General of this State to enforce all laws relative to criminal activities. In short, the Arson Division for all purposes has no place in the Insurance Department. Its place is where it rightfully belongs in the Division of the Attorney General.

Now there is no politics in any sense involved in this bill. It is not a party issue in any way. It is a bill for the benefit of the people of the State of Maine. Mr. Hogerty, the Commissioner, realized the fact after many many years that this bill had no place in this office whatsoever and took the matter to the Attorney General who agreed that it should rightfully belong in the Attorney General's Department.

Now I realize that this bill has been fought very hard by the fire chiefs. Why, I just simply can't understand. I could perhaps guess that through long association with these gentlemen presently attached to the Fire Inspection Division, they might possibly have been influenced by these men who are certainly their friends, because I think again the people in this division feel they have a happy home and would like to remain there. Now this bill in no way contemplates any person losing their job, being discharged, dismissed. They would continue with their regular activities but the prosecution of this and the criminal investigations placed in the department where it rightfully belongs.

This bill has not been without its comic aspects. I can recall very vividly the Chief of the Fire Department in the City of Portland appeared before the Committee and stated steadfastly that the City of Portland had little or no incident of arson, and even while this gentleman was speaking the Elk's Home in Portland was burning furiously, the result of an incendiary fire. Be this as it may, there was a case again in the City of Portland where Boone's Restaurant burned; arson was suspected. An alleged culprit was

found and apparently brought before the bar of justice. The Court ruled that the Fire Inspector that was prosecuting and appeared as a witness on the case was disqualified because his knowledge of arson was not sufficient to admit him as an expert witness.

Now if this department is transferred you will not be confronted with questions such as this. These men will all be duly qualified; they will be able to appear in court and they will testify. They will have the strong backing of the Criminal Enforcement Division of this state, and this certainly is where it belongs.

As Mr. Scott has told you, there has been incident of arson after incident within this state, particularly in the northern part of the state, in the County of Aroostook. Everyone knows how the potato houses have been burned, how fires of all kinds of mysterious origin have taken place, many of these at a great cost of personal property and in some instances human lives.

I think that this morning we should leave out personalities as regards our feeling for any group of people and try to do this morning what is in the best interests of this state, which we all love, and I hope you will vote against the motion made by the gentleman from Portland, Mr. Temple.

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

Mr. DONAGHY: Mr. Speaker, I'd like to through the Chair ask any attorney here — I'm not an attorney, but I am wondering if now that it is not the Attorney General's Department that is responsible for prosecuting these cases in court and also qualifying his witnesses beforehand?

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

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: It is my understanding that the Attorney General at this

time has the authority to prosecute crimes against the state.

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

Mr. TEMPLE: Mr. Speaker and Ladies and Gentlemen of the House: I did not want to get into any personality argument either with my good friend, Representative Dennett, or my good friend Representative Scott. But we must face one fact. Today we are passing on a situation in the State of Maine that concerns 12,000 individuals. These 12,000 individuals are your fire departments in 347 organized fire departments in the State of Maine.

We know who the arson investigator is in the State of Maine. It is the fellow that is the first man to arrive at the scene of a fire, the lowly firefighter who knows the building by previous inspection. When he enters into this building, he is the one that has to decide very quickly if there is any evidence of arson in any way, shape or manner, and that any evidence is preserved by his thoughts and actions.

The fire service in the State of Maine don't want this legislation. The fire chiefs in the State of Maine don't want this legislation.

Another thing I would like to mention — I don't want to be too long, but I do feel that the members of this House should have the facts. Here is a case — we are not going to expand one department, we are going to expand two, the Attorney General's Department and State Police. If you have the funds to do it, maybe that is fine.

And I would like to leave you with this one thought, the fire chiefs do request a little time to solve this thing and work it out, and I hope you will vote for my motion. Thank you.

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

Mr. SCOTT: Mr. Speaker and Members of the House: First, in further answer to Mr. Donaghy's question as to whether the present Attorney General has the authority to — I'm not a lawyer, but as it has been explained to me, the present Attorney General does

have authority, but usually he is called in by the local county attorney. The local county attorney has been handling some of these cases; the Attorney General has been handling some. However, the actual statute at the present time, the Attorney General's Department, now in regard to homicides arising because or from arson, has authority to step in as he does on all homicide cases; but other than that there is some gray areas in the law, and that is what this bill is to pick up.

In further answer to Mr. Temple's statement, trying to infer that there is a price tag on the bill, there is no price tag on this bill. At the present time these same men in the Arson Division or in the Prevention Division are going to be doing the same work except, instead of waiting too late along in their investigation to get legal assistance, they now will have it right from the ground up, and I assure you we need it in this state.

I'm sorry that the Fire Chief's Association have, I think, been a little confused on this bill. The original bill, L. D. 220, was what they were opposed to. I myself felt it had some defects. However, these defects I feel have been changed now so that it should be satisfactory, and Mr. Rogan was a party to the conference that made these changes and some of his suggestions were incorporated in L. D. 1509.

Now all of the opposition — in fact the letters from the Fire Chiefs Association, is aimed primarily at L. D. 220. I don't feel that they have given adequate time and consideration to the re-draft, L. D. 1509, and for this I am indeed sorry because I feel it is a good bill, I feel if they fully understood it most of the fire chiefs would withdraw their opposition. Thank you.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have been reading over this bill previous to presentation in this House. There is one point here that hasn't been brought out, and as anyone ever connected with

a fire department would know, in order to prove arson you have practically got to see somebody light the match. There is no question that it is one of the hardest cases in the Criminal Division to prosecute.

But the one point here that sticks in my mind is the fact that I have never met a fire chief who has a legal mind to present the evidence in court to secure a conviction. I don't know of any department that has a legal talent of this nature. The only place we are going to find that will be in the Attorney General's office where they have the training for this legal type of work.

I am going to sit down and just simply support this bill.

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

Mr. McTEAGUE: Mr. Speaker, as I understand the current law and this bill, at this time the investigation is done under the Insurance Department, and ultimately the prosecution is done by the county attorney or by the Attorney General's office. I view the effect of this bill, and I hope that some more knowledgeable member would correct me if I am wrong, but I view the effect of this bill as physically transferring men involved in fire inspection from the Insurance Commission to the Attorney General's Department.

I find it a bit difficult to understand why the type of legal advice that fire inspectors and arson inspectors need cannot be made available to them if they are in another department. I am certain that the Attorney General office would be willing to cooperate on this and I am certain that the Insurance Commission and the fire inspection people would be happy to have the advice readily available to them at the beginning of the investigation.

Although this is a criminal matter, arson, it's a very special type of criminal matter that has traditionally been under the jurisdiction of the fire agencies, the fire prevention agencies. I can imagine legislation being presented that would put certain sanitary and food inspection services that now

may be under the Department of Health and Welfare under the Attorney General, based on the argument that only his department has the legal knowledge necessary. Of course the Attorney General should represent that state, and I am certain he has and will. But I don't see why we have to put all these various agencies under his department before he can give them legal advice or before he can prosecute a case based on evidence that they have gathered.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Portland, Mr. Temple, that Bill "An Act Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General," L. D. 220, in new draft, L. D. 1509, be indefinitely postponed. 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 on the motion of the gentleman from Portland, Mr. Temple, that L. D. 1509 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed, you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Barnes, Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carter, Cote, Cottrell, Curran, Curtis, D'Alfonso, Dam, Danton, Donaghy, Drigotas, Fortier, A. J.; Foster, Fraser, Gilbert, Hall, Hanson, Hunter, Jalbert, Jameson, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, McKinnon, McTeague, Meisner, Millett, Mitchell, Moreshead, Morgan, Ouellette, Santoro, Sheltra, Starbird, Tanguay, Temple, Vincent.

NAY — Allen, Baker, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Carey, Carrier, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cox, Crommett, Crosby, Croteau, Cummings, Cushing, Dennett, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, M.; Gauthier, Giroux, Good, Hardy, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McNally, Mills, Mosher, Nadeau, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, Watson, Wheeler, White, Williams, Wood.

ABSENT—Casey, Couture, Dudley, Heselton, Johnston, Marquis, Richardson, G. A.; Soulas, Waxman, Wight.

Yes, 50; No, 90; Absent, 10.

The SPEAKER: Fifty having voted in the affirmative and ninety in the negative, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report in new draft was accepted, the New Draft read twice and tomorrow assigned.

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

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

Tabled — May 16, by Mr. Harriman of Hollis.

Pending — Passage to be engrossed.

Mr. Harriman of Hollis offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-318) was read by the Clerk.

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

Mr. HALL: Mr. Speaker and Members of the House: This bill here before us today, Amendment "A", is just the bill that was brought in here last March. when

it was turned down 91 to 41, it was the purse supplement fund; and therefore having this like this I would like to have Amendment "A" indefinitely postponed.

The SPEAKER: The gentleman from Windham, Mr. Hall, moves that House Amendment "A" be indefinitely postponed.

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

Mr. HARRIMAN: Mr. Speaker and Ladies and Gentlemen of the House: This amendment does nothing to L. D. 1375 than what has already been done by this House. The paragraph taking the Gorham period of racing and giving it to Scarborough was passed four or five weeks ago. It makes a small amendment to Section 307 which was recommended by the Attorney General's Department; the same is true of an Administrative Hearing Commissioner. This does nothing to change the intent of the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Windham, Mr. Hall—

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

Mr. HARRIMAN: Mr. Speaker, is it permissible to speak on this bill at this time?

The SPEAKER: The gentleman may continue. He has only spoken once prior to his offering of an amendment.

Mr. HARRIMAN: I would like to explain to this House what L. D. 1375 would do if enacted. It is my belief that the State of Maine does not need two racing commissions to handle the small amount of pari-mutuel betting we have in this State, when, according to my research, only four other states have two racing commissions; namely, New York, Delaware, Illinois, and Kentucky.

New York bets 17 times as much money as Maine does, Delaware bets 6 times as much, Illinois 20 times as much, and Kentucky 5 times as much.

It costs us in Maine at the present time for our two commissions \$7800 per year plus expenses of over \$12,000, 10% of which was for out-of-state travel. There are, ac-

ording to the research I have, only three states with pari-mutuel betting that have a higher cost of administration than our State; namely New York, Massachusetts, and Ohio.

There are people who have said, and will probably say again, that this is not a good time to enact this bill with a new owner at Scarborough and Gorham. It was recommended in 1957 by a government survey, paid for with the taxpayers money, that these commissions be combined and although there was no new owner involved in 1957, the recommendation was not carried out. I suggest that for some people no time would ever be right.

It has been suggested that neither the harness race people or the running race people want one commission.

This is probably a statement of fact, but to me this is all the more reason why we should have one commission, not two commissions, arguing over racing dates for their particular branch of the industry they represent, but a commission that would look over racing dates allocated to commercial racing on the basis of what is best for the State, what would return the most to the General Fund in revenue. Outside of racing at fairs, which is an institution and a tourist attraction, other dates should be looked at only on the basis of revenue which is the reason pari-mutuel betting was passed in the first place, or at least the reasons given at the time this system was inaugurated.

The money to be saved, of possibly \$10,000 per biennium, is not a large sum but is particularly worth saving when by saving it you get a more efficient operation.

It has been said that we have no people in Maine who have the experience or knowledge to serve on one commission as the operations are as different as black and white. Are we to believe that this is the truth when our neighboring states, Vermont and New Hampshire, have only one commission and New Hampshire does not specify in their law that any member has to be a member of an agricultural society, although Vermont does specify?

The statement has been made by some that one commission would make that commission subject to political patronage. I ask you, What do you call the present system?

The Members of this House have all been advised that L. D. 528, which was defeated, that took away from extended race meets and commercial interest their supplemental purse money but did nothing to disturb the fairs which I believe should be protected. They are, as I said before, a state institution, and a big tourist attraction.

This bill also attempted to take from Scarborough Downs the 1/6 of 1% given them for repair maintenance and operation. This bill was killed because most of the legislators were convinced that supplemental purse money was essential to bringing to this State better horses to upgrade the quality of racing which would, in the long run, increase the State's revenue from racing.

On this premise, you will note that this L. D. takes from Scarborough Downs their 1/6 of 1% of the state tax presently given for repair maintenance and operation and puts them on the same basis as the harness race men of having 1/6 of their tax returned for supplemental purse money, and there is no question but what the quality of horses has to be improved at this location, working again on the premise that higher purses bring better horses, and eventually increase the State's revenue.

This money from Scarborough would go into the same pool that the harness race money goes at the present time, which has another advantage.

As I have said before, harness racing at fairs has long been an institution here in our State and a big tourist attraction. Should the big tracks with the better facilities and more money to attract the public in the future get the bulk of the pari-mutuel money from better facilities and from the fact that there is just about so much money in this state to bet anyway, the supplemental purse money that the fairs now get would not be reduced and they would

still be able to race during fair weeks.

This bill will save money, give better regulation of the industry, increase state income, protect the fairs, and spread the money among the horsemen who need it much more than the track operators. And I hope you will vote for this amendment and the bill.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Windham, Mr. Hall, that House Amendment "A" be indefinitely postponed. All in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 59 having voted in the affirmative and 49 having voted in the negative, the motion prevailed.

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

Mr. HALL: Mr. Speaker, I wish to move indefinite postponement of the bill and all its accompanying papers.

The SPEAKER: The gentleman from Windham, Mr. Hall, now moves the indefinite postponement of Bill "Act to Establish the State Racing Commission", House Paper 1047, L. D. 1375. The gentleman may proceed.

Mr. HALL: I ask that it be taken by the yeas and nays.

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

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: This bill was heard by the Committee on State Government. It came out of the Committee with a unanimous "Ought to pass" Report.

This bill contemplates the merging of two commissions in the State of Maine and all the evidence that seemed to be presented to the Committee weighed very heavily in favor of this merger.

There seems, as Mr. Harriman has stated, to be no need for two commissions paying double salaries and, shall I say, honorariums, where one can do the job. I think it is certainly in the interest of economy to this state to merge

these two commissions and have one instead of two, and I would hope under these circumstances that you would vote against the motion made by my very good friend, the gentleman from Windham, Mr. Hall.

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: I feel that I should speak against the passage of L. D. 1375 today. In the first place I cannot see the need for this piece of legislation at the present time.

At its best, it would only temporarily save \$3900 in salaries — that is \$1200 for each of two commissioners and \$1500 for the chairman. I believe that others would have to be employed to do the work now being done by the three commissioners in question and the expenses would be the same either way. So why change the present law?

State racing is big business today, netting to our state upwards to one and a half million dollars yearly.

The fair associations throughout our state are opposed to this legislation, and I hope that you will vote against its passage.

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

Mr. HARRIMAN: Mr. Speaker and Ladies and Gentlemen of the House: In reply to my good friend from Augusta in regard to the extra employees, there would be, as far as I can see, no need of extra employees. The Commissioners are set up for administering and they hire the necessary employees now to take care of both tracks, and I see no need of further. The amount of money to be saved as far as I can see with this bill is incidental. The thing that we should stress, we should have in the state an efficient operation of the race industry if we are in it for making money; if we are not in it for making money, forget it.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Windham, Mr.

Hall, that this Bill be indefinitely postponed. He moves that when the vote is taken, it be taken by the yeas and nays. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Windham, Mr. Hall, that House Paper 1047, L. D. 1375, Bill "An Act to Establish a State Racing Commission" be indefinitely postponed. If you are in favor of the motion, you will vote yes; if you are opposed, you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Allen, Benson, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brown, Buckley, Burnham, Carrier, Carter, Casey, Chick, Clark, H. G.; Coffey, Cottrell, Couture, Cox, Croteau, Curtis, Cushing, Drigotas, Dyar, Emery, Erickson, Eustis, Evans, Faucher, Fortier, M.; Foster, Gilbert, Giroux, Good, Hall, Hanson, Hardy, Hawkens, Henley, Hewes, Immonen, Jalbert, Jameson, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lee, Leibowitz, LePage, Lewin, Lewis, McNally, McTeague, Meisner, Mills, Mitchell, Moreshead, Morgan, Mosher, Norris, Noyes, Ouellette, Page, Porter, Quimby, Richardson, H. L.; Ricker, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Temple, Tyndale, Waxman, Wheeler, Wight, Wood.

NAY—Baker, Barnes, Bedard, Birt, Bragdon, Brennan, Bunker, Carey, Chandler, Corson, Cote, Crommett, Crosby, Curran, Dam, Danton, Dennett, Donaghy, Durgin, Farnham, Fecteau, Finemore, Fortier, A. J.; Fraser, Gauthier, Harriman, Haskell, Hichens, Huber, Hunter, Jutras, Kelley, K. F.; Lawry, Lebel, Levesque, Lincoln, Lund, MacPhail, Marsteller, Martin, McKinnon, Millett, Nadeau, Pratt, Rand, Rideout, Santoro, Sheltra, Starbird, Susi, Tanguay,

Thompson, Trask, Vincent, Watson, White, Williams.

ABSENT — Clark C. H.; Cummings, D'Alfonso, Dudley, Heslton, Johnston, Laberge, Marquis, Payson, Richardson, G. A.; Soulas.

Yes, 82; No, 57; Absent, 11.

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

Sent up for concurrence.

The Chair laid before the House the sixth 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) under same title and MINORITY REPORT (3) reporting "Ought not to pass"

Tabled—May 16, by Mr. Susi of Pittsfield.

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

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I rise this morning in opposition to the acceptance of the Minority "Ought not to pass" Report.

This bill if passed would allow the sale of wine, table wines, in retail stores in the State of Maine, and table wines are set forth in the bill as being wines with an alcohol content of not more than 14%.

Now this bill includes within it the local option whereby in November of 1970 the communities would vote to determine whether or not in their communities the sale of table wines would be carried out at the retail store level. If the community voted against the local option, then retail wines would not be sold in these stores in those particular towns.

Now this bill has been favored by the Liquor Commission and has the approval of the Commissioner, and the reasons are set forth in a statement, which many of you have received, and I would like to just read to you a part of it. "Table wines represent 3% of all bottles sold, 13% of items on the

list, and represent only 1.88% of the net profit. Table wines take up 12% of the store shelf space and \$100,000 in working capital." So you can see that this item, namely, table wines, which does bring to the state a very small amount of revenue, does take up a great deal of space and a great deal of inventory and dollars and cents in our state stores.

Now no store has to accept these table wines and the option which runs to the communities also runs to the stores. There is an option of the stores, and no stores have to put table wines in. If they feel they would rather not, the option is completely with them, and they would not have to.

Many people have stated that this bill perhaps would create problems in the area of enforcement and that this would make wine more accessible to minors and perhaps to so-called winos. I do not really believe this is so because we do have an excellent enforcement agency right now within our Liquor Commission, and I do not believe that the sale of table wines would be that attractive to these parties; namely, minors or perhaps winos. If they want to get these, I submit to you that the minors and winos have just as easy access today in the state stores as they would if these were in the local supermarkets.

This matter was studied during the interim by the Legislative Research Committee, and I would like to just read to you their conclusion concerning this matter: "Inasmuch as the sale of table and dessert wines of low alcohol content present no problem in those states that permit such sale through retail outlets, in all probability similar outlets would have no adverse effect in Maine." And that is in the report of the Legislative Research Committee.

Now as you know, the Liquor Control Committee reported this bill out in new draft with a 7 to 3 "Ought to pass" Report. So for the reasons that I have set forth here this morning and because of the favorable report of the Liquor Control Committee, I urge you not to vote for the "Ought not to pass" Report, but to accept the "Ought to pass" Report of the Commit-

tee, and when the vote is taken, I ask for a roll call.

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

Mr. HICHENS: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Lewiston, Mr. Tanguay, that the "Ought not to pass" Report be accepted. I do not hold myself out as an expert on the meaning of table wines containing not more than 14% of alcohol by volume, including sparkling wines, or the meaning of fortified wines which contain about 18 to 20 percent alcohol by volume.

I say this — that a bill similar to this was defeated in the past and it was reported at that time in the New York Times of January 30, 1965, that the wine growers had a \$1,000,000 war chest to promote the sale of wine. Prominent wine distributors have been here in Maine recently, and one can easily determine by the original L. D. and the redraft that considerable time and research has been put in to assure passage of this bill. The well heeled wine lobby is again threatening our state store system and our control system by getting a foot in the door by permitting this wine to be sold in retail stores. It surely doesn't insure strict control which is wanted by all our state residents, and especially those that have teenagers in their families.

In past hearings on other bills I have received information that of 206 licensed premises charged with sale to minors in 1968, 144 or 70% of these licensed premises were retail stores. These are the type of stores that this bill would permit to have the sale of wine. Imagine what wine would do to our minors when we know what happens when they get beer.

Now let's look at the control or enforcement problem. Do you not expect that our minors will get this wine somehow, either by direct buying or having someone else get it for them? So just imagine what this wine, which is four times stronger than beer, will do to the youth of our state. It's bad enough now, as reliable reports from officers tell us, concerning pot, speed, and so forth.

Now mix that with wine and we will have a real explosive situation.

It has been stated this morning that the Commission favors such a bill. The enforcement division definitely opposes such a measure. The price of the wine will be way below the price of a six-pack of beer, so the price will also be a big factor going for the sale of this wine. I am not talking about wines getting this wine, I'm talking about our young people.

I hear talk of public service for this type of retail wine sales, and no doubt somewhere along the line someone will tell us about an increase in revenue. I doubt this. I would like to know where the figure of \$453,000 income, as indicated by this bill, comes from. Let's not forget a decrease in beer revenue. Let's try to figure that. Let's try to figure the increased enforcement costs also. Let's be realistic about the whole matter.

I have here a letter that was sent to the Portland Press Herald which I would like to read. Editor of the Press Herald: "As a newcomer to Portland from Virginia I should like to make a few comments concerning the issue of sales of alcoholic beverages. I noted several articles in the news about how much revenue would accrue if wine would be sold in food stores rather than in state stores.

The battle in Virginia over liquor-by-the-drink has brought out to public view many facts concerning the availability tax income.

Do the citizens of Maine wish for more taxes? If wine is made available in stores there will be increased consumption and with it increased problems, domestic and social and economic. To take care of these problems will mean higher taxes.

In every state where there has been a relaxation of the liquor laws permitting more sales, there has been more highway fatalities. Do citizens of Maine wish for more drinking drivers?"

The subcommittee of our Research Committee studying the liquor situation in and for our state does not make any recommendation for the sale of wine in the

stores. If it was such a profitable venture or advantageous to Maine, I am sure they would have told us so. Vermont is the only New England State selling wine in grocery stores. Vermont is different because there are more cows than people there. Let them be different if they so choose in this respect also.

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

Mr. CORSON: Mr. Speaker, Ladies and Gentlemen of the House: As you are no doubt aware, we younger and idealistic members of this body delight in championing the cause of neglected minority groups. Originally I had intended to raise my voice on behalf of one long-neglected and oft-forgotten segment of our society. I refer to that colorful character of song and story featured in many delightful motion pictures and theatricals, the wino.

Before proceeding in this direction, I took a survey, however informal, of the few winos with whom I am acquainted. You can well imagine, ladies and gentlemen of the House, my extreme shock and dismay when I was rudely awakened to the startling realization that the winos just didn't care one way or the other about the future of this bill. One of these dear people summed it up when he said, "Mr. Corson, sir, no self-respecting wino drinks table wine — it just hasn't got enough alcohol."

There I was without a minority group to champion. Then, in a stroke of pure genius, recalling well my own younger days not too far removed, I realized with no small degree of shame that this had not previously occurred to me, that not one member of this august body has sought to speak on behalf of Maine's juvenile delinquents or, as I prefer to think of them, young luses.

So I set out on another survey and proceeded to discuss this bill with a group of our younger tipplers. Again I was rudely awakened. "Mr. Corson," said the spokesman for this group, snapping open his switch blade, "You

traitor to your class, you tool of the establishment, we drink beer not wine."

Ladies and gentlemen of the House, I cannot even speak on my own behalf. The State Liquor Store carries my favorite table wine. It sells for a dollar ten a quart. It's not a great wine but it is a good wine. So here I stand, speaking on behalf of the bourgeois middle class, a group motivated solely by brazen materialism, the decadent capitalistic desire to have a wider selection of table wines available. What can I say? Even to myself, a young, trouble-making, long-haired radical, this request does not seem unreasonable. I therefore support the passage of L. D. 1502.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I'd like to pose two questions through the Chair to whoever may care to answer. One, what method are they going to use for licensing the stores? And the second is, what are they going to do about enforcing them? If you are going to have a thousand or two thousand grocery stores that handle this wine, you are going to need more inspectors to enforce it.

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

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

Mr. MORESHEAD: Mr. Speaker, I would just submit that it is my understanding that they would be supervised, or enforced, the same way as the beer is now enforced in the state. And as far as the sale, it would also be my understanding that provisions would be made for a store that has a license to sell beer. If they so choose they could, I imagine, would be able to sell this wine also.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise not in opposition to the motion be-

fore this body, nor do I rise in support of it. At the moment I would endeavor to create a neutral position. But I speak as Chairman of the subcommittee that studied this problem during the session of the Legislative Research Committee. I believe that we went into this subject at quite some depth.

We visited the State of Vermont, the only state in New England that permits — when I say the only state, I mean by that the only controlled state in New England, that permits the sale of wine in grocery stores. What we were particularly interested in at that time was to see how it was handled, and did it create any problems? The Chief Enforcement Officer of the State of Vermont, a Mr. McNally, said that he found that this sale did not create any special problems within the State of Vermont, and Mr. Moreshead is entirely correct when he makes this statement.

Other states too, other controlled states, go into this, particularly the State of Ohio where I understand they have, perhaps, a better situation even than they have in Vermont. But due to the scarcity of time, there was no opportunity to explore the situation in Ohio fully.

I would agree that this would enable the Liquor Commission, in its warehouse, to have more room, because frankly these table wines are very slow sellers. Maine does not rank high in the consumption of wine. I will also agree with the gentleman from Madison, Mr. Corson, that young people are not given to drink wine. Table wine is not too palatable. If you consume much of it, I think rather than being intoxicated you could become awful sick. They don't relish the idea of this in any way, shape or manner.

But there is also another aspect to this that we went into, and again I must speak frankly. The Liquor Commission apparently wants to get rid of a lot of dogs and put them in the grocery stores. Clarets, Chianti, Burgundy, rosé, etcetera, the so-called table wines, are not good sellers.

I entertain grave doubts if the licensee could even get back the

price of his license. They just absolutely do not sell. I feel very strongly that this subject of wines in grocery stores is deserving of further study by the Legislative Research Committee, and I certainly would like to see that thing accomplished before this Legislature truly attempted to act on this subject.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to support, as a member of the Dennett Committee, the thinking of the gentleman from Kittery, Mr. Dennett. I took one trip to Vermont myself. I visited two stores, and I had trouble finding, in both stores, the area where the table wines were being sold. When I did find them, I put my hand on one of the bottles and it came off with a little dust on it.

I think that this problem here could be developed into further study, because I don't think that the answer, in any event insofar as more space for warehouses and more revenue for the state in this present form, is advantageous to us. So consequently I would support the thinking of Mr. Dennett and the motion of the gentlemen from Lewiston, Mr. Tanguay.

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

Mr. BENSON: Mr. Speaker and Members of the House: I was not a member of the subcommittee that studied this, but I did attend several of the hearings and I was interested in the testimony that was presented there.

If I want wine, I'm going to have wine. I may be a little bit fussy about what I drink, and I think that this is going to be an opportunity for me to get a much larger selection of wines than I can presently. I think also it is going to liberate a great deal of space in our liquor stores so that they might list some much better movers than the wine has historically been.

I think that we would be acting intelligently if we passed this bill and allowed stores throughout the state that wish to handle this, and once again I reiterate the fact that

this is subject to local option and only those towns that vote for it will be allowed to handle it. Thank you.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I haven't as yet gotten into any of these liquor problems; neither am I a wet nor a dry. But after hearing some of the statements made by the gentleman from Eliot, I believe perhaps the cows do have something else to eat besides grain, but they also produce good milk, and I think that Mr. Moreshead has brought out the fact that this is going to be put up for local option. I see no harm in passing this bill. Moreover, I think it would get a little relief from our state liquor stores so that they could get rid of some unnecessary work. And as far as the Enforcement Division is concerned, where they go into these stores that handle malt liquor why they only have to look around a little more for wine, that's all. I think that they can do that job without too much effort. And therefore I support Mr. Moreshead.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I am not for this bill or against this bill and I haven't even decided how I am going to vote. But I would like to express my opinion over here why the table wines are not selling in the State of Maine. We have killed the goose that lays the golden egg. We have an additional twenty per cent extra tax on the wine, that you do not have on any other liquor. I think that's your problem right there, when you're putting a twenty cent tax on a wine that sells for fifty-five or sixty cents you are increasing the price sixty to sixty-five per cent.

I appeared before the Commission here eighteen or twenty years ago and I suggested it at that time, that they would put five per cent across the board. It was not fair to put twenty cents additional tax on the wine which would equal to about forty to fifty

per cent increase on the wine. But they did not pay any attention at the time and I don't mind telling you—this is on the record, that I've told the Commission at that time that if they let the wine alone without the twenty cents additional tax they would make more money at the end of the year than they would with the increase of the twenty cents. And the record is down at the Liquor Commission, it is available for any member of this commission, and I will wager my life on it that the wine sales dropped after they put the twenty cents tax on it to 100,000 gallons a year. And the wine is on the way down and you put this wine into the grocery stores it is going to collect more dust on the shelves and nobody is going to make a profit. You can't tell me that you aren't going to have more additional inspectors to take control of this thing and then you aren't going to tell me that in the grocery stores none of the fourteen or fifteen or eighteen-year-olds go out there and buy their groceries and at the same time be able to buy this wine.

So I think right now I will have to go along with Mr. Tanguay and Mr. Hichens for indefinite postponement of this bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As you have probably heard many times politics makes very strange bedfellows, and again this morning some of the remarks that are made regarding this item that is before us. You might also recall just a few short years ago the amount of criticism, the amount of discussion and debate relative to the number of items that was presently handled by the State Liquor Commission. And now this morning it has been more or less verified that the wines in the liquor store and the wines in the Liquor Commission's storage are accumulating a lot of dust and is showing very little profit.

By this I would assume that some of the committees at least have indicated that they would still much rather have this wine that accumulates more dust in the

liquor stores of the State or in the warehouses of the State at a fantastic cost to the State, rather than to have it open to the public that they may buy it in the stores if they so choose to do it. My personal thinking is that if we can get these away from the shelves of the liquor store and out of storage, thereby reducing the number of items that the Liquor Commission is going to handle, even if we don't realize any more profit than we are realizing now, at least we will have the working capital that the Commission will be able to work with on some other items.

I fail to see that the youngsters of our community, and a lot seems to revolve around the youngsters of our community, that they are going to go all hog and start drinking wine all of a sudden. I think probably if a youngster wants to have wine he will most likely have to ask his parents as to whether he should go to the store to buy a bottle—which you know very well that it is against the law. So I don't see that this is going to pose such a monstrous problem. And the further suggestion that this be returned to the Research Committee for study, again we go around the circle of studying the study that the study had studied the year before, and then where are we going to end up? Buy some more dust on the shelf with another study.

Mr. Sahagian of Belgrade was granted permission to speak a third time.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I would like to call attention to the members of this House before they vote on this issue, there is a difference of 35 to 40 cents a bottle between New Hampshire and Maine, and they don't have any trouble selling wine. They don't have to dust the bottles on their shelves.

The whole trouble is here, we have priced ourselves out of business. I don't mind telling you I know of several people right here in the State House, department heads, are going down to New Hampshire and buying their liquor and whatever they want up there.

Our prices are too high, and if we dropped our price by 15 to 20 percent, we would double our sales. Our markup today is on 110% basis, and if we increase our sales by dropping our price, bringing down our markup of 65 cents where it was one time, we will sell two bottles for every bottle we are selling now. Instead of making 110% profit on the wine or whiskey, we would be making \$1.30 profit if we sell two bottles to the one bottle we are selling.

Now we did this here ten years ago. Maine outsold New Hampshire by 2 to 1. Today New Hampshire is outselling Maine by 2 to 1. The whole difference is in the price structure. We are not going to make money by having the higher price. We are going to sell fewer bottles. If you want the younger people to drink wine, drop the price of your wine down where it is supposed to be so it would be comparable with other competitor states of ours.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: I rise in support of the motion "ought not to pass." I am not impressed by the gentleman, Mr. Moreshead from Augusta, with his statements that the Liquor Commission shelves are overcrowded with items that they cannot sell. I submit to you that any store has items that are hard to sell. I've had some experience in working for a large mail order store where we carry over 100,000 items, and I never knew of a day to go by when somebody didn't want something that we didn't carry.

Now I feel in this case that anyone that goes into the Maine Liquor Stores and is unable to buy something that they want, they are not going to go out empty handed. I feel that they will buy something else. And I do not agree with Mr. Moreshead that this will not be easier access. I submit to you that it will be easier access, that it will be much easier for our young people to obtain this wine. Grocery stores are open in my communities that I represent from eight in the

morning to ten in the evening. And I don't believe that we have many liquor stores that are open those hours. And we have control problems in the late hours of the evening, and this easier access for the young people to obtain wine will cause more problems. Therefore, I hope you will support the motion "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker and Members of the House: I just rise very briefly to say that I am in support of the Minority Report "Ought not to pass." There has been some argument here that nobody is going to drink wine, so why put it on the shelves of our grocery stores if nobody wants it?

As Mr. Curtis has just said, there are items in any store that are hard to sell. It seems to me that it is a black eye to our Commission. They have to admit that they are carrying items on their shelves from year to year, gathering dust, that they cannot move. We have problems enough now with our liquor business as we now have it. I'm sure we don't want to add any more.

I read, I haven't it with me this morning, I wish I had, a report that tells that wine creates a greater problem in the home because it is a little more respectable perhaps than some other things to drink, and even the mothers become addicted to this wine habit. I therefore go along with those who have spoken in favor of the Minority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Ladies and Gentlemen of the House: I haven't got too much to say this morning and it won't take me very long to say it. You have been urged by one gentleman here to act responsibly and vote in favor of this bill. All I have to say to you folks is, if you accept this advice I don't wish you any hard luck, but I hope you find lumps in your mashed potato. I'm going to support the Minority Report.

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

Mr. CHANDLER: Mr. Speaker and Members of the House: I was told by a very fine veteran member of this House that it votes oftentimes on emotion rather than on logic. If you will bear with me just a moment, I would like to read from a very famous Maine author's latest book. This is John Gould's "Europe on a Saturday Night." I think this is worth listening to. He has spoken of his trip to Europe on a freighter, a very delightful experience, and upon arriving near the continent this happened:

"Captain Eichhorst, complaining that last night's beer had been too warm and his stomach was upset, went to bed. The 'nothing' that he had been doing for ten days was all done. Immediately all the deckhands began experimenting with the beer to find out what had been wrong with it. Back home in Maine we have a holdover from antique virtues known as the 'Maine Christian Civic League.' It is headed by a dedicated and devoted cleric named Benjamin Bubar, whose purposes seem muddled to many but whose zeal is above reproach. He wages constant war on sin, and is particularly mad at alcoholic beverage. I never heard that his membership list was smoked out, but he claims to represent a lot of people, and our legislatures always shudder at his approach and kowtow to his remarks. Partly because of him, Maine has a hodge-podge of liquor control laws, most of which are as antique and outmoded as glass lamp chimneys, and many of which are complete absurdities. So any Mainer who goes to Europe and sees how they handle booze has his eyes opened."

I support Mr. Moreshead's motion.

The SPEAKER: The yeas and nays have been requested. 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 members desiring a roll call vote will vote yes; those

opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Tanguay, that the House accept the Minority "Ought not to pass" Report on Bill "An Act relating to Retail Sale of Wine." House Paper 1041, L. D. 1371. If you are in favor of accepting the Minority Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Birt, Bragdon, Buckley, Bunker, Carey, Carrier, Chick, Clark, H. G.; Cottrell, Crosby, Curtis, Cushing, Dennett, Donaghy, Durgin, Erickson, Eustis, Evans, Farnham, Finemore, Foster, Gauthier, Good, Hall, Hanson, Hardy, Hawkens, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Kelley, K. F.; Lawry, Lee, LePage, Lewin, Lincoln, Marquis, Marstaller, McNally, Meisner, Millett, Mitchell, Morgan, Mosher, Ouellette, Porter, Rand, Ricker, Sahagian, Scott, C. F.; Scott, G. W.; Snow, Soulas, Starbird, Stillings, Tanguay, Trask, Tyndale, White, Williams, Wood.

NAY—Bedard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Brown, Burnham, Carter, Casey, Chandler, Clark, C. H.; Coffey, Corson, Cote, Couture, Cox, Crommett, Croteau, Cummings, Curran, Dam, Danton, Driogtas, Dyar, Emery, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gilbert, Giroux, Hariman, Haskell, Henley, Jameson, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Leibowitz, Levesque, Lewis, Lund, MacPhail, Martin, McKinnon, McTeague, Mills, Moreshead, Nadeau, Norris, Noyes, Page, Payson, Pratt, Quimby, Richardson, H. L.; Rideout, Rocheleau, Ross, Santoro, Shaw, Sheltra, Susi, Temple, Thompson, Vincent, Watson, Waxman, Wheeler.

ABSENT — D'Alfonso, Dudley, Heselton, Johnston, Richardson, G. A.; Wight.

Yes, 68; No, 76; Absent, 6.

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

Thereupon, the Majority "Ought to pass" Report in new draft was accepted, the New Draft read twice and tomorrow assigned.

The Chair laid before the House the seventh 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 16, by Mr. Benson of Southwest Harbor.

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

Thereupon, Mr. Richardson of Cumberland withdrew his motion to reconsider.

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

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 16, by Mr. Lawry of Fairfield.

Pending—Acceptance.

On motion of Mr. Gauthier of Sanford, retabled pending acceptance of "Ought not to pass" Report and specially assigned for tomorrow.

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

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 16, by Mr. Norris of Brewer.

Pending — Acceptance of either Report.

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

Mr. McNALLY: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report and I would speak very briefly.

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, moves that the House accept the Minority "Ought to pass" Report and the gentleman may proceed.

Mr. McNALLY: Mr. Speaker and Members of the House: It is evident that municipalities now do not have the authority to change their building codes or to revise them or to refer the building codes by reference and the Maine Municipal Association, seeing that that need was there, had the bill before you presented. Likewise, another association which has to do with specifications and building codes felt that the municipalities, when they were considering codes, should refer to the four national codes. And so we both appeared before the Legal Affairs Committee with a bill that costs nothing, with something to help the municipalities to go along without having to come back to the Legislature for each building code that they might want to enact, and for the people that are concerned with specifications and building codes trying to have something that would be more understanding among the people that have to read these building codes and work from them.

For that reason I hope you will accept this Minority Report. We have an amendment already drafted to apply to it which practically combines the two bills, the one that was killed yesterday and this one today, which is acceptable to the Maine Municipal Association and also to all people that's concerned with specifications and building codes.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill was read twice, and tomorrow assigned.

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

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

Tabled — May 16, by Mr. Richardson of Cumberland.

Pending — Motion of Mr. Birt of East Millinocket to reconsider passage to be engrossed as amended by House Amendment "A" (H-327).

On motion of Mr. Birt of East Millinocket, tabled pending his motion to reconsider passage to be engrossed as amended by House Amendment "A" and specially assigned for tomorrow.

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

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

Tabled — May 16, by Mr. Rideout of Manchester.

Pending — Passage to be enacted.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I realize this morning that I am a lone voice howling in the wilderness, but nevertheless after having been around this legislative body for some twenty years it holds a deep spot in my heart, also do the members both past and present, and I hate to see anything happen which I feel might ultimately bring discredit upon this body.

I am going to be very brief but I will state that today due to our financial situation where we vote a raise — I can't say for ourselves because you know that we are not voting for ourselves, but for a subsequent legislature which many of us perhaps hope to be members of and therefore would tend to benefit. This brings a great deal of criticism from people on the outside. We have been subject to intense criticism from the press. I recall only a few short days ago there was a violent and sarcastic editorial in one of the Portland papers. This was particularly in view of the fact that apparently

certain workers had been granted a \$7 increase and the Legislature for all purposes votes itself a \$20 increase. This puts us in a position that we can ill afford to be in.

Let me remind the members of the Legislature, of this House that I understand the situation and I don't claim a single person here is overpaid or even gets anything approaching what he is really worth to the State of Maine. But again I would ask you to have a deeper feeling for the State, not perhaps a financial feeling but a feeling that you are here to serve, which I know each and every one of you are.

Now in the course of legislative activity there is always a time and a place to make corrections and to make amends. I feel that at this moment it is not the time or it is not the place but it is still a very long way until the 105th Legislature convenes, and I would ask at this moment that this bill be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker, with apologies to the others who were grasping for their microphones. As an individual and as a legislator I wish to take issue with the gentleman from Kittery, Mr. Dennett, who as you know is certainly one of the most respected members of this House and whose judgment on questions such as this I do not lightly discard.

First of all I don't think we should allow this cynical disparagement of an aggrieved editorial writer to strike terror into our hearts. We have all had our days with the press. I've had about as much lately as a poor country boy from Cumberland should be required to take on the University of Maine, but the real issue is whether or not we are going to have the courage to recognize the situation existing in our own number which is making it increasingly difficult for qualified people to serve this Legislature.

Now I well recognize the fact that there isn't anyone here, or at least I hope there isn't, who ran for the legislative office and

who puts up with long speeches from me and all of the trials and tremors of legislative service for \$2,000 a year. But I think it must be perfectly obvious to every one of us that we don't even pay ourselves now enough to meet our actual out of cost expense for our day to day service down here and I don't think that this is a very healthy situation.

The same argument is made each time the pay raise bill comes up. I have been here for three sessions and many of you have been here for many more and I am sure your memories tell you as mine tells me that time after time the old saw, it's become that, is brought up, "Well how are you going back to the folks at home and tell them that you voted yourself a pay raise?" Well, I for one don't hesitate for one single minute to go back, and the times that people have asked me about legislative compensation, when I've told them the answer they have been shocked, they've been just shocked.

So as an individual and as one who is not terribly impressed with editorial writers as a breed and one in Portland specifically, I would suggest to you that we don't get buffaloed by these phony arguments and that we go ahead and recognize the real world that we live in.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, Ladies and Gentlemen of the House: I agree wholeheartedly with my good friend, the gentleman from Kittery, Mr. Dennett, An Act Increasing the Compensation of Members of this Legislature, L. D. 73, should be indefinitely postponed.

How can members of this Legislature in good conscience consider giving themselves approximately 25% increase when we are only thinking of an increase of the average State employees by a 6% increase? Personally I would rather see us put this money and any other money that we find available into a larger State employees' pay raise, and Pineland would be a good place to start.

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

Mr. JALBERT: Mr. Speaker, in the main I would address myself to my young friend from Cumberland, Mr. Richardson, who I do not find in his seat at the present moment. I mean if he takes very lightly about editorial comments I sure wish that when he writes letters to the editor he wouldn't toss all the blame on me by saying that "news coverage has suggested that I join Democratic Representative Jalbert of Lewiston in his fame and reaction to the efforts of student leaders to meet and discuss with them the problems with legislators." Now I read that in the Portland paper this morning. This is the letter that the gentleman, my young friend from Cumberland, Mr. Richardson who takes so lightly of the press had in this morning's newspaper. Not that I mind too much because I am very happy. Only a half hour ago a newspaper man was with me when I said goodbye to the very same youngsters who were here last week and when I walked away from them they brought the little mist to my eyes when they applauded me as I walked away from them. However, I might give a little advice that was given to me many many moons ago by the Honorable James Farley who knew a little his way around politics and adopted me by the former two-term Governor, Louis J. Brann, and I would suggest that he practice this philosophy.

Last Sunday morning I called Damariscotta, I called my very good, dear friend Bill Caldwell, and I told him that he needn't mail me the 99 extra copies of the editorial of today, that was Sunday, because I already had one copy.

I go along with the philosophy and I would pass it on to my young friend from Cumberland, Mr. Richardson, if the editorial favors you buy a hundred copies; if it's against you say it's the opinion of one man.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to go along with the gentleman from Kittery, Mr. Dennett. After voting for this bill the other day and then receiving letters I got from Pineland and from the Maine State Employees I am about as popular as a porcupine in a nudist camp. So I will go along with you but would hope that in some future session if a raise is proposed it would be in the form of expenses rather than salary.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the fact that this is a bad year for a legislative pay increase. However, I do feel that the present salary level effectively disqualifies many citizens. I do not think that the Legislature should be the special province of the well heeled, the retired, the self-employed, insurance people, real estate people and lawyers. I submit that these groups are represented here in substantially disproportionate numbers. Now I do not expect every occupation to be equally represented, this would be unrealistic; but I do feel that John Q. Citizen, who works for an employer, should have an opportunity to serve. I feel that an increase in salary may make it possible for more working men to serve in this body. I think our consideration should be, will the salary increase give more citizens an opportunity to become a member of this House? I submit that it will. I urge you to vote against the motion to indefinitely postpone.

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: A few days ago I was the only Representative who stood up and supported Mr. Dennett's motion against the pay raise. Unbeknownst to me the television camera was going and some of my people back home saw me on television that night. In fact I was told that my granddaughter almost tore the set apart trying to find

grandpa on the different channels for the rest of the evening.

But the newspaper account in our local paper had a front page account of how Representative Dennett very bravely got up and opposed the pay raise. It didn't mention the other local Representative and when I went home that weekend I was assailed from all sides because I did not support that gentleman in his statement. I would rise this morning again in support of that gentleman and hope that it is duly noted.

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

Mr. RIDEOUT: Mr. Speaker, I will be brief. As I told you, Ladies and Gentlemen of the House, in earlier debate on this measure, that this bill is the result of a report of the subcommittee of the Legislative Research Committee, a recommendation from this Committee. I do not believe that the Legislature should feel guilty, not one bit guilty in voting for a \$250 per year pay raise. As an aside, I got word last night that the Florida Legislature, now get this, in this session raised their pay from \$2,000 a year to \$12,000 a year. As you well know Congress has already voted to raise its salary from \$30,000 a year to \$42,500. It was also pointed out earlier that we are not proposing to raise our own pay, we in the 104th, we are proposing this to take effect in the next legislative session.

It does not impress me that in this year of financial problems that we are not keeping faith with the State employees. Every year since I've been here the Legislature has tried its best to raise the levels of State pay and we are still trying. We are keeping faith. These editorials and letters do not impress me that we are doing something immoral. I merely feel that insofar as possible a person serving in this Legislature should have his financial sacrifice kept to a minimum. As we try to keep the legislative pay somewhere near an equitable level it should help encourage more people, not better people, more people to participate in his government and at least give them a fair chance. I will leave

this to your each individual conscience and judgment. My conscience is clear; I will vote for the bill and against indefinite postponement.

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

Mr. CAREY: Mr. Speaker, I would like to correct the gentleman from Manchester, Mr. Rideout. The salary of the Florida legislator was \$1,200 a year and was raised to \$12,000. The Senate has a \$300 a month expense account; the House has a \$600 a month expense account. I have this all documented before me. By statutes the pay for a legislator in the State of Massachusetts, the Commonwealth of Massachusetts is \$5,200. However there is nothing to prevent the Legislature from voting itself a temporary increase. Last year I believe it was \$7,800 that they had; this year they tried for \$12,000. The Governor felt this was extreme; he cut them back to \$11,400. Up to this point I have had to borrow \$400 to sit in this House this year. I enjoy my duties here, I expect to return, but I am wondering how much longer I can make a personal sacrifice to my family.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I want to go on record that there is an echo to that howling wolf in the wilderness but it is for a little bit different reason. I am voting against this pay raise for the reason that I don't think it's big enough. I think that if I can't get along with what I've got, if it's only \$500 more, that's only \$250 a year and that's what the newspapers aren't bringing out. We don't get \$2,000 for a year; we get a \$1,000 a year because we're elected for two years' time, and I don't think that we get pay enough so that even the department heads think that we can be of too good caliber for what we demand for our services. I think that was brought out very fully when we came here and there wasn't even any cafeteria open to eat on New Year's Day.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I have no intention of placing anyone on the spot here this morning but when the vote is taken I would ask for a division.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think the time has come, and it has been long in coming, that the Legislature of the State of Maine is being paid so very little that even this adjustment in salary is going to make a lot of difference. A lot of the people in the state, that have inquired, and I'm sure of each and every one of you, when they posed the question to you as how much money are you receiving as a Representative to the State Legislature, of course, when you tell them that you are being paid \$2,000 per term, which is a two-year term and you are paid the sum of \$2,000 over a twenty-week period, the first session that you are sitting, they say, and this is a very typical answer, they say, "You must be completely out of your 'cotton-picking' mind if you are going to spend six months in Augusta for \$2,000, or else you're receiving one pack after another under the table." Now if this is the impression that we are creating state-wide, and I have no reason to believe that the impression is there, that we're being paid \$2,000 as a superficial amount of money, and the rest of our subsistence allowances and to compensate for our salary, we're getting packs of money from under the table either in one form or another.

So as little as this money is, an increase of \$500 per term for the next members of the Legislature, I still believe that it is too little, but we ought to also try to do something to create a better impression to the general public that we are not all dealing under the table for compensation while we're here. Until such time as we, the members of this House, are able

to create a better impression to the general public, and first by having an equitable salary for each member of the House, secondly that we adopt a uniform code of ethics that will tell the general public how we operate, why we operate, and then this may open the door for the general public to be a little more interested in their state government, and creating a better picture to the general public.

So therefore, although the meager sum of \$500 increase for the next session of the Legislature is meager and small, I will vote against the motion to indefinitely postpone.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the motion of Mr. Dennett to indefinitely postpone this bill. Now it has been said by the gentleman from Portland, Mr. Brennan, that this \$500 would offer John Q. Citizen a better chance to come down and serve.

It is my belief that any person that can't manage their own personal affairs so that they can afford to come and serve in the Legislature, then they would be a very poor choice to bring them down here and subsidize them with state money by giving increases. Therefore, I do support this motion to indefinitely postpone this bill, and I request that when the vote be taken it be taken by the yeas and nays.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As much as I hate to say this this morning, it is quite unfortunate, and it may not be meant in the way that it was heard, but I think the gentleman from Skowhegan, Mr. Dam was a little bit wrong in accusing the general public of not being able to manage their own affairs by not being able to come to the Legislature.

I think the general public is very well able to manage their own affairs and if they could see fit, by

managing a little bit more money towards trying to help make government a little bit better place to be this is probably where they would be, and probably a lot of us would not be here because they might have something to tell us that we are not always doing what we should be doing.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I'm going to oppose this bill on a little different angle. This is my fourth term and I have noticed that we have a fifty percent turnover about every Legislature. Most of us are freshmen—not most of us, but we do have a great percentage of freshmen every year, and maybe that is very good too because we get a lot of new blood and a lot of new ideas. But my thinking goes along like this. The word equitable has been brought up.

Now I know that our esteemed Minority Leader, Mr. Levesque, does ten times as much work as I do. I know the Speaker does a thousand times much more work than I do, and the other leaders, the Majority Leader, the Assistant Leaders, the Committee Chairmen in our own Congress, those are people who are given a greater return. The Committee Chairmen get additional funds. The Speaker, President of the Senate, I know there is a small increase in this bill for those purposes, but it seems to me when we reward all of us who are not overactive in this Legislature on the same scale, there is inequity. And I would like to see us put the horse before the cart and start with the committee chairmen who do a great deal of work, as we all realize. They come over here at night and they have the responsibility of all their office, and that is the reason I am going to vote against this bill. I don't think \$500 is going to make the difference of anyone coming to this legislature or staying home, and I think we have got to get back to some original patriotic ideas in our populace that you have got to serve your government because you want to serve your government.

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

Mr. VINCENT: The gentleman from Kittery, Mr. Dennett, made reference to the criticism that was before this body for the pay hike. I have never known the gentleman on the Floor to avoid criticism.

A second point that was made was that there was hopes that if this motion was defeated the money would be diverted to Pineland. I don't think there is anyone on this Floor that is more concerned about what is going on at Pineland than myself. I have a sister that has been there for twenty years, and if I thought there was any possibility that this money would be diverted to it, I would so vote.

Recognizing the fact that it won't, I would support the pay raise for this legislative body, and being a resident from the city where this editorial appeared criticizing the pay raise, I can only say that I disapprove of the implications made by the newspapers, that the facts and figures were half truths and slanted.

We have proposed a pay raise for the state employees which comes to about \$350 per year for 10,000 state employees. Over a two year period, this amounts to \$700. We proposed a \$500 pay raise for the members of this legislative body. I don't consider it inadequate. I find that the \$500 pay raise is only putting a dent in what we should be paid for this legislative body.

Reference was made to the large turnover. It was my understanding that there are 54 freshman, which means there are 97 veterans. 97 people that can afford to be here?

The subject was brought up in debate, in the committee, that when you have higher pay you have professionals. The dictionary defines professional as one who goes about his job in a professional manner. Due to the fact that the 54 freshmen are in the process of learning the job, I would suggest that we have 97 professionals on this Floor at this moment. Some of the members may not think they go about their jobs in a professional manner;

some may think that they do. This is open to debate.

I don't think a \$500 pay raise is going to start a stampede for people to seek the vacancies for the 30 to 35 percent turnover that will occur. The reasons these people leave are partly due to pay, partly due to frustrations, partly due to the processes and techniques which we use on this Floor.

I will support this \$500 pay raise. If I thought there was a possibility for a \$1500 pay raise, I'd be one of the first, and I wouldn't bat an eyelash to go back to Portland and so state.

I hope you will take this into consideration when you vote. I want you to remember that the funds will either be appropriated for the pay hike or there will be no funds at all. These funds will not go to some other agency. I want you to keep this in consideration, and I hope you will vote in favor of the pay hike.

The SPEAKER: The Chair recognizes the gentlewoman from Topsham, Mrs. Coffey.

Mrs. COFFEY: Mr. Speaker and Members of the House: I hadn't planned to speak on this issue this morning. But as far as \$500 not being enough, I might remind all of you here that I have four small children. I spend on the average in a week \$50 and \$60 on baby sitters. That is about \$30 to \$40 more than my expense account is now. So \$500 would mean a lot to me.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker and Ladies and Gentlemen of the House: As the fellow who made a sincere effort to show you an area of improvement, a place to save money that could be spent on salaries, and failed in the effort, I will support the pending motion.

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

Mr. BOURGOÏN: Mr. Speaker and Members of the House: I wish to bring out one point that hasn't been brought up yet. In the 103rd we served seven weeks over the twenty-week period we were being paid. We worked for nothing. Try

to ask the state employees to do that.

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

Mr. JAMESON: Mr. Speaker and Ladies and Gentlemen of the House: On several occasions many of the speakers here have referred to this \$500 for two years. I just wish the Internal Revenue and the Veterans Administration would understand this, and not one year. They take it all out the first year and you can't change it. Therefore you lose your social security and your veterans pensions. They won't listen to two years.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that L. D. 73, Bill "An Act Increasing Compensation of Members of the Legislature" be indefinitely postponed. 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.

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

Mr. FORTIER: Mr. Speaker, is the roll call debatable?

The SPEAKER: There is a request for a roll call and it requires one fifth of the members. If you wish to debate the bill, you may proceed.

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: I intend to support Representative Dennett from Kittery and vote against the pay increase, but I would hope that you would vote against the roll call request.

The SPEAKER: All members desiring a roll call vote on this issue will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that L. D. 73 be indefinitely postponed. If you are in favor of the indefinite postponement, you will vote yes; if you are opposed to indefinite postponement, you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Barnes, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Carrier, Chandler, Chick, Clark, C. H.; Cottrell, Couture, Crommett, Crosby, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, Eustis, Evans, Finemore, Fortier, M.; Giroux, Hall, Hanson, Hardy, Harriman, Hawkens, Hewes, Hichens, Huber, Immonen, Jalbert, Kelleher, Lawry, Lee, Lewin, Lincoln, McNally, Meisner, Moreshead, Mosher, Page, Payson, Porter, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Snow, Stillings, Trask, Wight.

NAY—Baker, Bedard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Casey, Clark, H. G.; Coffey, Corson, Cote, Cox, Croteau, Curran, D'Alfonso, Danton, Drigotas, Dyar, Emery, Erickson, Farnham, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Gilbert, Good, Haskell, Henley, Hunter, Jameson, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Lewis, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Morgan, Nadeau, Norris, Noyes, Ouellette, Pratt, Quimby, Rand, Richardson, H. L.; Ricker, Rideout, Santoro, Shaw, Sheltra, Soulas, Starbird, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Williams, Wood.

ABSENT — Foster, Heselton, Johnston, Richardson, G. A.
Yes, 60; No, 86; Absent, 4.

The SPEAKER: Sixty having voted in the affirmative and eighty-six in the negative, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was 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 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 16, by Mr. Lawry of Fairfield.

Pending — Motion of Mr. Hichens of Eliot to reconsider receding and concurring. (Roll call Ordered)

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

Mr. HICHENS: Mr. Speaker, I regret that I cannot withdraw my motion to reconsider, but I would state to the members of the House that I am no longer interested in reconsideration.

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

ROLL CALL

YEA -- None.

NAY — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Bunker, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Cummings, Curran, Curtis, Cushing, D'Alfonso, Dam, Danton, Dennett, Donaghy, Drigotas, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, K. F.; Kelley K. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Ricker, Rocheleau, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wight, Williams, Wood.

ABSENT — Carrier, Dudley, Foster, Good, Heselton, Johnston, Richardson, G. A.; Rideout, Ross.

Yes, None; No, 141; Absent, 9.

The SPEAKER: None having voted in the affirmative and one hundred forty-one in the negative,

the motion to reconsider does not prevail.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.