

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

Thursday, May 22, 1969

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

Prayer by the Rev. Mr. John S. Noffle of Gardiner.

The journal of yesterday was read and approved.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for Presidential Preferences in Primary Election" (H. P. 1151) (L. D. 1473) the Speaker appointed the following Conferees on the part of the House:

Messrs. ROSS of Bath
HENLEY of Norway
Miss WATSON of Bath

On the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution Pledging Credit of Sale for Loans of Maine School Building Authority (S. P. 97) (L. D. 307) the Speaker appointed the following Conferees on the part of the House:

Messrs. BIRT of East Millinocket
RICHARDSON
of Stonington
BRAGDON of Perham

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Installation of Sprinkler Systems in Hotels" (H. P. 260) (L. D. 336) the Speaker appointed the following Conferees on the part of the House:

Messrs. LEWIN of Augusta
SCOTT of Wilton
Mrs. BOUDREAU of Portland

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Expert Witness Fees as Court Costs" (S. P. 103) (L. D. 312) the Speaker appointed the following Conferees on the part of the House:

Messrs. BERMAN of Houlton
HEWES of Cape Elizabeth
MORESHEAD of Augusta

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Com-

mittee on Inland Fisheries and Game report out a bill segregating, apportioning and expending for the next 2 fiscal years — July 1, 1969 to June 30, 1970 and from July 1, 1970 to June 30, 1971 — all funds received by the Department of Inland Fisheries and Game under the Revised Statutes, Title 12, section 3061 (S. P. 467)

Came from the Senate read and passed.

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

Reports of Committees**Leave to Withdraw**

Report of the Committee on Business Legislation on Bill "An Act relating to Types of Loans by Credit Unions" (S. P. 293) (L. D. 973) reporting Leave to Withdraw.

Report of same Committee reporting same on Bill "An Act Establishing a Consumers' Council" (S. P. 405) (L. D. 1358)

Report of the Committee on Education reporting same on Bill "An Act Creating the Maine Higher Education Loan Authority Act" (S. P. 294) (L. D. 974)

Report of the Committee on Retirements and Pensions reporting same on Bill "An Act relating to Death Benefits under the State Retirement Law" (S. P. 276) (L. D. 871)

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Loans for Maine Students of Dental Hygiene" (S. P. 259) (L. D. 863)

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on Judiciary on Bill "An Act Creating a District Court Division of Northern Androscoggin and Franklin" (S. P. 210) (L. D. 619) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Clarify the Charter of the City of South Portland" (S. P. 451) (L. D. 1491)

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

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands" (S. P. 389) (L. D. 1314)

Report was signed by the following members:

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

— of Freeport
— of the House.

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

Report was signed by the following members:

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

of Kingman Township
— of the House.

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

In the House: Reports were read.

On motion of Mr. Dennett of Kittery, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence. (Later Reconsidered)

Non-Concurrent Matter

Report of the Committee on State Government on Bill "An Act relating to Hunting, Fishing and Trap-

ping by Indians" (H. P. 446) (L. D. 570) reporting same in a new draft (H. P. 1155) (L. D. 1477) under same title and that it "Ought to pass" which Report was accepted and the Bill passed to be engrossed in the House on May 14.

Came from the Senate with the Report and Bill indefinitely postponed in non-concurrence.

In the House:

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

Mr. STARBIRD: Mr. Speaker, I move that we recede.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, moves that the House recede from engrossment. Is this the pleasure of the House?

The motion prevailed.

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

House Amendment "A" (H-370) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent to the Senate.

Non-Concurrent Matter

Bill "An Act Increasing Certain Liquor License Fees" (H. P. 1005) (L. D. 1307) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Liquor Control on May 19.

Came from the Senate with the Majority Report reporting "Ought to pass" as amended by Committee Amendment "A" accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House:

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have checked this measure out with the sponsor to get his agreement and I have discussed it with the members of the Liquor Control Committee for the order to be presented later on, and I now move we adhere.

Thereupon, the House voted to adhere to its former action.

Non-Concurrent Matter

Majority Report of the Committee on Transportation on Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 752) (L. D. 970) reporting same in a new draft (H. P. 1184) (L. D. 1505) under same title and that it "Ought to pass", and Minority Report reporting "Ought not to pass" on which the House accepted the Minority Report on May 16.

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

In the House:

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

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

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, moves that the House recede and concur.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentleman of the House: This bill is the bill we killed last Monday and I do hope that we don't go along with Mr. Crosby, and then I will make a motion to insist. I would ask for a division.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kennebunk, Mr. Crosby, that the House recede and concur. A vote has been requested. All those in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

48 voted in the affirmative and 68 voted in the negative.

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

Mr. CROSBY: Mr. Speaker, would I be in order to table this for one legislative day?

The SPEAKER: The motion is in order.

Whereupon, Mr. Lebel of Van Buren requested a vote.

The SPEAKER: The Chair would advise the gentleman that the only matter now that can be discussed

is his constitutional right to request a roll call vote.

Whereupon, Mr. Lebel requested a roll call vote.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All 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 Kennebunk, Mr. Crosby, that the House recede from its former action and concur with the Senate. All in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Bedard, Brown, Bunker, Carey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cote, Crosby, Cummings, Cushing, Dennett, Durgin, Dyar, Emery, Erickson, Evans, Good, Hall, Hanson, Harriman, Haskell, Hawkens, Henley, Immonen, Jameson, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Lee, Lewin, Lewis, Lincoln, MacPhail, Millett, Moreshead, Norris, Noyes, Page, Payson, Pratt, Richardson, G. A.; Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Susi, Tanguay, Trask, Wood.

NAY—Baker, Barnes, Berman, Bernier, Boudreau, Bourgoin, Buckley, Burnham, Carrier, Carter, Casey, Corson, Couture, Crommett, Croteau, Curran, Curtis, Dam, Donaghy, Dudley, Eustis, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Gilbert, Giroux, Hardy, Heselton, Hewes, Hichens, Hunter, Jalbert, Jutras, Kilroy, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Mills, Mitchell, Morgan, Nadeau, Ouellette, Porter, Rand, Ricker, Rocheleau, Santoro, Starbird, Stillings, Temple,

Thompson, Tyndale, Vincent, Watson, Waxman, White.

ABSENT—Benson, Binnette, Birt, Bragdon, Brennan, Coffey, Cottrell, Cox, D'Alfonso, Danton, Drigotas, Finemore, Huber, Lund, Mosher, Quimby, Richardson, H. L.; Rideout, Ross, Sheltra, Wheeler, Wight, Williams.

Yes, 57; No, 70; Absent, 23.

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

Thereupon, on motion of Mr. Lebel of Van Buren, the House voted to insist.

House Reports of Committees Leave to Withdraw

Mr. Curran from the Committee on Natural Resources on Bill "An Act relating to Logging Near Waterways and on Slopes" (H. P. 149) (L. D. 175) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Dennett from the Committee on State Government on Bill "An Act Increasing the Salary of the County Attorney for Washington County" (H. P. 300) (L. D. 376) reported Leave to Withdraw, as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act relating to Regional Planning Commissions" (H. P. 828) (L. D. 1067)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Benson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees" (H. P. 916) (L. D. 1177)

Mr. Lund from same Committee reported same on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees" (H. P. 256) (L. D. 332)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Hewes from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to Give the Attorney General Authority to Require Certain Telephone Records" (H. P. 386) (L. D. 496) which was recommitted.

Report was read.

(On motion of Mrs. Payson of Falmouth, tabled pending acceptance of Report and specially assigned for tomorrow.)

Tabled and Assigned

Mr. Norris from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (L. D. 1243)

Report was read.

(On motion of Mr. Emery of Auburn, tabled pending acceptance of Report and specially assigned for tomorrow.)

Referred to Next Legislature

Tabled and Assigned

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act relating to Nonprofit Hospital or Medical Service Organizations" (H. P. 808) (L. D. 1047) reported that it be referred to the next legislature.

Same gentleman from same Committee reported same on Bill "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine" (H. P. 885) (L. D. 1144)

Reports were read.

(On motion of Mr. Benson of Southwest Harbor, tabled pending acceptance of Reports and specially assigned for tomorrow.)

Ought to Pass in New Draft

New Drafts Printed

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Increasing Compensation of Councillors of Town of Mechanic Falls" (H. P. 1105) (L. D. 1424) reported same in a new draft (H. P. 1209) (L. D. 1538) under same title and that it "Ought to pass"

Miss Watson from the Committee on State Government on Bill "An Act relating to Regional Planning" (H. P. 612) (L. D. 800)

reported same in a new draft (H. P. 1210) (L. D. 1539) under title of "An Act relating to Regional Planning and Establishing Regional Councils of Governments" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Nadeau from the Committee on Highways reported "Ought to pass" on Bill "An Act Increasing State Aid for Construction of Highways" (H. P. 32) (L. D. 33)

Mr. Berman from the Committee on Judiciary reported same on Bill "An Act to Allow Corporations to Enter into Partnership or Joint Venture Arrangements with other Corporations" (H. P. 1191) (L. D. 1512)

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

Ought to Pass with Committee Amendment

Mr. Croteau from the Committee on Claims on Resolve to Reimburse Warren F. Chapman of Skowhegan for Well Damage by Highway Maintenance (H. P. 406) (L. D. 517) reported "Ought to pass" as amended by Committee Amendment "A" (H-360) submitted therewith.

Mrs. Lincoln from same Committee on Resolve to Reimburse Elwood A. Jepson of Norridgewock for Well Damage by Highway Maintenance (H. P. 623) (L. D. 811) reported "Ought to pass" as amended by Committee Amendment "A" (H-361) submitted therewith.

Mr. Quimby from same Committee on Resolve to Reimburse Doris Nankervis of Franklin for Well Damage by Highway Maintenance (H. P. 854) (L. D. 1096) reported "Ought to pass" as amended by Committee Amendment "A" (H-362) submitted therewith.

Reports were read and accepted and the Resolves read once. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for second reading of the Resolves.

Tabled and Assigned

Mr. Berman from the Committee on Judiciary on Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mrs. Payson of Falmouth, tabled pending acceptance of Report and specially assigned for tomorrow.)

Mr. Brennan from the Committee on Judiciary on Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mrs. Lincoln of Bethel, tabled pending acceptance of Report and specially assigned for tomorrow.)

Mr. Hewes from the Committee on Judiciary on Bill "An Act relating to Governmental Immunity in Civil Actions" (H. P. 557) (L. D. 738) reported "Ought to pass" as amended by Committee Amendment "A" (H-366) submitted therewith.

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Amending the Waterville City Charter" (H. P. 958) (L. D. 1239) reported "Ought to pass" as amended by Committee Amendment "A" (H-363) submitted therewith.

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Strikes of Insurance Agents" (H. P. 1108) (L. D. 1429)

Report was signed by the following members:

Messrs. LOGAN of York
LEVINE of Kennebec
BERRY of Cumberland
— of the Senate.

Messrs. GAUTHIER of Sanford
CLARK of Jefferson
FECTEAU of Biddeford
SCOTT of Wilton

— of the House.

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

Report was signed by the following members:

Messrs. SCOTT of Presque Isle
HARRIMAN of Hollis
TRASK of Milo

— of the House.

Reports were read.

On motion of Mr. Scott of Wilton, the Majority "Ought to pass" Report was accepted.

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

Divided Report

Majority Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse Levi Hanson of Ripley for Property Damage by Highway Maintenance (H. P. 545) (L. D. 724).

Report was signed by the following members:

Messrs. LOGAN of York
GORDON of Cumberland
QUINN of Penobscot
— of the Senate.

Messrs. SHELTRA of Biddeford
CROTEAU of Brunswick
Mrs. LINCOLN of Bethel
Mrs. MORGAN

of South Portland

Messrs. CURTIS of Bowdoinham
MARQUIS of Lewiston

— of the House.

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

Report was signed by the following member:

Mr. QUIMBY of Cambridge
— of the House.

Reports were read.

On motion of Mrs. Lincoln of Bethel, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Bill "An Act relating to Contributions Payable by Participating Local Districts under State Retirement System" (H. P. 833) (L. D. 1071)

Report was signed by the following members:

Messrs. DUQUETTE of York
CIANCHETTE

of Somerset

HANSON of Kennebec

— of the Senate.

Messrs. SHELTRA of Biddeford
BARNES of Alton
MEISNER

of Dover-Foxcroft

Mrs. LINCOLN of Bethel

Messrs. PRATT of Parsonsfield

MARQUIS of Lewiston

— of the House.

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

Report was signed by the following member:

Mr. TEMPLE of Portland

— of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Creating a Maine Medical School Commission" (H. P. 1011) (L. D. 1319)

Report was signed by the following members:

Messrs. LETOURNEAU of York
BELIVEAU of Oxford

— of the Senate.

Miss WATSON of Bath

Messrs. MARSTALLER

of Freeport

STARBIRD

of Kingman Township

D'ALFONSO of Portland

RIDEOUT of Manchester

— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1211) (L. D. 1540) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. DENNETT of Kittery

DONAGHY of Lubec

— of the House.

Reports were read.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Increasing Certain Motor Vehicle Registration Fees" (H. P. 326) (L. D. 413):

Report was signed by the following members:

Messrs. WYMAN of Washington
HANSON of Kennebec
— of the Senate.

Messrs. SUSI of Pittsfield

ROSS of Bath

Mrs. WHITE of Guilford

Mr. HARRIMAN of Hollis

— of the House.

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

Report was signed by the following members:

Mr. MARTIN of Piscataquis
— of the Senate.

Messrs. COTTRELL of Portland
FORTIER of Rumford
DRIGOTAS of Auburn
— of the House.

Reports were read.

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

Mr. DUDLEY: Mr. Speaker, I move that we accept the Minority "Ought not to pass" Report.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending the motion of Mr. Dudley of Enfield to accept the Minority "Ought not to pass" Report and specially assigned for tomorrow.

Divided Report

Report "A" of the Committee on Claims on Resolve to Reimburse Elmer L. Rogers of Berwick for Well Damage by Highway Construction (H. P. 719) (L. D. 937) which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. LOGAN of York
— of the Senate.

Messrs. CROTEAU of Brunswick
SHELTRA of Biddeford
MARQUIS of Lewiston
CURTIS of Bowdoinham

— of the House.

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

Report was signed by the following members:

Messrs. GORDON of Cumberland
QUINN of Penobscot

— of the Senate.

Mrs. LINCOLN of Bethel

Mr. QUIMBY of Cambridge

Mrs. MORGAN of South Portland

— of the House.

Reports were read.

On motion of Mr. Marquis of Lewiston, Report "A" "Ought to pass" was accepted.

The Resolve was given its first reading.

Committee Amendment "A" (H-359) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Divided Report

Report "A" of the Committee on State Government on Bill "An Act Creating the Unclassified State Employees Salary Board" (H. P. 9) (L. D. 9) reporting same in new draft (H. P. 1212) (L. D. 1541) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. DONAGHY of Lubec
RIDEOUT of Manchester
DENNETT of Kittery
MARSTALLER of Freeport

— of the House.

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

Report was signed by the following members:

Messrs. LETOURNEAU of York
BELIVEAU of Oxford

— of the Senate.

Miss WATSON of Bath

Messrs. STARBIRD

of Kingman Township

D'ALFONSO of Portland

— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House accept Report "A" "Ought to pass."

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise in opposition to Mr. Dennett this morning and I will explain very briefly why.

If you will look at legislative document 1541, which is the redraft that we are considering, I think many of you will see why. Most of the officials named in this document have salaries now set by statute. This would remove entirely from our lawbooks and set up a Board which would set the salaries.

I do not believe that this is what a majority of this House would like to do. It has been traditional—it has been, I won't say traditional, but it has been the practice of the Legislature to set the salaries of certain officials by law and I do not think it is right that we should give up this prerogative now. Under the present law there is a certain leeway for most of these officials. I believe that the law sets an upward limit and the Governor and Council are allowed to set the salaries within this limit. I do not believe that this Legislature wishes to move in this direction. I believe the Governor and Council—or I believe a Board of this type, if this is what we want, should have some flexibility; but I do believe that they should have an upward limit.

I think, if you read this bill carefully, you will see that if we adopt it the limit that the Board can have is only governed by the amount of money they have to spend, and I don't think we want it that way.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I think that a thorough clarification of the bill is quite necessary and a little review of the history of what has brought this on. Prior to the last Legislature the legislative body it-

self set the salaries of these unclassified employees and it was principally through bills that were introduced into the Legislature individually for each particular office, sometimes collectively with a group, caused a great deal of difficulty. Every time that one asked for a raise everyone joined in to get on the gravy train. It presented quite a bit of a problem to the Legislature.

So consequently two years ago a bill was introduced whereby the Governor and Council could set salaries within certain limits which had been set by the Legislature itself. For instance, a certain department head would get a salary that was placed at a minimum of we'll say \$14,000 and a maximum of \$17,000. Now the point in this which seems certainly very very sound was that a new man coming onto a job would get perhaps the lower salary and as he stayed on in years he would get increases, and that this could be handled very comfortably.

There was, however, a tacit agreement between the legislative body and the Governor and Council that these salaries would not be raised promiscuously, that it would be held pretty much in line. What did we find as a result? I am very sorry to say that in many many cases immediately as soon as the Legislature adjourned the Governor and Council went for the limit.

There was also a bill that hasn't been reported out this year to increase them with the top limits still up further. I think generally we were disillusioned. And this bill that was put in two years ago was my very own bill. I was quite happy. I thought this thing could be worked out but it hasn't proven so. So consequently this bill has been brought in, and I think that you will notice that in this bill that the Legislature itself through its officers and appointments by the Governor which are to be approved by the Legislature hold this thing pretty much in line so it will not run away and I certainly hope with this clarification that you will support the motion to accept the Majority "Ought to pass" Report.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief. I concur wholeheartedly with Mr. Dennett. One of the more difficult things that the State Government Committee has had to do was to deal with salaries of the various officials that are named in this bill. Now we were sold down the river, I feel, last session with the tacit agreement that we had as Mr. Dennett referred to, and I feel this is a more reasonable approach to setting the salaries of our officials and I hope you will concur with Mr. Dennett.

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 present system that we have got in the law seems to have worked reasonably well and I read in the document where the list of the Chairman of the Highway Commission, the Commissioner of Economic Development and all the rest of the executive officers or department heads, "the board shall consist of the Governor or his duly authorized representative, the President of the Senate, the Speaker of the House and 2 members appointed by the Governor and approved by the Speaker and the President, one representing the business community and one representing the labor community."

I don't know that this is exactly the thing that the members of the Legislature would like to have as an approving board to govern the departmental heads as far as salary adjustments or increases are concerned, and I would have some serious reservation as to whether this is the type of administration of our departmental heads. As much respect as one must have for the officers of this branch and the officers of the other branch, I don't think it would be the logical thing to have these officers primarily trying to regulate with the Governor and his board the salaries of these department heads. So there-

fore I, at this point, am against the acceptance of this Report.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I agree with the background that Mr. Dennett has outlined. It is true, and it is true concerning the tacit agreement. I was in full agreement with his bill of two years ago. I still think the thinking behind it was sound and I think that there should be a statutory check on the salaries of the heads of departments. Now whatever board, or whether we use a board as described in this document or whether we use the present Governor and Council method of setting salaries, I still think there should be a statutory limit. I think a majority of this House has gone along with that thinking in the past. I think we are opening a dangerous door here. We may have differences as to what a person that fills these offices merits as salary, some may merit more than others, and we may have differences in opinion as to the quality of the person or what he is worth, we may think that some of the salaries they are now getting are not enough for the work they are doing, all this may be very well true but there should be some upward limit.

If we adopt this bill there really is no limit. This board can set salaries at any rates that they want to. I don't think this House is ready to go along with that thinking. There should be some check.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I've sat here on many memorable occasions and watched this House delegate its power over and over again until we don't have any. This is a case where we delegate our power to someone else, or our prerogative. In other words, when salaries are raised, and I am elected by the people, I don't want to neglect my duty. It is part of the duties of the Legislature to set these salaries; I want to keep it that way.

I didn't realize the inroads that have been made on this House since I've been here until a few years ago. I helped and worked many days preparing a bill taking away the duties of the Council that was given to them by this House. In other words, it wasn't given to them by the Constitution; certain duties are given the Council by Constitution, others have been given to them each time this House meets. By not facing up to their duties they have delegated more power to the Council, more power to the Council, and finally they are trying to delegate power to some other commissions and so forth.

I am opposed to this bill or any other type of legislation that delegates our power to somebody else. We are sent here by the people of our respective districts to do the State's business and I for one intend to do my very best to carry out the wishes of the people of my district and not to delegate my vote or my prerogative on a bill of this nature to this group or any other group, and for this reason I hope that this House will consider the fact for which they were sent here, to represent the people, to set salaries, to carry on the business of state government. If you delegate your power any further you may as well stay home and work in your garden because there will be no need for you to come here, and this has gone on for years. Each time we meet we delegate more power to somebody. This I am opposed to. I want it on the record and in your ears how I feel about it. I feel very certain that I don't want to further this trend.

I move that when you finally vote that you will accept the Minority Report of this for this reason. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report "A" "Ought to pass" Report on Bill "An Act Creating the Unclassified State Employees Salary Board," House Paper 9, L. D. 9. The Chair will order a vote. All in favor of accepting Report "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

38 having voted in the affirmative and 74 have voted in the negative, the motion did not prevail.

Thereupon, Report "B" "Ought not to pass" was accepted and sent up for concurrence. (Later Reconsidered)

Passed to Be Engrossed

Bill "An Act relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court" (S. P. 461) (L. D. 1515)

Bill "An Act relating to Liability of Landowners to Operators of Snow Traveling Vehicles" (H. P. 285) (L. D. 361)

Bill "An Act relating to Trial and Ratio Evidence in Appeals for Abatement of Property Taxes" (H. P. 449) (L. D. 572)

Bill "An Act relating to Admission to the Pineland Hospital and Training Center" (H. P. 550) (L. D. 729)

Bill "An Act Revising the Short Form Deeds Act" (H. P. 556) (L. D. 737)

Bill "An Act Appropriating Funds for the Operation of the Maine Mining Commission" (H. P. 882) (L. D. 1141)

Bill "An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities" (H. P. 1187) (L. D. 1511)

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

Bill "An Act to Validate Proceedings and Certain Action Taken by Baileyville School District" (H. P. 1194) (L. D. 1521)

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

By unanimous consent ordered sent forthwith.

Bill "An Act relating to Application for Class A Restaurant Liquor License" (H. P. 1197) (L. D. 1518)

Bill "An Act relating to Approval of Secondary Schools" (H. P. 1202) (L. D. 1529)

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 Increasing Certain Fish and Game Fines" (H. P. 1204) (L. D. 1531)

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

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

Bill "An Act Increasing Compensation of Councilmen and Mayor of City of Augusta" (H. P. 1205) (L. D. 1532)

Bill "An Act to Exempt Unmarried Widows of Certain Paraplegic Veterans from Property Taxation" (H. P. 1206) (L. D. 1533)

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

Amended Bills Engrossed in Non-Concurrence

Bill "An Act relating to the Statute of Limitations for the Malpractice of Physicians" (S. P. 85) (L. D. 279)

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

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

Mr. SANTORO: Mr. Speaker, I move that this bill be indefinitely postponed and all its papers that go along with it and I will speak shortly on the motion.

The SPEAKER: The gentleman from Portland, Mr. Santoro, moves that item 14, L. D. 279 be indefinitely postponed.

The gentleman may proceed.

Mr. SANTORO: Mr. Speaker and Members of the House: On July 2, 1931, the so-called Statute of Limitations statute, the one that is good law up to now came into effect. This law states that suits in Court against defendants who are engaged in the healing arts shall be brought within two years after the alleged wrongful act. This statute has been on the books thirty-eight years with no attacks upon

it, no suggestions that this was unfair and actually, no one was ever harmed by it. The words "engaged in the healing art" means osteopaths, chiropractors, nurses, hospitals, staff doctors and all.

The statute when passed put those who are engaged in the healing arts into a category that existed all over the country. Some thirty-two states have the exact same statute as we have now and seven states have even a shorter period, or one year. Our sister states have the statute as follows:

New Hampshire—two years
Massachusetts—two years
Vermont—three years
Connecticut—one year
Rhode Island—two years
New York—two years

Again, each of these statutes have been on the book for well over thirty-eight years in each state. I believe it will be fair to state that there have been no attempts to change these statutes except in the State of Maine now.

Why is this present bill before us today, and who is behind it?

A case went to the Law Court in which, following surgery, the patient was fully aware of a bad result within two years from the date of the operation, but the suit was not brought until a period well over two years. The Law Court suggested that in order to have her case presented in Court, it would have to be brought within two years of the date of the operation and not within two years after she supposedly discovered the bad result. This law was good law for years in the New England States based upon a landmark case that was decided in Massachusetts.

At the hearing before the Judiciary Committee, the only argument offered in support of the bill was that it might be possible that someone, sometime be harmed by this decision, which again, was the law. Only one person spoke in favor of the bill and there were no suggestions whatsoever as to there being any need for a change.

Then why was the bill introduced in the first place? The answer to this is that it was sponsored by the Plaintiff's Trial Association which has presented many other

bills in this Legislature, such as bills giving the right to wives to sue husbands, children to sue fathers and the like.

May I point out to you that if there is a problem with regard to the Statute of Limitations and the laws as they exist now, let us review the entire problem. Let us review the problem as far as lawyers are concerned, because the law in the case I have just spoken to you about applies to lawyers as well as it applies to everyone else. Let us bring in architects and all other professions. Let us bring in all professional people if there is such a problem and see where we come out.

I challenge the members of the Judiciary Committee to point out a need for this bill, and if there is no such need, let's keep the present law as it is. I therefore, move that the bill be postponed indefinitely.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I must take issue with my good friend, the gentleman from Portland, Dr. Santoro, and try to tell you in some logical sequence why the Judiciary Committee unanimously went along with providing more equal justice and better protection to the people of the State of Maine.

The general Statute of Limitations in the State of Maine is six years. At the present time there is a certain group and a nice group of people in the State of Maine who have a certain privilege with regard to the Statute of Limitations. Somewhere along the line, as Dr. Santoro mentioned, they got special legislation for a two-year Statute of Limitations. Well, the Judiciary Committee really tries to be evenhanded and we thought that a more or less general Statute of Limitations would better serve the interests of the people of the State of Maine.

Now we are dealing in a field which is sometimes referred to as malpractice and unfortunately, no matter how well intended or how well trained certain people

in the healing arts are, some very catastrophic things happen. For example, I kept some sort of a file over the years on this subject of malpractice and I will give you one of the more glaring examples.

This item from my file is under the Portland Press Herald of Thursday, May 25, 1967, some two years ago. "Surgeon Amputates Wrong Leg" and I will quote verbatim but I'll be glad to show this to anyone who may choose to look at it. "A woman patient is legless after an operation mistake. A surgeon amputated the wrong leg, a hospital statement said, but realized his mistake when the 79 year old patient was still in the theater and then amputated the bad leg." Now this is a very sad situation. This poor woman that should have had her bad leg taken off ended up with no legs.

Now there are certain types of operations with which I am sure the good doctor is far better acquainted than I am concerning ladies for example, where there are instances where things like sponges are left in the body, not purposely but through oversight at the time of the operation. Now when the two years expires this poor lady, even though she isn't aware that there is a sponge in her system, is purely out of luck. Now we say in the State of Maine that what should happen is that this lady should have a Statute of Limitations protecting her and giving due regard to the profession of the healing arts. We say that the two-year Statute of Limitations is all right so long as it includes the period from when the discovery of the malpractice was made or should have been made, and that's all that this bill is trying to do.

So I would have to oppose the gentleman from Portland, Dr. Santoro, and hope that this bill will not be indefinitely postponed and that this Legislature will take a very forthright action in protecting people in the State of Maine.

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

Mr. SANTORO: Mr. Speaker and Members of the House: I certainly feel that if this sponge was left for

two years it would be known by that time.

I ask you when the vote is taken for a roll call vote.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether it is the warm weather or the increase in the length of our sessions but I think for the first time this session, at least that I can readily recall, I agree wholeheartedly with the Judiciary Committee on a piece of legislation affecting civil liability. Perhaps it isn't the first time, but at any rate I do want to bring to your attention some facts about this legislation.

First of all I have had occasion to defend quite a few medical hospital and dental malpractice suits and in that experience I have seen instances where I thought that a two-year Statute of Limitations running from the date of the commission of the act of malpractice has come very close to working a very real hardship on someone who had legitimate grounds for complaint. I believe that the more enlightened jurisdictions in this country provide that the period of limitations within which one can bring an action for malpractice runs from the time that the act of malpractice is detected by the plaintiff or should have been, and that is what this law does.

Now there are instances where surgical instruments are left in the body, or sponges and this sort of thing, and I see absolutely nothing wrong with the statute that says the person must bring the action within two years of the time he or she knows or reasonably might have known that the act of malpractice was committed.

I think it is a tragedy to allow our law to remain in a posture where an innocent victim of an act of malpractice, and they do occur and I am not trying to malign the medical profession, I think they are great, but there are instances where it occurs and I think our law should be so designed to meet that contingency. Therefore, I am going to vote with the Judi-

ciary Committee on this bill and against the gentleman from Portland, Dr. Santoro, with apologies.

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

Mr. MORESHEAD: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion to indefinitely postpone this bill. I feel this is a good bill and that it would serve the best interests of the people of the State of Maine. There certainly are today people who are victims of malpractice who are not entitled to their day in court because of this short Statute of Limitations, and many of the opponents of the bill might say, "Well, this doesn't occur very often." Well it doesn't occur, or doesn't come into the court because when the person goes to a lawyer three years after the malpractice occurred, we say, "You're out of luck, forget it."

And all this bill does, it says that the Statute of Limitations begins on the day the person discovers the malpractice, or should reasonably have discovered the malpractice, and if the person didn't know about it and the statute ran out on him, he isn't given his day in court to recover for his injuries.

Now there was some objection at the hearing to the fact that well this could be twenty years from the time of the accident, say twenty years after the time of the malpractice the person discovered it, is this fair on the doctors? So in our committee amendment, we have limited this to six years, so that the two years is in effect, as two years from the time it was discovered or should have been discovered, but not longer than six years from the time the cause of action accrued; namely, back when the person was operated on or treated. So we are, in effect, giving the doctors the two-year statute, but in cases where the injury wasn't discovered the person has up to six years to bring his action, but it can't be longer than two years from the time the action was discovered or should have been discovered.

I also want to point out that the six year statute is a statute that

is a regular Statute of Limitations, it's a statute that attorneys have got to live under in malpractice actions, and it is a statute in the ordinary automobile accident case. So I feel that we are still giving the doctors a break in this Statute of Limitations area by leaving the two years, but we are by passing this legislation giving a break to the person who is injured but doesn't discover his injury right off, and we are allowing him to have his day in court.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As a layman I am confused, does this mean that it extends the individual's time from two to four years but leaves the limitation to six years?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member who may answer if he chooses.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, a Statute of Limitations merely means that within whatever period of years is named, in this instance it's two years for doctors, the action must be brought, and if it's not brought the Statute of Limitations has run, that is it bars any proceeding.

This bill would amend our present law which says that the action must be brought within two years of the date of the commission of the act of malpractice whether the cause of action is discovered by the patient or not. It amends it to provide that that two-year period begins to run from the time that the patient knew, or reasonably should have known, of the occurrence of an act of malpractice.

Now our present law has a six-year Statute of Limitations on most personal injury actions. The two-year statute with respect to doctors will remain in effect under this bill. It will start the statute

running from the time the act of malpractice is discovered or should have been. In no event, whether the cause of action was discovered by the patient or not, in no event may an action be brought after the six years has run from the date of the commission of the act of malpractice.

I apparently haven't gotten through, but what I'm trying to point out is that two years is the present statute, and this simply changes the time that it's computed from from the date of the commission of the act to the date when the act was discovered.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I know that the gentleman from Cumberland, Mr. Richardson, has sharpened up since he has gone along with the Judiciary Committee. I just want to ask—where's the four years come in, that's what confuses me. There is no four years.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a further question to any member who may answer if they so desire.

Mr. Santoro of Portland was granted permission to speak a third time.

Mr. SANTORO: I never realized this morning that I was getting involved in a legal discussion, which is not up my alley at all. Like most of the laws, they are written for the lawyers, not for the doctors—I just get lost. But anyway, the point that I want to make is this. If this bill was passed it would necessarily encourage more suits against the doctors in the state, and we need doctors in this state. We don't want to happen here what is happening in Colorado where too many suits are being brought against the doctors and the insurance company rates are very high and very few doctors can afford to buy the insurance, and many doctors are leaving the state for this reason. We should not encourage this kind of stuff here, and we should go along with the Senate to postpone this bill indefinitely.

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

Mr. HASKELL: Mr. Speaker, I would like to pose a question to whoever could answer. I would assume that the majority of doctors have insurance against malpractice suits. I wonder if the change in Statute of Limitations would have any substantial effect upon the rates that they would have to pay for this type of insurance?

The SPEAKER: The gentleman from Houlton, Mr. Haskell, poses a question through the Chair to any member who may answer if they choose; and the Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I really don't think that it will. I try to follow the news from the American Medical Association quite carefully and I read this spring in the American Medical Association News that the price that the doctors paid for insurance in 1968 was \$75 million, and of this \$75 million only \$18 million was paid out in claims to the general public. So if that is the status of malpractice insurance — and I have no quarrel with it, I can't see how the rates are going to be raised very much by this type of very worthwhile legislation that the gentleman from Cumberland, Mr. Richardson has also endorsed.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: It disturbs me this morning to see us give so much concern here for the fact as whether or not some doctor's insurance rate might go up a little. I think we should consider the alternative, namely the person who has been a victim of this malpractice and who may live the rest of his life suffering as a result of malpractice, mainly because they found out about it two and a half years after they were operated on, and they were barred from a legitimate suit because of this Statute of Limitations. And if this is going to increase the doctor's malpractice insurance a little bit I think let it be so, because I

think there are people today who aren't recovering on legitimate claims because of the present statute.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Portland, Mr. Santoro, that item 14, Bill "An Act relating to the Statute of Limitations for the Malpractice of Physicians," Senate Paper 85, L. D. 279, be indefinitely postponed. He further moves that when the vote is taken it be taken by the yeas and nays.

For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All 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 Portland, Mr. Santoro, that L. D. 279 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, Bedard, Bourgoin, Bunker, Casey, Cottrell, Crosby, Cummings, Curran, Cushing, Dennett, Eustis, Evans, Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hardy, Haskell, Jameson, Kelley, R. P.; Lawry, Leibowitz, LePage, Lewin, MacPhail, Marquis, Marsteller, Noyes, Ouellette, Rand, Richardson, G. A.; Rochelleau, Santoro, Scott, G. W.; Snow, Starbird, Temple, Trask, Tyndale, White.

NAY — Baker, Barnes, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bragdon, Brennan, Brown, Buckley, Burnham, Carey, Carrier, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Couture, Crommett, Croteau, Curtis, Dam, Donaghy, Drigotas, Dudley, Durgin, Dyar, Erickson, Farnham, Faucher, Fecteau, Fortier, A. J.; Foster, Good, Hall, Hanson, Harriman, Hawkins, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.;

Keyte, Kilroy, Lebel, Lee, Levesque, Lewis, Lincoln, Lund, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Nadeau, Norris, Page, Payson, Porter, Pratt, Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Scott, C. F.; Shaw, Sheltra, Stillings, Susi, Tanguay, Thompson, Vincent, Watson, Waxman, Wheeler, Williams, Wood.

ABSENT—Cox, D'Alfonso, Danton, Emery, Finemore, Johnston, Laberge, Mosher, Quimby, Soulas, Wight.

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

The SPEAKER: Forty-two having voted in the affirmative and ninety-seven in the negative, the motion does not prevail.

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

Bill "An Act Revising Certain Probate Laws" (H. P. 522) (L. D. 693)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Tuberculosis Sanatoriums" (H. P. 686) (L. D. 885)

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

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

Bill "An Act relating to Mandatory Discharge of Chattel Mortgages and Notes" (H. P. 929) (L. D. 1190)

Bill "An Act relating to the Men's and Women's Correctional Centers" (H. P. 934) (L. D. 1195)

Bill "An Act relating to Boilers and Unfired Steam Pressure Vessels" (H. P. 1100) (L. D. 1417)

Resolve to Reimburse William E. Hodgdon of Embden for Well

Damage by Highway Maintenance (H. P. 263) (L. D. 339)

Resolve to Reimburse Tilton Davis of Solon for Damage by Highway Construction (H. P. 264) (L. D. 340)

Resolve to Reimburse Irving M. Greenleaf of Rome for Well Damage by Highway Maintenance (H. P. 596) (L. D. 777)

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

Third Reader Tabled and Assigned

Bill "An Act to Create the Mountain Resorts Airport Authority" (S. P. 368) (L. D. 1281)

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

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

Bill "An Act Creating an Administrative Assistant to the Chief Justice of the Supreme Judicial Court" (S. P. 369) (L. D. 1282)

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

Bond Issue Tabled and Assigned

An Act to Authorize Bond Issues in the Amount of \$9,800,000 to Provide Funds for School Building Construction under the Provisions of Section 3457 and Section 3459 of Title 20, R. S., and \$800,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers under the Provisions of Section 2356-B of Title 20, R. S. (H. P. 402) (L. D. 513)

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

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

Passed to Be Enacted

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

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

Enactor

Tabled and Assigned

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

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

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

Mr. CROSBY: Mr. Speaker, I move that this item be indefinitely postponed and would speak briefly to my motion.

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, moves that item three, L. D. 1349, be indefinitely postponed. The gentleman may proceed.

Mr. CROSBY: Mr. Speaker and Members of the House: The time this bill first appeared before us there was a question in my mind which I wanted clarified. Today I am in receipt of a letter from the Attorney General's office which I would like to read to you.

"Dear Representative Crosby:

At your request, we have reviewed L. D. 1349, together with Committee Amendment "A" thereto.

L. D. 1349 provides in general that the license or corporate franchise of a person, firm or corporation may be revoked by the Administrative Hearing Commissioner if the person, firm or corporation withholds membership, its facilities or services, to any person on account of race, religion or national origin.

The first question we raise as to the legislation is whether the State of Maine may properly revoke a license or corporate charter, both of which are valuable property, where its only interest in an entity was that the business held some sort of a State license or was

in the case of a corporation chartered by the State.

In order for the State to revoke a license or charter for any reason, the appropriate legal procedures, in order to assure due process of law, must be set up. The proposed sections, even with the amendment added, appear to lack the necessary substantive provisions which would provide the procedure for the revocation of a license or franchise. The intention of the amendment is that the procedures under the Administrative Hearing Code could be used and a general adoption of those procedures is made. However, we believe it better to clearly spell out, in specific form, the jurisdiction of the Administrative Hearing Commissioner in the respects contemplated by the bill.

I note that the Administrative Hearing Commissioner does not now have jurisdiction to revoke all licenses or to revoke corporate charters. This authority should be clearly given and not given, as under the amendment, by indirection.

I also suggest, without deciding, that the proposed legislation may be so vague in its operation as to deprive persons of their property without due process of law.

In short, Section 1301-A suggested as legislation by L. D. 1349, from a legal viewpoint is only the idea on which to base a great number of statutory modifications and changes. We believe that additional statutory provisions will be necessary to achieve the desired results."

Signed by Jon Doyle of the Attorney General's Department. Thank you.

Whereupon, on motion of Mr. Brennan of Portland, tabled pending the motion of Mr. Crosby of Kennebunk to indefinitely postpone and specifically assigned for tomorrow.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Were reported by the Committee on 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 SPEAKER: Under Orders of the Day is there objection to considering item nineteen on page twelve out of order?

The Chair hears none.

An Act relating to Retirement of Chief Liquor Inspector (H. P. 943) (L. D. 1204)

Tabled—May 20, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Dennett of Kittery to reconsider whereby House recommitted to the Committee on Retirements and Pensions.

The SPEAKER: Is it the pleasure of the House to reconsider its action? It's a vote. The pending question is recommittal. All in favor of recommitting say aye; those opposed say no.

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

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

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

Mr. DENNETT: Mr. Speaker and Members of the House: We have here before us this morning the Governor's veto of this bill extending the time of the Chief Liquor Inspector. There have been during the course of debate on this bill various allusions that behind this bill there might be more than meets the eye.

In the early thirties the Congress of the United States repealed the Prohibition Law. Shortly after the repeal the State of Maine also repealed its laws. Under the federal repealer it gave to the various states the right to impose any conditions that they saw fit to control the sale and the traffic of liquor in the several states. This solely is a state responsibility. The State of Maine chose, in what I think was its wisdom, to set up a monopoly system. The monopoly system was not set up so much for profit as it was to enable the state to the best degree possible to control the traffic in liquor. I feel that it has worked very very well.

I think an example of that might be the constant increasing of the number of communities that have permitted the sale within their own borders. The people have become reasonably tolerant toward this traffic because of the fact that in the State of Maine we have had excellent enforcement. We have been relatively free of liquor scandals in the State of Maine.

Now I think that you all are aware the traffic in liquor is sensitive; it is a sensitive business. It also involves human emotions to a great degree. Again I feel that it has been reasonably well handled in this state.

Now I think that particularly in this present session of the Legisla-

ture we have been confronted with an unusual situation. There apparently is an attempt to widen the liquor traffic and for the State to relax, if not relinquish, its controls. I think this was very evident in a bill that would set up a one-man commission and move it a little further from the people. I also think this was evident in a bill that has again appeared before us that would release table wines from the state monopoly and put it in private hands.

To get back to Mr. Murphy, I think a great deal of credit has been due this gentleman for his enforcement of the law in this State. He is not indispensable, I am very much aware of this. The State of Maine will go on long after all of us have passed to our rewards. But this isn't the point of the question. There are many of us that can't see an answer to the enforcement in the Liquor Commission this present day. That is why principally this bill was brought to continue Mr. Murphy in office.

The Governor, however, is apparently of a different mind; this is his prerogative. He has seen fit to veto this bill. But apparently in a most unusual veto message, such as I have never seen before, he apparently left an avenue of escape and that was to amend the bill. But despite every exploration we found this avenue to be strictly closed and escape was impossible. That is why this bill is back before us this morning. It was explained the other day, with the motion to reconsider the recommittal, the whys and wherefors of that.

We feel that perhaps the Governor would go along as he suggested with another bill, which we will attempt to introduce. We are relying on the good faith of His Excellency and we in turn will be in good faith. We now have the matter up to either override or sustain his veto. I of course will vote to override and I know certain of you must vote to sustain. But if this veto is sustained there will be another bill following and it will be written in an endeavor to conform with the Governor's wishes, and I truly hope that in this instance he may approve it. Thank you, Mr. Speaker.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't think that I need to belabor the question of the qualification of the Chief Liquor Inspector of the State of Maine. I think that this has been pretty well stated on the Floor of this House, that not only the Chief Liquor Inspector but also a lot of other departmental heads have the necessary qualifications to remain beyond the age of sixty-five.

I think also that under our present statutes and under the provisions, that there is enough legislation on our books already that if there is a qualified person that wishes to go beyond the age of sixty-five and because of his qualifications he should be retained for awhile longer, that he should not retire at age sixty-five. There are already provisions that can take care of these problems in our own state, not only for one Chief Liquor Inspector but for many other departmental heads.

Should we expand this to cover all other employees that may be acceptable to the Chief Executive as an avenue that we could pursue, and that I welcome; but if we do it we must do it for all eligible employees, that they will be treated one and the same. Certainly the question before us has never been a question as to the qualification, but if we should do it for one we should also do it for the others. Because if they are in need of staying beyond what the present law calls for, of the extension of service, that granted we should in unison do it for one and all. But to have done it for only one of the department heads would have been an error on our part. So therefore when the vote is taken this morning on the question to be posed before you, I hope that you will vote to sustain the message of the Governor.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Very briefly this is one of the rare occasions where I would in any area

disagree possibly very much in a small way with the gentleman from Kittery, Mr. Dennett in his vote this morning. However, I felt that when the bill was before us it was our business, I made a motion in caucus in my own party to uphold the veto of the Governor, out of respect for him he being a member of my party. I am happy to hear, however, that there might be a new bill that might be pleasing to him that will be coming forth. I shall support the gentleman from Madawaska, Mr. Levesque, this morning.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Section 2 of the Constitution, the yeas and nays are ordered. All in favor of this Bill becoming law will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Buckley, Chandler, Clark, C. H.; Clark, H. G.; Corson, Couture, Crosby, Curtis, Cushing, Dennett, Donaghy, Dyar, Erickson, Farnham, Foster, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkins, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Lee, Lewin, Lewis, Lincoln, Marsteller, McNally, Millett, Mosher, Noyes, Page, Porter, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Trask, Tyndale, White.

NAYS — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Brown, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chick, Coffey, Cote, Cottrell, Crommett, Croteau, Cummings, Curran, D'Alfonso, Dam, Drigotas, Durgin, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Loberge, Lawry, Lebel, Leibowitz, LePage, Levesque, MacPhail, Marquis, Martin, McKinnon, McTeague, Meisner, Mills, Mitchell, Moreshead, Nadeau, Norris, Ouel-

lette, Payson, Pratt, Ricker, Rocheleau, Santoro, Sheltra, Starbird, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler, Wood.

ABSENT—Cox, Danton, Dudley, Evans, Finemore, Lund, Morgan, Quimby, Thompson, Wight, Williams.

Yes, 64; No, 75; Absent, 11.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-five in the negative, the Governor's veto is sustained.

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

Bill "An Act relating to Molesting Game Animals by Snowmobiles" (H. P. 890) (L. D. 1149)

Tabled—May 19, by Mr. Eustis of Dixfield.

Pending—Motion of Mr. Porter of Lincoln, to recede and concur.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to speak briefly on this bill this morning. It has no real earth-shattering effects on the status of the State of Maine, but I think we have a lot of principle involved here.

At the original hearing there were three bills presented to the committee relating to snowmobiles. These bills were heard. Two bills were given Leave to Withdraw. L. D. 1149 was to be used for a bill for redraft if necessary. Now there were seven proponents to L. D. 1149 at the hearing and no opposition. Our committee saw fit to come out in new draft with legislation that had nothing in common with this bill. It is my feeling that some of the statements made against this bill might be derogatory. I believe last week it was stated that this bill if enacted would allow wardens to stand behind trees and pounce on unsuspecting individuals when they were in a deer yard with snowmobiles.

I think possibly this might be scanned from a different view. I think it would give the wardens the legality to enforce some sort of legislation to keep people out of the deer yards if they were in

there to molest. We have reached a point now where the snowmobile is a very common mode of transportation here in the state. They serve their purpose and serve it well. We have come to the problem where we have the Sunday cowboys out for an afternoon's outing Sunday afternoon chasing a deer around and entering our moose yards, and even chasing the moose.

I feel that this is good legislation. The law mentions the fact that the first paragraph of the L.D. 1149 cluttered up existing law because it is already stated in existing law, but I think that possibly this could be eliminated but in many existing laws there is duplication of other statutes in certain wording. I requested the other day that we insist upon our action and request a Committee of Conference. The motion of Mr. Porter to recede and concur had precedence over my motion. I hope this morning that you will go along with me and vote against the recede and concur motion so that I may make a motion to insist. I ask for a roll call vote.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As you all know I come out of an area where we have a lot of woods and a lot of trees and we have a lot of snowmobiles. In contacting those groups down there who are organized in snowmobile groups in regards to this bill here on what they wanted me to do with it, they say that they can get along with this bill all right as it reads without the consent of or in the presence of a game warden or law enforcement officer. They have this winter contacted the local wardens to find out where the deer yards are so they could avoid them. I think it is a good piece of legislation.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Lincoln, Mr. Porter, that the House recede and concur. 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 of those members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. Porter, that the House recede and concur with the Senate in the indefinite postponement of this Bill. All in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA -- Allen, Bedard, Benson, Birt, Bourgoin, Buckley, Carter, Chandler, Clark, H. G.; Cote, Couture, Crommett, Crosby, Cummings, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Durgin, Erickson, Fecteau, Giroux, Good, Hardy, Harriman, Hawkens, Hewes, Hichen, Huber, Johnston, Kelleher, Kelley, R. P.; Lebel, Leibowitz, Lewin, Lewis, Marquis, McKinnon, Meisner, Millett, Moreshead, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, G. W.; Shaw, Sheltra, Tanguay, Thompson, Trask, White, Wood.

NAY—Baker, Barnes, Berman, Bernier, Bragdon, Brennan, Brown, Burnham, Carey, Casey, Chick, Clark, C. H.; Coffey, Corson, Croteau, Curtis, Cushing, Dyar, Emery, Eustis, Farnham, Faucher, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gilbert, Hall, Hanson, Haskell, Henley, Heselton, Hunter, Immonen, Jalbert, Jameson, Jutras, Kelley, K. F.; Kilroy, Laberge, Lawry, Lee, LePage, Levesque, MacPhail, Marstaller, Martin, McNally, Mills, Mitchell, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Rand, Ricker, Rocheleau, Ross, Scott, C. F.; Snow, Soulas, Starbird, Stillings, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler.

ABSENT—Binnette, Boudreau, Bunker, Carrier, Cottrell, Cox, Curran, Danton, Dudley, Evans, Finmore, Gauthier, Keyte, Lin-

coln, Lund, McTeague, Morgan, Quimby, Santoro, Susi, Wight, Williams.

Yes, 57; No, 71; Absent, 22.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy-one having voted in the negative, the motion to recede and concur does not prevail.

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

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

Bill "An Act relating to Tuition Charges for Special Education Classes" (H. P. 1154) (L. D. 1476) (In House, passed to be engrossed as amended by Senate Amendment "A" S-131) (In Senate, Senate Amendment "A" indefinitely postponed, passed to be engrossed as amended by Senate Amendment "B" S-136)

Tabled—May 19, by Mr. Millett of Dixmont.

Pending—Further consideration.

On motion of Mr. Millett of Dixmont, the House voted to recede and concur.

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

MAJORITY REPORT (7) — "Ought not to pass"—Committee on Judiciary on Resolve Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine (S. P. 209) (L. D. 618) and MINORITY REPORT (3) reporting "Ought to pass"

Tabled — May 19, by Mr. Levesque of Madawaska.

Pending—Motion of Mrs. White of Guilford to reconsider acceptance of Majority Report.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I must rise to oppose the motion to reconsider. Seldom in these battle strewn halls has so much effort been put forth to pass special legislation jeopardizing the taxpayers' money by making the people of the State of Maine an instant target because one of its employees

after due warning shot an escaped felon who was being harbored by his parents, who now have the audacity and the novel idea that they have been damaged in a money sense when they were actually helping this criminal to break the law and in fact were breaking the law themselves.

As in all cases of this nature, two major basic propositions are involved. One, was the trooper justified in shooting the criminal after firing a warning shot in the air, or was he unfortunately trigger happy? If the trooper was justified in shooting Hilton, an escaped felon, then as I understand it liability is not established and the trooper is exonerated, and the trooper has already been exonerated by the Grand Jury of your county as I understand it. How foolish to waste the time and circumvent the present litigation by trying to make the State of Maine a new target in this guilt founded suit. Members of the House, the defendant is already having assistance by the State of Maine who is furnishing him an expert attorney to defend the case. The presiding judge may well have the last word anyway as to whether as a matter of law liability truly lies. And then, of course, how are the parents who themselves were committing a crime damaged pecuniarily when they broke the law by harboring a convict who was escaping from justice?

I am amazed that in certain sectors of this House this cause has been taken up and it has taken so much time of this House for special legislation. We have won our battles in this matter. I hope the House will not reconsider. When the vote is taken I would request the yeas and nays and in closing my initial argument I would like to read to the House the affidavit of the trooper involved.

"AFFIDAVIT"

My name is William Manduca, age 30, presently a resident of Hallowell, County of Kennebec and State of Maine. I have been a Trooper with the Maine State Police for five and one-half years. On April 19, 1967, I was a member of a party who attempted to arrest

David L. Hilton, in Wells, County of York and State of Maine. At the time of the attempted arrest, Trooper Detective Sherwood Baston had in his possession an attested copy of a warrant for the arrest of the said David L. Hilton for the crime of breaking, entering and larceny in the nighttime, photo copy of which warrant is attached to this Affidavit and made a part hereto. At the time of the attempted arrest, I was personally advised of the existence of the warrant and the fact that it was held by a member of the arresting party. I had been shown pictures of the said David L. Hilton and was indeed familiar with the facts that said David L. Hilton had previously been convicted of felonies, that a warrant for his arrest as a felon was outstanding, that the said David L. Hilton had previously evaded an attempted arrest by running and escaping and had further been advised that the said David L. Hilton had on several occasions stated that he would attempt to resist or escape arrest in the future, that he would resist arrest, if necessary, and that he intended to do bodily harm to any Troopers attempting to arrest him.

At approximately 11:00 p.m., April 19, 1967, I was stationed on the westerly side of the Roland Hilton house, located on the Sanford Road in the Town of Wells, County of York and State of Maine. Shortly after Trooper Detective Sherwood Baston and Trooper Jerry Flowers entered the Hilton house with the warrant for the arrest of David L. Hilton in an attempt to arrest the said David L. Hilton, the said David L. Hilton attempted to escape from said house by crawling out through a bedroom window on the westerly side of the said Roland Hilton house."

And I would remind the members of the House that it is this Roland Hilton who is now trying to sue the State of Maine.

"I first saw David L. Hilton momentarily stop on the easterly side of the driveway between the Roland Hilton house and the Leon Gagnon house, being the house next westerly of the Roland Hilton resi-

dence. At that time he was approximately 20 to 25 feet away. Immediately thereafter, I saw the said David L. Hilton start to run in a westerly direction from the said house and called out for him to halt. When he continued to run, I fired a warning shot from my rifle in the air and commenced running after him in pursuit. A short time later, after rounding the northeasterly corner of the Leon Gagnon house, I again saw the said David L. Hilton about to round the northwesterly corner of the Gagnon house. At this time he was approximately 35 to 40 feet away from me. When I reached the northwesterly corner of the Gagnon house, I again saw the said David L. Hilton approaching the southeasterly corner of the Nowak house, being the house next westerly of the Leon Gagnon house. At this point the said David L. Hilton had increased the distance between us to approximately 60 feet. Immediately around the corner of that house lay a large area of woods which, if gained by the said David L. Hilton would result in his escape from the impending arrest. I thereupon called once again for the said David L. Hilton to halt, and when he failed to do so, while still running, I shot at said David L. Hilton to prevent his impending escape, this second shot from my rifle struck the said David L. Hilton, whereupon he fell to the ground and ultimately expired from the results of said wound. Had I not shot at the said David L. Hilton the second time, he would have been lost to my view within a matter of a second and would have been in the woods before I could have reached the corner of the building around which he was about to go."

And the typewritten signature to this affidavit is William Manduca.

Now this is the evidence in the case, this is the evidence that your Committee on Judiciary heard, this is why we are trying to save the State of Maine some money, and I hope this House will be persistent and will listen to the evidence and will oppose the motion to reconsider.

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

Mr. BRENNAN: Mr. Speaker, Members of the House: I am very reluctant to oppose my good friend, Mr. Berman, but the essence of this case is whether we are going to give the decedent's estate its day in court. The passage of this resolve would give the estate of the decedent the day in court. It would also protect the State Police Officer involved. However, there would be no recovery unless it is proven by a preponderance of the evidence that the trooper was negligent in shooting the Hilton boy. I believe if the trooper was wrong or negligent then there should be some legal redress for the boy's family.

Now as to whether or not there was negligence is a question for the three judges who will hear all the evidence to make a decision, and I personally wouldn't hazard an opinion as to whether or not there was negligence. I just submit that he should have his day in court.

Now as long as the trooper was acting within the scope of his authority and he was not negligent there is going to be no recovery against the State. The only way there will be any recovery against the State, that there was some wrongdoing on the part of an agent of the State. Thank you.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: The Hilton family is having its day in court right now. There is a suit pending at the present time, so to say there is no day in court, I submit it is not quite setting forth the facts. Further, I feel that this \$618,000 suit would be better tried against the individual trooper. From a strategy point of view I feel it is better to have the trooper, an individual, be a defendant rather than the State which I would classify as a target defendant, a large—a wealthy defendant, like a large corporation, and I suggest that a better result would be achieved if the suit that

is now pending were to continue to trial rather than have the State become a defendant in this matter. I thank you.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: You have heard this discussion in debate before, and I am hesitant to prolong it, but I do want to make one thing very very clear.

When I first reviewed this situation I had some question in my mind about substituting the state as a party defendant in this action. But on very careful reflection I decided, as I indicated to you the other day, that the place to try this case is not in front of a jury — whether it's a unanimous or majority verdict of nine jurors — the place to try this case is in front of a three-judge court, and it is my very strong feeling that the best chance of vindicating this trooper who was carrying out the laws we require him to carry out is to have the case tried before a three-judge court and not a jury.

The second thing is that we are talking about whether or not we as legislators are going to back up our police officers in carrying out their duties, and I think we should. Now the only thing about this that troubled me was that I was afraid if we allowed them to bring an action against the state, the attorneys representing the state in this action might decide to settle the case, and in order to obviate that little problem, if you will reconsider and substitute the bill, the gentleman from Gardiner, Mr. Heselton, I believe, will offer an amendment, and the amendment will provide that the action will not be settled. And I, for one, want to make it crystal clear that the reason I am supporting this bill is because I think that it is a way to vindicate the actions of this trooper and at the same time to give the estate its day in court. I question very seriously whether it ought to be in court, but it has the right to go there. And I want it to be in front of three judges and not a jury.

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

Mr. MILLS: On the previous debate on this question I asked the question of our legal attorneys here in the House on whether the state trooper is considered an agent of the state or an employee of the state. If he is an employee of the state, well then he has the position of being a paid person, and Mr. Hewes would be correct, according to law in other states which I am familiar with. But as an agent of the state the suit should be brought against the state. As far as I am personally concerned with this bill, from previous experience, the man who is named here to be sued or jeopardized was only one of several who were there to apprehend a dangerous felon, who was known to be armed and known to be able to use this weapon. If somebody could resolve that question of whether he is an agent of the state or an employee of the state, we could clarify this bill.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I'm not sure I understand clearly the problem that has been described by the gentleman from Eastport, but let me say this: there is no question that this trooper was acting as a state trooper, he was within the scope of his employment, he was carrying out the orders of his superior officers, he was therefore an agent of the state. The only reason that the state hasn't been sued in York County is because the Doctrine of Governmental Immunity provides that the state is not subject to suit. That's why we have a bill. But there is absolutely no question that the man was carrying out his orders. He was an agent or employee of the State of Maine at the time he did what he did.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Guilford, Mrs. White, that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report. 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 on the reconsideration 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 a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Guilford, Mrs. White, that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report on Resolve Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine, Senate Paper 209, L. D. 618. 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, Bedard, Benson, Birt, Boudreau, Brennan, Brown, Buckley, Bunker, Carey, Casey, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Crosby, Croteau, Cummings, Curran, Cushing, Dennett, Donaghy, Durgin, Dyar, Erickson, Farnham, Faucher, Gauthier, Gilbert, Good, Hall, Hardy, Harriman, Haskell, Hawkens, Heselton, Hichens, Hunter, Immonen, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilroy, Laberge, Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McTeague, Meisner, Millett, Mosher, Nadeau, Norris, Noyes, Ouellette, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, White, Wood.

NAY — Berman, Bernier, Binnette, Bourgoin, Bragdon, Burnham, Carrier, Carter, Chick, Cottrell, Crommett, Curtis, Drigotas, Emery, Eustis, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Giroux, Hanson, Henley, Hewes, Huber, Jalbert, Jameson, Jutras, Keyte, Leibowitz, Levesque, Mar-

quis, McKinnon, McNally, Mills, Mitchell, Moreshead, Morgan, Page, Ricker, Sheltra, Tanguay, Temple, Wheeler, Williams.

ABSENT—Couture, Cox, D'Alfonso, Dam, Danton, Dudley, Evans, Finemore, LePage, Quimby, Sahagian, Santoro, Wight.

Yes, 92; No, 45; Absent, 13.

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

The pending question is the acceptance in concurrence of the Minority "Ought to pass" Report. All in favor will say yes; those opposed will say no.

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

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

MAJORITY REPORT (6) — "Ought not to pass"—Committee on Labor on Bill "An Act relating to Mediation Authority of State Employees Appeal Board" (H. P. 1035) (L. D. 1345) and MINORITY REPORT (4) reporting "Ought to pass"

Tabled—May 19, by Mr. Huber of Rockland.

Pending — Acceptance of either Report

On motion of Mr. Huber of Rockland, retabled pending the acceptance of either Report and specially assigned for tomorrow.

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

Bill "An Act Establishing the Bureau of Geology and Mineral Resources within the Forestry Department" (H. P. 944) (L. D. 1205)

Tabled — May 19, by Mr. Levesque of Madawaska.

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

Bill "An Act to Authorize the Town of Swan's Island to Form a School Administrative District" (H. P. 1082) (L. D. 1403)

Tabled—May 19, by Mr. Mitchell of Frankfort.

Pending — Passage to be engrossed.

Thereupon, on motion of Mr. Mitchell of Frankfort, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 1185) (L. D. 1506)

Tabled—May 19, by Mr. Carey of Waterville.

Pending — Passage to be engrossed.

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

Mr. CAREY: Mr. Speaker and Members of the House: This morning we insisted on killing a bill which Mr. Crosby had presented. Later on in the morning we enacted a dealer registration board. Mr. Crosby's bill had the approval of the other body and not this one. Mr. Lebel's bill, which is this item, has the approval of this body but not the approval of the other. It is quite evident that we are going to end up in committees of conference on both of these matters, and I wanted to advise you that both Mr. Crosby's bill and Mr. Lebel's bill are therefore neither dead, and I move for passage.

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

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

Bill "An Act to Establish a Police Training Facility" (S. P. 3) (L. D. 17) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-148)

Tabled — May 19, by Mr. Levesque of Madawaska.

Pending — Passage to be engrossed.

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

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

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

Tabled—May 19, by Mr. Starbird of Kingman Township.

Pending—Passage to be enacted.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentleman of the House: For the second time I'm getting up on this document because I have very strong reservations that this is the way that the State of Maine wants to pursue in regards to districting county commissioners on a piecemeal basis.

If it is the feeling of the members of the Legislature that we should have county commissioner districts, then we should have the fortitude of doing it uniformly throughout the state and not on a county-by-county basis depending upon what the political changeovers might be in the separate counties.

So therefore I have to express these thoughts because I don't think this is necessarily good legislation that we should be working on by trying to pit one county against the next, one having county commissioner districts and the other not having county commissioner districts, but only to work one against the other as to what is feasible politically rather than what is feasible logically.

So therefore I would now move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that item 9, L. D. 771, be indefinitely postponed.

The Chair recognizes the gentleman from Belfast, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker and Members of the House: We have many bills of much more importance than this minor piece of legislation to debate and discuss, and this bill simply divides

one of the smallest counties in the state into commissioner districts for the more equitable election of county commissioners.

Now we who sit here in the House are elected from a district and I can see no reason why, for a fairer distribution of county commissioners, the county shouldn't be so divided. And I will remind the gentleman from Madawaska, Mr. Levesque, that last year a bill was passed by the House and the other body, but was vetoed by the Governor.

I ask for a division on the motion to indefinitely postpone.

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

Mr. DYAR: Mr. Speaker and Members of the House: I believe it was the feelings of the Committee on Towns and Counties, we did have a state-wide commissioner district bill in that was turned out "Ought not to pass." It was my own personal feeling where we did have these individual county bills that it would be our prerogative to let the counties district their commissioners on their own rather than having legislation forcing them into this commissioner district. I think at the present time there are three bills in for three various counties, and I strongly think it should be left in the hands of the counties whether or not they want to be districted rather than having legislation to force them into districts.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This is not the ultimate in legislation that should or should not be debated on the Floor of the House, but I think primarily the principle behind trying to split up the different counties, and this one, Waldo County, is the smallest county that will most likely be before us to be districted on a county-wide basis for the purpose of county commissioners.

I don't see that politically or feasibly that the county commissioner districts are going to help county government in any shape or form. If this is the way of pick-

ing at county government, then it is a very poor way of doing it. If we are going to abolish county government or if we are going to have municipal government within the county government, this is a very poor way of giving to the people of the State of Maine a choice of where the county commissioner districts are going to be, and I see this the beginning of something that might prove out to be detrimental to either or both political parties in the long run, if we are going to do this piecemeal in this fashion. If we are going to accept county commissioner districts which were not acceptable a few years ago, there must be something wrong that is not presently showing in this area; instead of having it statewide, we are going county by county.

I still think this is a very bad way of trying to help county government do its job on a county basis.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: I fail to understand why if the Administration — and if Mr. Levesque is acting as spokesman for the Administration—why if this is deserving legislation on a state-wide basis it was vetoed during the last session. But I don't think that's really the issue. The issue is whether or not this one county which wants to carry out this program should be allowed to do so. I think they should be allowed to do so and I therefore am going to vote against indefinite postponement. When the vote is taken I request a roll call.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I think I was about to say substantially what the gentleman from Cumberland, Mr. Richardson, has said. I certainly have always subscribed to the position that one county's business was their business and their's alone. I am not going to vote against a bill to district Waldo County and then vote for one for Aroostook County which I feel that I am going to do when

the Aroostook County bill comes up. I think that this is pretty much a county matter and they should continue on it in that —

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think sometimes we go along with a program as it suits the hearts. Now we had legislation here in my county where we put into the County budget a \$2 per diem for a six-day week and on-call seven days for the Deputy Sheriffs. In their wisdom the Towns and Counties Committee reduced that to \$1 per day. It became the fact that the Legislative Committee on Towns and Counties made it their business to go into the individual counties. They could in their wisdom very well have reported out a bill where all of the counties that had the \$2 per diem, could have been reported out in that area, the counties that had \$1 per diem could have been reported out in that area and the counties that had no money could have been reported out in that area.

Now this is just a situation only in reverse. I can recall before that a bill came out for the counties with the unanimous report and then one amendment came back excluding Aroostook County and before the afternoon was over there were fifteen measures before the Legislature, fifteen amendments which naturally left the bill bone dry and it was killed.

It is my understanding that there is a strong order being prepared to make a complete and thorough study of county government and I'm all for it. I think in this particular instance here that the statute clearly states that it is up to us. If we are going to pass this sort of measure, then let us amend this kind of a bill, making it all inclusive. Let us further amend the bill disassociating ourselves completely from county government, let them run their own affairs and have recourse to the various towns and cities that come under their county.

And I think this type of legislation is not good and I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Madawaska, Mr. Levesque, that this bill be indefinitely postponed. The yeas and nays have been requested. For the Chair to order the yeas and nays 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 Madawaska, Mr. Levesque, that An Act Creating Waldo County Commissioner Districts, House Paper 586, L. D. 771, 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 — Bedard, Bernier, Binnette, Bourgoin, Brennan, Buckley, Burnham, Carey, Carrier, Carter, Casey, Clark, H. G.; Coffey, Cote, Cottrell, Croteau, Curran, Dam, Emery, Eustis, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Hewes, Hunter, Jalbert, Jameson, Jutras, Kelleher, Keyte, Laberge, Leibowitz, Levesque, Lund, Marquis, Martin, Meisner, Mills, Morgan, Nadeau, Ouellette, Ricker, Rocheleau, Sheltra, Starbird, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler.

NAY — Allen, Baker, Barnes, Benson, Berman, Birt, Boudreau, Bragdon, Brown, Bunker, Chandler, Chick, Clark, C. H.; Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Erickson, Farnham, Faucher, Foster, Gilbert, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Kilroy, Lawry, Lebel, Lee, LePage, Lewin, Lewis, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Millett, Mitchell, Moreshead, Mosher, Norris, Noyes, Page, Payson, Pratt, Rand, Richardson,

G. A.; Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Williams, Wood.

ABSENT—Corson, Couture, Cox, Crommett, D'Alfonso, Danton, Evans, Finemore, McTeague, Porter, Quimby, Sahagian, Santoro, Wight.

Yes, 54; No, 82; Absent, 14.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-two having voted in the negative, the motion 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 tenth item of Unfinished Business:

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

Tabled — May 19, by Mr. Bourgoin of Fort Kent.

Pending—Passage to be enacted. Thereupon, the Bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

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

HOUSE REPORT — “Ought to pass” as amended by Committee Amendment “A” H-330 — Committee on Education on Bill “An Act relating to the Formation of a School Administrative District in the Machias-East Machias Area” (H. P. 721) (L. D. 939)

Tabled — May 19, by Mr. Millett of Dixmont.

Pending — Acceptance.

On motion of Mr. Kelley of Machias, retabled pending the acceptance of the Report and specially assigned for tomorrow.

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

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

Tabled — May 19, by Mr. Wood of Brooks.

Pending—Passage to be enacted.

Mr. BINNETTE: Mr. Speaker, I move that this item 12 be indefin-

itely postponed and all its accompanying papers.

The SPEAKER: The gentleman from Old Town, Mr. Binnette moves that L. D. 819 be indefinitely postponed.

The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Members of the House: In my area there are many trucks hauling pulpwood and gravel and I have been told that this bill would be detrimental to their operations and therefore I go along with indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that today we can give final enactment to this measure and get on with the other work that needs to be done by this House. This bill has had two hearings before the Highway Committee, it received a unanimous "ought to pass" report as amended by the Committee, it has been fairly debated every step of the way, and has survived every attempt by a special interest group to kill it. I don't think I need to go through all the mechanics of the bill. Very simply, it eliminates an inequity in our truck registration laws that allows trucks to haul year round—through the combination of the frozen road law and the short-term permit law—and pay less than the trucker who registers for the year without taking advantage of this quirk in the law.

I have mentioned previously that a considerable amount of research was done on this bill. I gave you the results of some of this previously and I would like today to mention just a little bit more of it.

In looking over the 1968 truck registrations at the Motor Vehicle Registry I found one firm for example engaged in general freight hauling who had 50 units, all short term, all short term for nine months, meaning that the trucker hauled year round. The loss of revenue to the State was \$2,857. A second firm, another general freight hauler, 25 units, all short term, all for nine months, loss of

revenue to the State \$1,347. A third firm, 16 units, short term, all for nine months but for lower gross weights, the loss of revenue amounted to \$554. Now these three firms alone, representing only 91 units, amount to a loss of revenue of \$4,759.15 to the state, an average loss of \$52.30 per unit.

Now we have somewhere between 85 and 90,000 trucks registered in the State of Maine. All of them technically are eligible for the short term increase in registration; but if only 5,000 take advantage of this, then the loss of revenue to the state on an annual basis is \$261,500.

Now I also looked at a fourth firm while I was at the Registry. I looked at a firm that was headquartered out of state but registered in the state. In my conversation with representatives of the trucking industry it was pointed out to me that the big truckers in Maine had to have short-term permits and the accompanying rate reduction in order to compete with others in the industry. I found this out-of-state company registering in Maine with 62 units. Sixty-one of these units were eligible for short-term permits. But this trucker chose not to take advantage of this law, or perhaps he had no knowledge of it. If he had, he could have saved \$2,461.10. Here is a case where a trucker competes even though his registration fees average \$40.34 more per unit than if he had elected to take advantage of the law and Maine's treasury is richer by nearly \$2,500 by his compliance with the registration fee provided in the schedule.

All of these truckers run year round. Remember, only those who take advantage of this law will be affected — the farmer won't be, the pulp and forest industries won't be, the contractors won't be, all of those who don't need to register for a full year may still take advantage of short-term permits for up to eight months. This law was never intended to allow the year-round trucker to haul year round for less than the annual registration fee listed in the schedule of the Motor Vehicle laws.

In the information provided to you by the Maine Truck Owners

Association, the statement was made that this legislation would put the commercial trucking industry out of the permit business but leaves other trucks within the permit category, and they say this is unfair and discriminatory.

This is not true. Commercial truckers may still buy short-term permits for up to eight months. This isn't putting anyone out of business. All this bill says is that you can't register a truck for nine months and run for a year. What we are doing here is telling them that if they are going to haul their loads over our highways for a full year, they should pay the full annual registration fee and not be rewarded with a discount of up to \$75 per truck.

The registration fee for a truck-tractor to carry 73,280 pounds, for example, is \$600. But using this curious combination of laws, which this bill is aimed at correcting, trucks can be registered for \$525 and carry the full weight the year round. I have looked at hundreds and hundreds of registrations in the Motor Vehicle Registry and as yet have not found one single unit registered in the State of Maine that pays a \$600 registration fee.

The goal in this legislation is not to eliminate short-term permits but to insure that they are used for what they were intended — to assist the farmer, the pulp and forest industries, the contractor, the seasonal trucker. The year-round trucker should pay the year-round fee. This bill, as I pointed out to you before, was enacted 26 years ago as a war emergency measure to get fertilizer into our fields to produce food for World War II. The emergency is over. We should no longer allow a single industry to benefit at the expense of the people of the State of Maine. I certainly hope that you would vote against the motion to indefinitely postpone.

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

Mr. DYAR: Mr. Speaker, Members of the House: I represent a lot of pulp truckers in my area. They are all violently opposed to this legislation. They all take advantage of the short-term permits.

Their biggest gripe is the fact that they are limited to 73,000 pounds. They would be willing to pay up to \$1,000 for a license fee if it was raised to 100,000 and they took the scales off the highways. At the present time the troopers are chasing these trucks around, weighing up, getting drivers two and three times a week for overloading. In fact we had one case where the truck was overloaded 150 pounds and that was the weight of the driver.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I'll be brief. We have fully debated this earlier. The reason for this bill as Mr. Stillings has so ably stated is for one reason and for one reason only, and that is this: if a trucker hauls for twelve months, then he shall pay a twelve-month registration fee. As the bill is written, coupled with the frozen road law, a legitimate short term trucker who hauls for eleven months can register for eleven months, or ten months, or nine months, or whatever his choice is. It will not hurt the legitimate short-term hauler.

This bill plugs a hole in the present law, and you have heard from the third House that the trucker has or will be hit with increased excise taxes which has nothing to do with this bill, and increasing the gasoline tax possibly, which has nothing to do with this bill, and other things that affect the trucking business.

I agree with them on several things. However, I take violent exception with leaving this special loophole in the law to provide for the evading of paying just taxes to the state.

Several days ago in this House this bill received a 77 to 49 vote in its favor. I hope you will hang in tough and pass this bill. As my father used to say, "The truth is mighty and will prevail," and I hope this motion will be defeated and this bill will prevail.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: After

hearing all the figures as presented by Mr. Stillings, I still believe that this bill is very unfair and discriminatory. What it actually does is to take tax advantage away from Maine domicile carriers. Foreign domicile carriers have never been entitled to this bill that use it over eleven months. However, every other truck concern that uses trucks up to eleven months is still entitled to the bill. The trucking industry is definitely opposed to this unfair bill, and I believe that they should indefinitely postpone it.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: We are in the process of enacting a law permitting discrimination. L. D. 819, as stated by Representative Binnette from Old Town, is discriminatory in essence. If we want to be consistent, let us vote for the indefinite postponement of this. "An Act relating to Short Term Permits for Trucks to Haul Loads" L. D. 819.

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

Mr. BENSON: Mr. Speaker and Members of the House: It is very easy to use the word discrimination. As a matter of fact I use it quite often myself, but if it is discrimination to plug the loophole that we presently have in our existing law, then I suppose we will have to plead guilty to discrimination if we change it.

I feel that if we want to reduce the registration fee, then let's do it, but let's not continue with the present course of action that we're on now. The arguments have been very well set forth by the gentleman from Berwick, Mr. Stillings. There is no sense for me to attempt to add to them, but I do think he's got a good bill here, and I hope that the House will go along with its vote of the other day and pass it.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: This bill 819 has been debated

many times, and it's about time we took some positive action. In my mind this bill is very unfair, small, large and trailer trucks, and this bill has been in effect since 1943, so let's leave it alone and vote to indefinitely postpone.

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

Mr. LEE: Mr. Speaker and Members of the House: I've talked before on this bill. I'm a trucker and I want to make it crystal clear I've taken advantage of this just like everybody else.

We must face up to our responsibilities to pay when we use the road for a full year. I'm very sure that most of you folks have had to have waterproof shirts to withstand the crying on your shoulders the last few days for the big trucking concerns. I am not big, and I don't pretend to be. I even had it told to me that this is discriminatory against the people with the short-term permits over them, the short-term permits were giving an advantage. This is not true. In the bill itself, if you take a twelve-month basis, each month would be 8 1/3%. If we want to buy a month permit we have to pay 20%. This is way over and above. If you go to two months, 16 2/3% it would be for twelve months we'd have to pay 30%; if you go three months, 25% would be the amount, but we have to pay 40%; for eight months the normal rate would be 66 2/3%, but we have to pay 80%. So we're paying more for these short-term permits. We're not getting any loophole by paying 75% for the nine months, and then the use of the frost laws for the other three months getting the full year.

I am definitely against indefinitely postponing this bill. Let's pass it and get the revenue from it.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, that House Paper 631, L. D. 819, An Act relating to Short Term Permits for Trucks to Haul Loads, 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.

A vote of the House was taken.

42 having voted in the affirmative and 84 having voted in the negative, the motion did 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 thirteenth item of Unfinished Business:

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

Tabled—May 19, by Mr. Casey of Baileyville.

Pending—Passage to be enacted.

Thereupon, on motion of Mr. Casey of Baileyville, retabled pending passage to be enacted and specially assigned for tomorrow.

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

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

Tabled—May 19, by Mr. Dennett of Kittery.

Pending — Passage to be engrossed.

Thereupon, on motion of Mr. Cottrell of Portland, retabled pending passage to be engrossed and specially assigned for tomorrow.

The SPEAKER: The Chair will call your attention to Supplement No. 1. Is there objection to taking this up out of order? The Chair hears none.

Passed to Be Enacted Emergency Measure

An Act to Validate Proceedings and Certain Action Taken by Baileyville School District (H. P. 1194) (L. D. 1521)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by

the Speaker and sent to the Senate.

The following matter appearing on Supplement No. 2 taken up out of order:

Report of the Committee on Judiciary on Bill "An Act Relating to Eleventh District Court, Northern Androscoggin Division (S. P. 169) (L. D. 543) reporting same in a new draft (S. P. 468) (L. D. 1526) under title of "An Act relating to Jurisdiction and Judicial Divisions of the District Court" and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill recommitted to the Committee on Judiciary.

In the House, the Report was read and accepted in concurrence and the Bill was recommitted to the Committee on Judiciary in concurrence.

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

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

Tabled—May 19, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: I offer House Amendment "B" to Senate Paper 449, L. D. 1483, which is before the House in L. D. form as number 1542, move its adoption and would speak briefly to the motion.

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

House Amendment "B" being L. D. 1542, was read by the Clerk.

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

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" under number 1542, represents a combination of an increase in the existing sales tax and a corporate income tax at the 2% level. It is a complicated document as you will note by its size. It deals with some very technical questions of the administration of income tax legislation such as this, dealing in this instance however not with personal, only with the income earned by corporations.

Now because it is complicated legislation, and also because the bill contains a typographical error, I'm going to request some member of the House to table this until the next legislative day, which will give you an opportunity to review the income tax provisions, to discuss them among yourselves and with accountants. I'm hopeful that we will have a joint caucus, if that's the right expression, at which we will have income tax authorities, including lawyers and accountants, here to answer any questions that you may have about the scope of this legislation and what it involves.

In order to give you an opportunity to review it therefore, I am going to ask that some member of the House table the bill until the next legislative day.

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

Mr. BRAGDON: Mr. Speaker, I move that this be tabled until the next legislative day.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that item 15, L. D. 1483, be tabled until the next legislative day pending the adoption of House Amendment "B".

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

Mr. JALBERT: Mr. Speaker, I'm debating the tabling motion as to time, am I in order?

The SPEAKER: The gentleman may debate the tabling motion time.

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Perham, Mr. Bragdon, makes his motion to table un-

til tomorrow. Tomorrow could well be 12:01 tonight. So on that basis, am I in order to move that we table this bill—

The SPEAKER: The Chair would advise the gentleman that his point is not well taken. A legislative day begins according to the orders of the House.

Mr. JALBERT: Can I move that the time be 10 o'clock certain tomorrow morning?

The SPEAKER: The gentleman may have this specially assigned under unanimous consent as a special order of the day. Does the gentleman so move?

Mr. JALBERT: I so move.

The SPEAKER: The gentleman from Lewiston, under unanimous consent, moves that this matter be tabled and specially assigned for 10 o'clock tomorrow morning. Is there objection?

(Cries of "Yes")

The Chair hears objection. The Chair recognizes the same gentleman.

Mr. JALBERT: I now move that this item lie on the table until Tuesday next.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that item 15 be tabled until Tuesday next pending the adoption of House Amendment "B".

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

The SPEAKER: A division has been requested on the motion. All in favor of this matter being tabled until Tuesday next will vote yes; those opposed will vote no.

For what purpose does the gentleman rise?

Mr. JALBERT: Mr. Speaker, on the time of my motion.

The SPEAKER: The gentleman may debate his time.

Mr. JALBERT: I am speaking on time because of the fact that I think that, if I'm wrong I'll be either reprimanded or taken down, but I mean I'm not in any way trying to be difficult outside of the fact that tomorrow is Friday, and this is one of the most important matters we have here and we could dispose of it on that time before we have to talk until one or two o'clock tomorrow afternoon on it. And that's the reason, and no

other way that I want to be difficult. This is an important matter. I'd like to see us spend some time on it, and I think it ought to be a time certain so we'd know we'd be here.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this matter be tabled until Tuesday next pending the adoption of House Amendment "B". All in favor of tabling this until Tuesday will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

58 having voted in the affirmative and 74 in the negative, the motion did not prevail.

Thereupon, the matter was tabled pending the adoption of House Amendment "B" and specially assigned for tomorrow.

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

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

Tabled — May 19, by Mr. Dennett of Kittery.

Pending — Final Passage.

On motion of Mr. Cottrell of Portland, retabled pending final passage and specially assigned for tomorrow.

The Chair laid before the House the seventeenth 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 20, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: If you will note, L. D. 1368 came out of the State Government Committee intact. Looking at the document it seemed to me as if we were being rather broad in an attempt to solve a problem that

all of us seem to be willing to get to. And that problem, of course, was the time when the Department of Health and Welfare last year spent public funds for which the Legislature had appropriated for the Department of Health and Welfare to promote the fluoridation issue in the State of Maine. It was felt by members of the State Government Committee that this should be prevented.

Now this bill, as was originally drawn up, went much further than that. It even went as far as to include town officials, it went as far as to include legislators, it went as far as to include everyone that you can be willing to guess.

Now what I have done is spend about two weeks working on about twenty amendments, and this morning alone this happens to be attempt number three. I have spoken with the sponsor of the legislation. I have spoken to the Chairman of the State Government Committee in the House, the gentleman from Kittery, Mr. Dennett, and he agrees that what I am going to do now he is in agreement with. And so, Mr. Speaker, with that in mind, I move that the rules be suspended.

The SPEAKER: The Chair would advise the gentleman that his motion is not in order.

Mr. MARTIN: Mr. Speaker, could I request that the gentleman from Kittery, Mr. Dennett, move that the rules be suspended?

The SPEAKER: Any member of the House in their own right may move that the rules be suspended.

Thereupon, Mr. Rideout of Manchester moved that the rules be suspended.

On motion of Mr. Martin of Eagle Lake, the House reconsidered its action on May 1 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action on April 30 whereby Committee Amendment "A" was adopted. And on further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

Mr. Martin then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-375) was read by the Clerk and adopted, and the Bill passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

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

Bill "An Act Increasing Salaries and Duties of Liquor Commissioners other than the Chairman" (S. P. 151) (L. D. 432) (In House, Majority "Ought not to pass" Report accepted in non-concurrence) (In Senate, Insisted whereby Minority "Ought to pass" Report was accepted and Bill passed to be engrossed)

Tabled — May 20, by Mr. Dennett of Kittery.

Pending — Further consideration.

On motion of Mr. Dennett of Kittery, the House voted to recede and concur with the Senate.

The Bill was read twice and tomorrow assigned.

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

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)

Tabled — May 20, by Mr. Farnham of Hampden.

Pending — Passage to be engrossed.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I rise in opposition to this bill which in effect states that a Fish and Game warden, or a Sea and Shore Fisheries warden could retire with 20 years of service and must retire at age 55 unless he has failed to have 20 years of service. Now the present law reads that he must have 25 years of service; compulsory retirement is at age 60.

I oppose this on general principles. First, I don't think 20 years is long enough service. I look

around here at many of the gray heads in the House who worked 40 and 45 years before they could retire, and now they are asked to make an extra dip in their pocketbook so that some people can retire at the end of twenty years.

Now the truth of the matter is that a man in this case could retire at age 45. Now I can assure you that if he retires at age 45 and hangs around the house for about three weeks, his wife will soon see that he has another job. Now the fact that he has half pay makes it possible for him to go out and undercut the wages that an honest workman expects and should receive.

I would also point out too that wardens of this age are not old men. They are men who have learned to use their heads instead of their feet. And having had considerable experience with game wardens in my youth, I know that by the time they have been on 25 or 30 years they know which apple orchards to watch. Furthermore, at least in my time, they knew they had to watch me a little bit. So we're sacrificing a lot of good experience by permitting these men to retire at the end of 20 years or forcing them to retire at age 55.

Now this bill does have a price tag to it, and in effect it would cost us about \$92,000 extra a year to have this early retirement. I realize there is an amendment to be proposed which will tell you that it doesn't cost that much because \$70,000 of it comes from dedicated funds in the Fish and Game Department. Well those dedicated funds come out of your pocket, because the only way you can finance it is either to increase the fines on violations or increase the cost of a fishing and hunting license. So I therefore move indefinite postponement of this bill and its amendment.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves the indefinite postponement of item 20, L. D. 1523, 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."

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

Mr. LEWIN: Mr. Speaker, I move that this item be tabled for one legislative day.

The SPEAKER: The gentleman from Augusta, Mr. Lewin, moves that item 20, L. D. 1523, be tabled until the next legislative day pending the motion of the gentleman from Hampden, Mr. Farnham, to indefinitely postpone.

Thereupon, Mr. Farnham of Hampden requested a division on the tabling motion.

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

A vote of the House was taken. 42 having voted in the affirmative and 71 in the negative, the tabling motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that this matter be indefinitely postponed.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: I would like to make a few remarks on this bill before we do vote on it to clarify some of the things that have been related to the document. Number one, this bill was presented to the Retirements Committee in the full accord of both the Sea and Shore Fisheries Commission and likewise the Commission on Inland Fisheries and Game.

This is a permissive type of legislation: it is not new. State police are able to retire after 20 years of service, and this particular bill was intended for all law enforcement officials that they might be treated alike. As far as the cost element is concerned, an amendment is being offered to take this, where it is dedicated funds, out of the general appropriations.

I spoke to, on a trip yesterday, with a Sea and Shore Fisheries warden. I asked him if he was in favor of this bill and he said he was and a great many of his people are. This law enforcement work is a little bit difficult after

the age of 50 to some of them, and I think that the bill in itself is a worthwhile procedure in all law enforcement. If you're going to do it for one, why not do it for them all? And I hope that you will seriously consider this. I'm sorry that it wasn't able to be tabled for a day that some of you might give further consideration to it. But I assure you it receives the full approval of both of these departments. Thank you very much.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: When the committee heard these bills it was brought out that both the Inland Fisheries and Game and the Sea and Shore Fisheries, their employees, pay 7½% into the fund, which is the same as the state police pay, and therefore we felt that they should get the same benefits as the state police.

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

Mr. TEMPLE: Here we are again today faced with opposition to a unanimous committee report. It makes my heart bleed to stand here today and hear somebody that was not present at the committee hearing or never been before the committee, to hear the facts that was presented to the committee and the good report that was passed out by the committee which was unanimous, and I hope that you will defeat this motion.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Members of the House: All this money is not taken out of the General Fund. It has been mentioned before—if my figures are correct, I am on the committee—there is \$70,403 which would be taken out of the dedicated fund, which is dedicated already to the Inland Fisheries and Game, leaving a balance of \$21,660 to be taken from the General Fund. So the cost is not as great to the General Fund as perhaps some have suspected.

And I certainly think for this hazardous duty that the wardens of the Inland Fish and Game and Sea

and Shore they certainly should enjoy this retirement program that is now enjoyed by the state police.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am sure that we have heard on many occasions about this hard-pressed department of Fish and Game needing an increase in a fishing license, and I don't feel like raising it this year, and I feel as though it would be a must if we keep spending their dedicated funds, and I must tell you as members of this House the people that I represent, this is close to their heart because they do a lot of fishing and hunting, and they are very much opposed to any increase in the fishing and hunting license at this time.

Now it would seem to me if we keep picking away at their revenue, we are automatically putting ourselves in the position where we will have to raise the hunting and fishing licenses. This I am opposed to, so I am in favor of this motion before the House to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: This matter was discussed very thoroughly with the head of that department and certainly they were not worried about it. I don't see why we — this is just a matter of bringing all of law enforcement officers in line as far as retirement privileges are concerned. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't think that this is a matter of opinion of any one department. I think this is a matter of the good sense of this Legislature, whether they feel that these early retirements are justified. I do not, and I concur with the gentleman from Hampden, Mr. Farnham.

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

Mr. FARNHAM: Mr. Speaker and Gentlemen of the House: All

the gentlemen in this House wear trousers and they have a pocket on each side. Whichever pocket you take it out of, it's your money, whether it be dedicated funds or General Fund.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: This is a needed bill. If you were to check the records of sick leave for the older men in the Fish and Game Department, you would find that many of these men after laying out in the cold nights watching for jackers and all this sort of thing start to get a little lamed up in handling their equipment and what not.

Also, to recruit the men that we need today, with the education they must have, we have to compete with the state police and the Inland Fish and Game wardens, and Sea and Shore wardens; we need very capable men, and to get the men we need, they want this retirement and I believe they are entitled to it.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think this is a relatively good document and probably the only reason why I think it should be a very good document, a chief of one of these departments that has been advocated that he should only retire at seventy, has now advocated that members in his department, under his jurisdiction, should retire at 55. So I am all for this, and I think probably we should have more of this, that these departments, after they work for 25 or 30 years they should after hard years of service be able to retire.

So therefore I hope that the motion to indefinitely postpone does not prevail.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I only rise to state that I certainly shall support the motion of the

gentleman from Hampden, Mr. Farnham.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I only rise to state that I get the pitch of the gentleman from Madawaska, Mr. Levesque.

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

A vote of the House was taken.

71 having voted in the affirmative and 44 in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act relating to Licensing of Ambulance Service, Vehicles and Personnel" (S. P. 263) (L. D. 867) (In Senate, passed to be engrossed as amended by Committee Amendment "B" S-147)

Tabled — May 20, by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Soulas of Bangor to indefinitely postpone.

On motion of Mr. Mills of Eastport, retabled pending the motion of Mr. Soulas of Bangor, to indefinitely postpone and specially assigned for tomorrow.

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

Bill "An Act Creating Somerset County Commissioner Districts" (S. P. 319) (L. D. 1033) (In Senate, passed to be engrossed as amended by Senate Amendment "B" S-155) (In House, Senate Amendment "B" adopted)

Tabled — May 20, by Mr. Levesque of Madawaska.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "B" and sent to the Senate. (Later Reconsidered)

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

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

Tabled — May 20, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Benson of Southwest Harbor to indefinitely postpone.

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

Mr. BENSON: Mr. Speaker and Members of the House: The gentleman from Jefferson, Mr. Clark, has done some work on this bill and is in possession of some new information that I think would be very interesting to the members of the House before any action is taken on this.

Whereupon, on motion of Mr. Clark of Jefferson, retabled pending the motion of Mr. Benson of Southwest Harbor to indefinitely postpone and specially assigned for tomorrow.

The Chair laid before the House the twenty-fourth 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 20, by Mr. Gauthier of Sanford.

Pending—Acceptance.

On motion of Mr. Lawry of Fairfield, retabled pending acceptance of the Report and specially assigned for tomorrow.

The Chair laid before the House the twenty-fifth 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 20, by Mr. Birt of East Millinocket.

Pending—His motion to reconsider passage to be engrossed as amended by House Amendment "A" H-327.

On motion of Mr. Birt of East Millinocket, retabled pending his motion to reconsider passage to be engrossed as amended by House

Amendment "A" and specially assigned for tomorrow.

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

Mr. STARBIRD: Mr. Speaker, I move we reconsider L. D. 314, item 9, on page two, whereby we adopted the "Ought not to pass" Report.

The SPEAKER: The Chair would call your attention to page 2 of your House Advance Journal and Calendar, Item 9, divided report, Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands," Senate Paper 389, L. D. 1314. The gentleman from Kingman Township, Mr. Starbird, moves that we reconsider our action whereby we accepted the "Ought not to pass" Report.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: This bill we considered quite at length and there is a part of it that is very disturbing to me and that is—if you read it—it says something to the effect that whenever anybody goes scuba diving and if they are looking for treasures, if you will, there has to be an agent of the state with them. Well, it seems inconceivable to me that we can possibly go along with this sort of thing, and I would request a division on the reconsideration motion.

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

Mr. STARBIRD: The sponsor contacted me with this request and he had an amendment that he offered in the other body that might take care of this. I am looking at the amendment now. It's filing number S-172. Mr. Speaker, I would request that someone table this matter until we can study it further.

Whereupon, on motion of Mr. Lévesque of Madawaska, tabled pending the motion of Mr. Starbird of Kingman Township to re-

consider and specially assigned for tomorrow.

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action on item 22, on page 12, whereby we passed to be engrossed "An Act Creating Somerset County Commissioner Districts."

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby Bill "An Act Creating Somerset County Commissioner Districts" (S. P. 319) (L. D. 1033) which was passed to be engrossed.

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

Mr. DAM: Mr. Speaker, I ask for a division.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I merely made the motion to reconsider because I want to be consistent. I make it on this motion because I know what the redistricting would be in this county, and it would definitely favor my own party politically. But I want to be consistent, and I haven't talked the last on these districts. I don't think these districts should be reapportioned by a handful of the few people, whether they are in my county or Cumberland or Franklin or Aroostook, or Somerset, or Waldo, or any other county. Professional work is done on reapportionment, and this is just exactly what this is, and I am not for it. I think this should be done after studies. In any event, I sure wanted to be consistent so that the finger would not be pointed at me.

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

Mr. DAM: Mr. Speaker and Members of the House: Right at this moment I don't know which party I am in. I did up until a second ago think I was a Democrat. I also assumed that Mr. Jalbert was. But when he said this bill would favor his party, I cannot see where it would favor his

party. I am from Somerset County. This bill definitely will affect my town. We will lose a Somerset County Commissioner out of my town of Skowhegan but the delegation of Somerset County thought this was a fair bill, they thought it was the right way to go about it and that is why Senator Cianchette offered this bill and we all agreed in delegation that we were in accordance with this bill and I don't like to see it changed.

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

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I had the opportunity to work on this bill when it was being prepared by the sponsor. We divided the county up into three as nearly as possible equal districts by population and arranged them geographically and by population with an eye only towards spreading out the County Commissioners, getting them out of this one town and trying to get a little better form of government in our own county.

Now frankly we are not concerned about what the other counties feel, how they handle it, it's their business. We want this for our county because we think it will give us a better form of government and there's no attempt on anyone's part to gerrymander or anything else in this instance. It's just simply a measure to improve the quality of our county government.

I certainly hope you will vote against reconsideration.

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

A vote of the House was taken.

25 having voted in the affirmative and 80 having voted in the negative, the motion to reconsider did not prevail.

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

Mr. DONAGHY: Mr. Speaker, I would ask to have reconsidered item 27 on page seven, House Paper 9, L. D. 9, Bill "An Act Creating the Unclassified State Employees Salary Board", on which the Report "B" "Ought not to pass" was accepted.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House reconsider its action on item 27 of House reports whereby Report "B" was accepted.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending the motion of Mr. Donaghy of Lubec to reconsider and specially assigned for tomorrow.

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

SENATE REPORT—Committee on Appropriations and Financial Affairs on Bill "An Act Providing a Bond Issue in the Amount of One Hundred Seventy-Five Thousand Dollars for Docking Facilities at Matinicus Island" (S. P. 374) (L. D. 1284) reported "Ought to pass" as amended by Committee Amendment "A" S-160.

Tabled—May 21, by Mr. Temple of Portland.

Pending—Acceptance in concurrence.

On motion of Mr. MacPhail of Owls Head, the "Ought to pass" Report was accepted in concurrence.

The Bill was given its two several readings.

Committee Amendment "A" (S-160) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine - thirty o'clock tomorrow morning.