

# 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**

Monday, May 26, 1969

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

Prayer by the Rev. Mr. Lewis Cutler of Freeport.

The members stood at attention during the playing of the National Anthem by the Belfast Junior High School Band.

The journal of the previous session was read and approved.

The SPEAKER: The Chair at this time would appoint William E. Dowling of Augusta the Assistant Sergeant-at-Arms effective on the date that the Chair appointed the Sergeant-at-Arms.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Age Requirement for Kindergartens" (H. P. 458) (L. D. 595) reporting that they are unable to agree.

(Signed) CUMMINGS of Newport  
MILLETT of Dixmont

— Committee on part of House,  
KELLAM of Cumberland  
MOORE of Cumberland

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate  
Tabled and Assigned**

From the Senate: The following Order:

ORDERED, the House concurring, that a special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of a proposed Consumer Credit Code for the State of Maine, such proposed Code to be presented to the regular session of the 105th Maine Legislature. Such proposed Code may, without limitation, incorporate such necessary repealers, amendments and modifications of existing law as, in the judgment of such commission, are necessary and appropriate to accomplish such purposes. Such proposed Code may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the

people of the State. Such commission shall employ counsel to perform the necessary research and drafting of such Code. Such commission shall hold such public hearings as may be deemed necessary to acquaint persons interested with its proposals and recommendations; and be it further

ORDERED, that the membership of the commission shall be constituted and appointed as follows: Two members shall be members of the Senate in the 104th Maine Legislature, to be appointed by the President of the Senate; 3 members shall be members of the House of Representatives in the 104th Maine Legislature, to be appointed by the Speaker of the House and 4 additional members to be appointed by the Governor, with the advice and consent of the Executive Council.

The Bank Commissioner shall serve on the commission in an advisory capacity only. Each member shall serve until the commission shall have completed its work, or until his prior death or resignation. In the event of the death or resignation of any member, his place shall be filled, upon written notice thereof from the commission, by the then President of the Senate, Speaker of the House or Governor, as the case may be, in the same manner as with respect to the original appointment; and be it further

ORDERED, that the said commission shall be appointed promptly upon enactment hereof, and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman and secretary-treasurer, adopt rules as to the administration of the commission and its affairs which rules shall require a minimum of 30 days' notice of any public hearing to consider one or more aspects of the laws or prospective laws to be considered by the commission and which rules shall require that all proposals shall be transmitted to each person who shall have recorded his desire to receive and willingness to pay for the costs of printing and mailing same, and thereafter shall meet as often as necessary until its work is completed. In all matters as to

which there is disagreement, a majority vote shall prevail, and a quorum shall consist of at least 5 members. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor; and be it further

ORDERED, that the commission shall contract for the services of counsel, who need not be a resident of this State, who shall have the responsibility for legal research and drafting required in connection with the preparation of the proposed Code, under the direction and supervision of the commission. No person shall be employed as counsel who shall not, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission; and be it further

ORDERED, that the members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

ORDERED, that \$15,000 be appropriated from the Legislative Appropriation to carry out the purposes of this Order. (S. P. 465)

Came from the Senate read and passed as amended by Senate Amendment "A" as follows:

Amend said Order in the 11th line by striking out the word "counsel" and inserting in place thereof the word 'consultants'

Further amend said Order in the 4th paragraph by striking out in the 12th and 13th lines the words "majority vote" and inserting in place thereof the words and figure 'majority of 5 votes'

Further amend said Order in the 5th paragraph by striking out in the first line the word "counsel" and inserting in place thereof the word 'consultants' and by striking out in the 5th line the word "counsel" and inserting in place thereof the word 'consultants'

In the House: The Order was read.

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

### Reports of Committees Leave to Withdraw

#### Covered by Other Legislation

Report of the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and their Confirmation (S. P. 32) (L. D. 90) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

#### Ought to Pass

Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act to Amend the Jet Fuel Tax" (S. P. 458) (L. D. 1504)

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.

### Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to State Appropriation for Local Law Enforcement" (S. P. 357) (L. D. 1221) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-178) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

### Divided Report

Majority Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction" (S. P. 446) (L. D. 1482)

Report was signed by the following members:

Messrs. GORDON of Cumberland  
LOGAN of York  
QUINN of Penobscot

— of the Senate.  
Mr. MARQUIS of Lewiston  
Mrs. MORGAN  
of South Portland

Messrs. QUIMBY of Cambridge  
CROTEAU of Brunswick  
SHELTRA of Biddeford  
CURTIS of Bowdoinham  
— of the House.

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

Report was signed by the following member:

Mrs. LINCOLN of Bethel  
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mrs. Lincoln of Bethel, the Majority "Ought not to pass" Report was accepted in concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6" (S. P. 358) (L. D. 1222)

Report was signed by the following members:

Messrs. GREELEY of Waldo  
CIANCHETTE of Somerset  
PEABODY of Aroostook  
— of the Senate.

Messrs. BURNHAM of Naples  
McNALLY of Ellsworth  
LEE of Albion  
HALL of Windham  
— of the House.

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

Report was signed by the following members:

Messrs. WOOD of Brooks  
NADEAU of Biddeford  
DUDLEY of Enfield  
— of the House.

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

In the House: Reports were read.

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

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

Whereupon, on motion of Mr. Susi of Pittsfield, tabled pending the motion of Mr. Wood of Brooks to accept the Minority "Ought to pass" Report and specially assigned for tomorrow.

#### Non-Concurrent Matter

Bill "An Act Authorizing the Legislative Bodies of Municipalities to Reapportion Council Districts" (H. P. 838) (L. D. 1076) which was re-committed to the Committee on State Government in the House on May 14.

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

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

#### Non-Concurrent Matter

Report of the Committee on Judiciary on Bill "An Act Permitting the Inhabitants of the Town of Jay to be within the Jurisdiction of the District Court at Livermore Falls" (H. P. 895) (L. D. 1156) reporting "Ought not to pass", as covered by other legislation which Report was accepted in the House on May 21.

Came from the Senate with the Report and Bill re-committed to the Committee on Judiciary in non-concurrence.

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

#### Non-Concurrent Matter

Majority Report of the Committee on Labor on Bill "An Act Revising the Minimum Wage Law" (H. P. 864) (L. D. 1106) reporting same in a new draft (H. P. 1166) (L. D. 1487) under same title and that it "Ought to pass", and Minority Report reporting "Ought not to pass" on which the Minority Report was accepted in the House on May 13.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "C" in non-concurrence.

In the House:

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

Mr. HUBER: Mr. Speaker and Members of the House: By way of explanation, when this L. D. landed in the House a couple of weeks ago a majority of us objected strenuously to various sections of the Minimum Wage law. The Senate Amendment "C" now restores the exemptions from the Minimum Wage law of non-profit charitable organizations such as churches, Y.M.C.A.s and so forth. It also restores the exemption of the summer camps employing students under the age of nineteen. It also restores the exemption from the overtime provision of the hotels, motels and restaurants and other eating establishments. By the same token it also calls for overtime after 48 hours and it does raise the minimum wage from \$1.50 to \$1.60.

I do think that the amendment covers most of the objections that we had, and I now move that we recede and concur with the Senate.

Thereupon, the House voted to recede and concur.

The Bill was then given its two several readings.

Senate Amendment "C" (S-181) was read by the Clerk and adopted in concurrence and the Bill was assigned for third reading tomorrow.

#### Messages and Documents

The following Communication:

THE SENATE OF MAINE  
Augusta

May 23, 1969

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The President has appointed the following members of the Senate to the Committee of Conference 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):

Senators:

LOGAN of York  
BERRY of Cumberland

BOISVERT

of Androscoggin

Respectfully,

(Signed) JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE  
Augusta

May 23, 1969

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The Senate today voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to Molesting Game Animals by Snowmobiles. (H. P. 890) (L. D. 1149).

The Senate today voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to Contracts for Support. (H. P. 863) (L. D. 1105).

Respectfully,

(Signed) JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. Leibowitz of Portland be excused from attendance for the remainder of the week because of business.

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

Mr. COTE: Mr. Speaker, I would ask if House Paper 1198, L. D. 1519, An Act Permitting Attendance Promotions by Liquor Licensees, is still in possession of the House?

The SPEAKER: The Chair would advise in the affirmative; the paper is in the possession of the House.

Mr. COTE: Mr. Speaker, I move that we reconsider our action of Friday, May 23, where this bill failed passage to be enacted.

Whereupon, on motion of Mr. Curtis of Bowdoinham, tabled pending the motion of Mr. Cote of Lewiston to reconsider and specially assigned for tomorrow.

Mr. Dennett of Kittery presented the following Joint Resolution and moved its adoption:

WHEREAS, Mrs. Bernice Merrill Lee will retire on July 10, 1969 after 39 years of dedicated service to the Government of this State; and

WHEREAS, Mrs. Lee, after serving the Revision Committee in 1942, joined the staff of the Revisor of Statutes Office in 1944 and witnessed the reorganization of that office as the Office of Legislative Research; and

WHEREAS, ever conscious of the high standards incident to the promulgation of the laws of the State, she has given freely and unselfishly of her time and energy in achieving a recognized mastery in this field; and

WHEREAS, her warm-hearted friendship and endless patience over these years have created an everlasting bond with the Members of the Legislature and the staff; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 104th Legislature of the State of Maine now assembled, that we the Members express to Mrs. Lee on the eve of her retirement a full measure of our affection, our gratitude and our admiration, all of which she has won on the basis of her many years of outstanding service; and be it further

RESOLVED: That a suitable copy of this Resolution be presented to Mrs. Lee as a small token of our esteem. (H. P. 1220)

The Joint Resolution was adopted and sent up for concurrence.

#### **House Reports of Committees Leave to Withdraw Covered by Other Legislation**

Mr. Cox from the Committee on Legal Affairs on Resolve Proposing an Amendment to the Constitution Granting Home Rule Powers to Municipal Corporations (H. P. 712) (L. D. 926) reported Leave

to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

#### **Ought Not to Pass Tabled and Assigned**

Mrs. Baker from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Establish a State Department of Family Relations" (H. P. 1051) (L. D. 1382)

Report was read.

(On motion of Mr. Ouellette of South Portland, tabled pending acceptance of Report and specially assigned for tomorrow.)

#### **Covered by Other Legislation**

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Damages for Tortious Conduct of Charitable Corporations" (H. P. 519) (L. D. 690) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

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

Mr. Hewes from the Committee on Judiciary on Bill "An Act relating to Adoption of Children" (H. P. 362) (L. D. 1104) reported same in a new draft (H. P. 1218) (L. D. 1551) under same title and that it "Ought to pass"

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

#### **Ought to Pass Printed Bills**

##### **Tabled and Assigned**

Mr. Brennan from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Posting Bonds by Defendants under the Uniform Paternity Act" (H. P. 817) (L. D. 1056)

Report was read.

(On motion of Mr. Foster of Mechanic Falls, tabled pending acceptance of Report and specially assigned for tomorrow.)

Mr. Shaw from the Committee on Legal Affairs reported "Ought to pass" on Resolve Proposing an Amendment to the Constitution to Provide for Municipal Home Rule (H. P. 343) (L. D. 451)

Mrs. Wheeler from same Committee reported same on Bill "An Act Amending the Charter of Portland Relating to Title of Chairman of the City Council" (H. P. 998) (L. D. 1300) which was recommended.

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

#### Ought to Pass with Committee Amendment

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Release of Persons Found Not Guilty of Crime by Reason of Mental Disease or Mental Defect" (H. P. 601) (L. D. 782) reported "Ought to pass" as amended by Committee Amendment "A" (H-390) submitted therewith.

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

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Cost of Marketing and Advertising Farm Products" (H. P. 131) (L. D. 153) reporting same in a new draft (H. P. 1219) (L. D. 1552) under title of "An Act relating to Inspection and Advertising of Farm Products" and that it "Ought to pass"

Report was signed by the following members:

Messrs. SEWALL of Penobscot  
DUQUETTE of York  
— of the Senate.  
Messrs. LUND of Augusta  
JALBERT of Lewiston  
MARTIN of Eagle Lake  
BRAGDON of Perham  
BIRT of East Millinocket  
BENSON  
of Southwest Harbor  
— of the House.

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

Report was signed by the following members:

Mr. DUNN of Oxford  
— of the Senate.  
Mr. SAHAGIAN of Belgrade  
— of the House.

Reports were read.

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

The New Draft was given its two several readings and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Claims reporting "Ought to pass" on Resolve Reimbursing Town of Orono for Support of Non-settled Cases (H. P. 762) (L. D. 982)

Report was signed by the following members:

Messrs. LOGAN of York  
GORDON of Cumberland  
— of the Senate.  
Mrs. LINCOLN of Bethel  
Messrs. CROTEAU of Brunswick  
CURTIS of Bowdoinham  
Mrs. MORGAN  
of South Portland  
Messrs. SHELTRA of Biddeford  
MARQUIS of Lewiston  
QUIMBY of Cambridge  
— of the House.

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

Report was signed by the following member:

Mr. QUINN of Penobscot  
— of the Senate.

Reports were read.

On motion of Mrs. Lincoln of Bethel, the Majority "Ought to pass" Report was accepted.

The Resolve was given its first reading and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Claims reporting "Ought not to pass" on Resolve Authorizing Payment of Personal Injury Claim of Mrs. Thomas Spillane from Prison Industries Account (H. P. 1145) (L. D. 1469)

Report was signed by the following members:

Messrs. LOGAN of York  
GORDON of Cumberland  
QUINN of Penobscot  
— of the Senate.  
Messrs. CROTEAU of Brunswick  
CURTIS of Bowdoinham  
SHELTRA of Biddeford



Mrs. LINCOLN of Bethel  
Mr. QUMBY of Cambridge  
— of the House.

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

Report was signed by the following members:

Mrs. MORGAN  
— of South Portland  
Mr. MARQUIS of Lewiston  
— of the House.

Reports were read.

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

Mrs. LINCOLN: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln moves that the House accept that the House accept the Majority "Ought not to pass" Report.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: I took this bill at the request of the Attorney General's office, Courtland Perry, and it was his contention that it was the function of the departments to pay out some medical claims in the area of injuries that happen up on the property. This injury happened leaving the workshop at the Maine State Prison. The woman sustained a broken wrist and we're asking claims of \$128 for this damage. It was felt by the Attorney General's office that this was a small enough sum and that she was entitled to this sum. It was also brought out that it was the policy of state institutions to pay out this small claim although no negligence was claimed on her behalf or by the Attorney General's office.

It is for this reason that I would oppose the Majority "Ought not to pass" Report and ask you to vote for the "Ought to pass" Report. Thank you.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: The majority of the Committee felt that there was no valid claim here. We felt that there was no negli-

gence at all in the prison sales room and the woman was already covered by her own medical insurance, all but \$30.

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

Mr. VINCENT: Mr. Speaker and Members of the House: It was never the contention of the Attorney General's office or myself that there was any negligence on her part or the Prison. We asked for the sum of money and it was declared that it was policy of the department, as I repeated before, and of other institutions to pay out this small claim. The money comes out of the General Fund so there is no appropriations necessary or appropriation bills. The money is there, it has been the policy in the past to pay this sum, and we hope you will continue in the future. Thank you.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: Even though this might appear to be a small sum, I feel that the claim is not valid and I was one of the Committee that voted along "ought not to pass." If we keep giving money away this is how taxation gets beyond control.

The SPEAKER: All in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

100 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Education on Bill "An Act Creating a School Administrative District for the City of Portland" (H. P. 805) (L. D. 1044) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. KELLAM of Cumberland  
STUART of Cumberland  
— of the Senate.

Messrs. WAXMAN of Portland  
ALLEN of Caribou

Mrs. KILROY of Portland

Mrs. CUMMINGS of Newport  
— of the House.

Minority Report of same Com-  
mittee reporting "Ought not to  
pass" on same Bill.

Report was signed by the follow-  
ing members:

Mr. KATZ of Kennebec  
— of the Senate.

Messrs. MILLETT of Dixmont  
CHICK of Monmouth  
RICHARDSON

of Stonington  
— of the House.

Reports were read.

The SPEAKER: The Chair rec-  
ognizes the gentleman from Port-  
land, Mr. Waxman.

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

The SPEAKER: The Chair rec-  
ognizes the gentleman from Ston-  
ington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker  
and Members of the House: I had  
a great deal of sympathy for the  
request of Portland for a single  
town district. I feel that they have  
done a great deal for education in  
the City of Portland and I felt  
that the State of Maine should help  
them a little bit more. But I am  
bothered by several things which  
I think will bother some of the  
others in this House also.

Number one, the people of Port-  
land are not going to have any  
opportunity whatsoever to vote on  
a bond issue for schools and this  
bothered me a great deal. I am  
well aware that at the present  
time the City Council can float a  
bond without a referendum of the  
people, but I do feel that we  
should give the people of the City  
of Portland the right to vote on a  
school bond issue.

I am also concerned by the fact  
that this District will be formed  
not under the District laws but  
will provide that a public meeting  
shall be held on the budget but no  
public vote on the budget of the  
school, and this to me also violates

the rights of the people in the City  
of Portland.

For that reason I would certain-  
ly hope that you would not accept  
the Majority "Ought to pass" Re-  
port, but that we could give this  
study over the next two years and  
perhaps work something out with  
the City of Portland that would be  
more equitable to them. Thank  
you.

Whereupon, on motion of Mr.  
Waxman of Portland, tabled pend-  
ing his motion to accept the Ma-  
jority "Ought to pass" Report and  
specially assigned for tomorrow.

#### Divided Report Tabled and Assigned

Majority Report of the Commit-  
tee on Judiciary reporting "Ought  
not to pass" on Bill "An Act relat-  
ing to Period of Real Estate Mort-  
gage Foreclosure" (H. P. 555) (L.  
D. 736)

Report was signed by the follow-  
ing members:

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

Messrs. BERMAN of Houlton  
DANTON  
of Old Orchard Beach  
HESELTON of Gardiner  
BRENNAN of Portland  
— of the House.

Minority Report of same Com-  
mittee on same Bill reporting  
"Ought to pass" as amended by  
Committee Amendment "A" sub-  
mitted therewith.

Report was signed by the follow-  
ing members:

Messrs. FOSTER  
of Mechanic Falls  
HEWES of Cape Elizabeth  
MORESHEAD of Augusta  
— of the House.

Reports were read.

The SPEAKER: The Chair rec-  
ognizes the gentleman from Houl-  
ton, Mr. Berman.

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

Whereupon, on motion of Mr.  
Benson of Southwest Harbor, tabled  
pending the motion of Mr. Berman  
of Houlton to accept the Majority  
"Ought not to pass" Report and  
specially assigned for tomorrow.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Requirements for Recording Deeds and Other Instruments" (H. P. 532) (L. D. 703)

Report was signed by the following members:

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

Messrs. COTTRELL of Portland  
DRIGOTAS of Auburn  
SUSI of Pittsfield  
ROSS of Bath

Mrs. WHITE of Guilford  
Mr. FORTIER of Rumford  
—of the House.

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

Report was signed by the following member:

Mr. HARRIMAN of Hollis  
—of the House.

Reports were read.

(On motion of Mr. Dennett of Kittery, tabled pending acceptance of either Report and specially assigned for tomorrow.)

### Passed to Be Engrossed

Bill "An Act Increasing Limits of Liability under Financial Responsibility Law and Uninsured Motorist Law" (H. P. 145) (L. D. 171)

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

### Third Reader Tabled and Assigned

Bill "An Act to Establish Revised Boundaries for the Master Plan of the Capitol Complex Area at Augusta" (H. P. 577) (L. D. 758)

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

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

Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property" (H. P. 757) (L. D. 977)

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

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This item number three is the original bill which would close the Children's Home in Bath and sell the property. Last Friday on our calendar was a redraft which was a unanimous report from the Health and Institutional Services Committee to keep the Home open, but the original bill was substituted for this report and the reconsideration motion was refused by a light vote of 50 to 67. There were only 117 members present.

Now this subject was debated twice in the House this year, and I have not belabored the issue. I have spoken but once each time although each time I certainly was tempted to rebut when members of the Appropriations Committee read excerpts from a letter from the Reverend Louis Bedford from Bath, stating that in his opinion the Home should be closed and if he had to have his children placed somewhere he would rather place them in foster homes. He is the only local person that I have ever heard criticize the Home and I wondered why he really wanted to do this.

So yesterday I called him up. Now Mr. Bedford has only been in the State a short while. He has never been in the Children's Home in Bath. He has had no connection with the children there or the programs in the Home. The only foster homes and foster parents that he has seen in the State are two or three in Bath, who happen to be very fine families who are active in his parish. Consequently his reasons for this are philosophical based on ideal circumstances.

Now let me add one more thing. I certainly do not question the motives of Reverend Bedford. I mentioned he's only been here a short while, but I first met him last summer and he is an intelligent, sincere, conscientious, Christian gentleman. Now this does not though reflect the thinking of the citizens of Bath, although I did check with his parishioners and he is consid-

ered an excellent rector. But, however, since the proponents have insisted on quoting from his letters, let me read just one sentence that he wrote to me in March 12, 1969, after he mentioned that he had had children in Bath. "Would it not be possible for you to get together in view of the current taxpayers' rebellion, justify the end for the expenditure for Home support in the interest of the State's providing more educational subsidy to local schools?"

Now the proponents of closing the Home have stated that they are giving money to update the programs in the Part II budget and they say that this should be done to provide some incentive. Now just more money per child is not necessarily going to improve the caliber of the homes. The truly fine homes will take children anyway and the others I am sure will be delighted to take more children if the stipend is raised. Last Friday, the gentleman from Eagle Lake, Mr. Martin said that I said that not all of the employees came from Bath and he added that maybe that is so but certainly they did not come from Aroostook either. Now I certainly never intended to say that because most of the employees do come from Bath, but there are very few employees. It is not certainly a large payroll. But I did say that there are no children there from Bath.

But as I have mentioned before we do not consider this a strictly local issue. But we on the local scene have seen the value of this over the years and we feel very strongly that there is a need for such an establishment, whether it be in Sagadahoc County, Aroostook County or any other place. As a matter of fact we might well use a wing that was built on the Fort Fairfield hospital, authorized in 1959 over my objections under the guise of a TB wing when there was no proven need shown. It cost \$1.1 million and when it was later proven that there was no need the 102nd Legislature sold this to Fort Fairfield for one dollar, still over my objections.

But in summary, this bill before us right at this moment is the positive bill to close the Home

and sell the property, which by the way was originally donated by the City of Bath — it cost the State nothing, and leave forty children at the mercy of chance. It may be a measure of economy but thousands of persons in the State of Maine do not approve of this and I now move indefinite postponement of this bill. And when the vote is taken I request it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from South-west Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: In reference to the remarks just made by the gentleman from Bath, Mr. Ross, the Committee discussed at some length the disposition of the Bath Home and it was determined that we would be very happy to sell the Home for a dollar or we would be very happy to give it to the City of Bath for nothing.

We feel — or at least I will talk for myself at this point, we feel that the program is the thing that is the problem. We feel that we have mentally disturbed children in with normal children and it has been proven over the years I think that this is detrimental to the well being of the normal child. I don't wish to belabor the issue any further. We have had this before us on several occasions. It was referred to Health and Institutional Services after having been heard before the Appropriations Committee, and personally I could not go along with the Report of the Health and Institutional Services Committee setting up a board to operate this Home, to select a new superintendent and to hire the people who are to work there.

I feel that our discussion should properly be on the original bill, the bill that is before us today, and I just hope that the House will go along with their vote of the last legislative day and the vote originally taken on the acceptance of the Committee Report from the Appropriations Committee, which was 90 something to 30 something, to close the Bath Home. And I ask you to stand fast with that vote today. Thank you.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: It is very apparent that many people are supporting the Hyde Home. I have discussed this Home with many members of the Brunswick Naval Air Station and others this past weekend. They assured me that this Home for children is one of the best. They have all the things to work there on needy projects in their spare time. I personally would rather see children in family groups at the Hyde Home than have them placed one by one divided in the so-called institutional style of homes, such as the Lewiston-Auburn Children's Home. I have had members of my own family in one of these types of homes years ago and from the experience they have had they say that the Hyde Home would be a better type of institution. Thank you.

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

Mr. LUND: Mr. Speaker and Members of the House: Just to keep the record straight I think we should all clearly understand that we were not talking about the Hyde Home. The Hyde Home was at one time an institution in which many of us have been very active including the gentleman from Bath, Mr. Ross, but we are not talking about the Hyde Home today.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I am before you today in a different capacity as I was prior to the new draft. Now as you know, I did go along with the Appropriations Committee in their recent decision which was to close the Home because of deficiencies at the Home at that time. Now since we have gone back to the Home and the report that you heard last week from Representative Ross in regard to these repairs, now the repairs have been completed or going to be completed. The only responsibility that is left is the sprinkler system.

Now we went back, we had a trial run of the Home under emer-

gency conditions; we listened to the alarm system and it worked out very well. Now I feel at this time that we should at least try to give this new bill an opportunity to work and I feel that if we try it, just to see if this is a major objection as the Appropriations Committee brought out because of the program which is in place there at this time, then I feel, let's give it a chance. I don't see why we shouldn't at least do this. And for that reason I will have to change my decision today and I will vote with the gentleman from Bath, Mr. Rodney Ross, and I hope you will vote along with him also. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: If L. D. 977 is enacted the Children's Home will be finally closed without ever having given it a second chance to operate under new administration which would hopefully result in more efficiency and better utilization.

Granted, this Home serves only a relatively few children but if it can provide the best atmosphere for certain marginal children, is it not worth the effort and the money? I would hope that you will defeat this measure and that we would be given a chance to vote on a program which the Health and Institutional Services Committee has voted out unanimously. I therefore support the motion of Mr. Ross of Bath.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: It is the creation of this type of an institution that I objected to in the debate the other day and I want to touch on it just once more and I promise you I'll be very brief.

If we accept the report of this Health and Institutional Services Committee I feel that we have definitely created another type of home, an institutional type home which the gentleman from Auburn just objected to over here, which I don't believe is good either. I think that we should continue on

the course that we are pursuing of taking care of these children in the foster homes and do our best to upgrade them and get good homes.

I hope you will stick to the vote that you have taken over the past two —

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

Mr. HICHENS: Mr. Speaker, Ladies and Gentlemen of the House: Since the original debate in which I took part last winter, I have received several letters and petitions from people down in my own area, totaling over 128 signatures, including a letter having the unanimous report of our American Legion Post to keep this Home in Bath open. So I support the gentleman from Bath.

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

Mr. LUND: Mr. Speaker and Members of the House: I would simply like to remind the House that we are not voting here today because of a letter from a minister, we are voting because of some very careful consideration which was given both by the Appropriations Committee and also by the Legislature—the House itself, in listening to the discussion that was had some several weeks ago when this came up before and this bill to provide for closing and phasing out the Bath Home during the summer received heavy support at about 90 to 30 in this body.

We were concerned at that time and pointed out the fact there were retarded children mixed in with normal children, that there was no organized program for these children, that there was no professional staff there, and in addition to this that there was a safety hazard in the existing building. I would agree completely with the gentlewoman from Bath that if it were found that this Home could provide a better environment for these children then there wouldn't be any question in my mind about the fact it should be given life, but such is not the case, at least in the judgment of the people with whom we had talked and to whom we had listened; and I think there

is good reason to pay some attention to the advice of the professionals that we have who are working here in our State departments. And this is the reason that there has been no enthusiasm for carrying the program, or the lack of it, on under any of the departments that we have in the State.

I do think that we should look very carefully at this rather mixed up setup which is proposed to operate this Home really out from under any direct State control. I think it would be a very unfortunate precedent to begin now. As far as giving this Home additional life is concerned, it should be pointed out that the question of closing the Home has been raised before, so this isn't something new and sudden.

I would also like to point out that there is a procedural problem here because the vote now pending is a motion to indefinitely postpone the original bill. This is the original bill which had a vote of 90 to 30 and I hope you will vote against the motion to indefinitely postpone.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In the debate thus far some people have indicated that we should give the Bath Home a second chance. I would point out that this is not the first session that a bill has been introduced to close the Bath Home, and so if we are talking about a second chance probably we are talking about a sixth chance. The gentleman from Eliot, Mr. Hichens indicated that he had received a petition and for that reason he was going to vote to keep the Bath Home open. Let me point out to you and I'm sure members of the House are well aware how easy it is to get names on a petition; you write out anything you want to, give it to me and I'll come back with a hundred signatures within an hour, and it's really that simple.

The gentleman from Bangor, Mr. Soulas pointed to you that the repairs were done or were being done. Let me point out to you that the repairs that have been done are those repairs which involved

no money. They were repairs, for example, of changing the way the doors were going in and out, they were repairs like removing garbage from areas where they should not have been. There were other areas along this line that the people from Brunswick did but they were not the substantial repairs which have to be done.

It was pointed out to you that the alarm system worked. Well let me just remind you we are talking about a building of three floors with open stairwells, and I don't care how much an alarm system is going to work, once that smoke starts going — and smoke of course does not start the alarm system, when these children are on the third floor sleeping the alarm system isn't going to help those children whatsoever.

It is for that reason why I am concerned about the welfare of these children that are being placed in that home, that I am in favor of closing the property. Now if we want to dispose of the property by giving it back to the City of Bath, I have no objection to this and I'm sure that no one on the Committee would, and so we could easily amend the bill to take care of that without any problem. So I would hope that you would be consistent with your vote and vote against the motion of the gentleman from Bath, Mr. Ross.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House indefinitely postpone this bill. 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 desiring a roll call vote will vote yes and those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property,"

House Paper 757, L. D. 977, be indefinitely postponed. If you are in favor of the motion you vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA -- Bedard, Berman, Brennan, Brown, Burnham, Carter, Casey, Clark, C. H.; Clark H. G.; Corson, Cote, Couture, Cox, Crommett, Crosby, Curtis, Dam, Durgin, Emery, Erickson, Eustis, Evans, Faucher, Finemore, Fortier, M.; Fraser, Gilbert, Giroux, Good, Hall, Hawkens, Hewes, Hichens, Jameson, Kelleher, Kelley, R. P.; Laberge, Lawry, Lee, Levesque, Marquis, McNally, McTeague, Meisner, Mitchell, Moreshead, Mosher, Norris, Noyes, Payson, Rand, Ricker, Ross, Santoro, Soulas, Stillings, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, White.

NAY—Allen, Baker, Barnes, Benson, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Buckley, Bunker, Carey, Chandler, Chick, Cottrell, Croteau, Cummings, Curran, Cushing, Dennett, Donaghy, Drigotas, Dudley, Dyar, Farnham, Fecteau, Fortier, A. J.; Foster, Gauthier, Hanson, Hardy, Harriman, Haskell, Henley, Heselton, Huber, Hunter, Immonen, Jalbert, Jutras, Kelley, K. F.; Keyte, Kilroy, Lebel, LePage, Lewin, Lewis, Lincoln, Lund, Marsteller, Martin, McKinnon, Millett, Mills, Morgan, Nadeau, Ouellete, Page, Porter, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Susi, Trask, Waxman, Wheeler, Wight, Williams, Wood.

ABSENT—Binnette, Carrier, Coffey, D'Alfonso, Danton, Johnston, Leibowitz, MacPhail, Pratt, Quimby.

Yes, 63; No, 77; Absent, 10.

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

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

Bill "An Act to Regulate Home Solicitation Sales" (H. P. 758) (L. D. 978)

Bill "An Act Creating the Uniform Recognition of Acknowledgements Act" (H. P. 931) (L. D. 1192)

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 to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens" (H. P. 1017) (L. D. 1325)

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

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: I would like to share with you some of the exposure that we on the Taxation Committee have had on this general subject of tax relief for the elderly.

There are in this Legislature three different bills dealing with this general subject. The Taxation Committee reported two of these bills out Leave to Withdraw as covered by other legislation. On the third bill there was a redraft made which is on your desks today under L. D. 1550. Now the provisions of this redraft which came out today are that a male at the age of 65 or female at the age of 62, head of a family, and having an income of \$4,000 a year or less can apply for an abatement for any increase in the property tax on the home place so to speak, which is incurred after that date. However, any such abated amounts would constitute a lien against the property at the decease of the applicant.

Now I think we are all in agreement there is a real and urgent need for relief for the elderly from these increasing property taxes. So I think it boils down to a question of how to go about it. In this session of the Legislature there appears little likelihood that we will appropriate some \$1½ million which would be needed to under-

write this bill which we have before us here today.

The committee bill, as it was reported out, would provide that in effect the property would finance its own abatement through the lien procedure at the decease of the applicant. I would hope that you would support the committee bill as a vehicle to move toward some attainable relief for the elderly from this burdensome property tax and support my motion now to indefinitely postpone the bill which is before us. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi that L. D. 1325 be indefinitely postponed.

Whereupon, on motion of Miss Watson of Bath, tabled pending the motion of Mr. Susi of Pittsfield to indefinitely postpone and specially assigned for tomorrow.

**Third Reader  
Tabled and Assigned**

Bill "An Act Prohibiting the Conducting of Contests and Games by Retail Sellers" (H. P. 1207) (L. D. 1534)

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

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you just a little bit of this matter before us. The original bill heard by the Business Committee was L. D. 628. It outlawed contests or games by establishments selling motor vehicle fuel. No factual evidence was presented that there had been abuses in the operation of such games, so the majority of the Committee felt that this legislation was not necessary as well as discriminatory.

The Minority Report, which you accepted very hastily Friday, was L. D. 1534, prohibits contests or games by all retail sellers. I feel that this is quite drastic. If we do outlaw these games we will be depriving the citizens of Maine the chance to win prizes at no cost to them and we will be depriving the businessmen a legitimate mer-



chandising technique which promotes business.

In my own community, for instance, the retail merchants contribute weekly to a fund that is drawn off each Friday night with the idea of keeping shoppers in town. Under this Minority Report this sort of thing would be outlawed, and I think you can imagine all sorts of things that would be outlawed if this passes.

The Attorney General felt that the original bill would be declared unconstitutional if passed, and the minority bill is so far-reaching I feel that it would be very detrimental. I move indefinite postponement.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I do believe that this bill in its present form takes in too many businesses. In its original form it seemed to slip by without my having a chance to speak rather strongly for it. I was contacted by two retail gasoline salesmen in the Newport and Corinna area that these games and contests gained them, as far as they can see, absolutely nothing, but add greatly to the coffers of the oil and gasoline sellers who are the ones that promote it for their own good, and that it really doesn't add up to much good for the local businessman.

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

Mr. BRENNAN: Mr. Speaker, I would like to pose a question through the Chair to any member of the Committee, and that is whether or not passage of this bill will reduce the price of gasoline?

The SPEAKER: The gentleman from Portland, Mr. Brennan poses a question through the Chair to any member of the Committee who may answer if they choose.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I quit those games and it did lower the price of gasoline in my station and I'm sure it would in others, because these are quite expensive and they

have to be paid for as well as all of these gimmicks and they end up the net result is that the consumer has to pay for them. And the one that I was involved in with the Getty Oil Company was very very expensive to the tune of about \$125 a week. So \$125 a week had to come mostly out of the local people in the little town of Enfield in which my customers reside. And I suspect that this same thing is so in Newport and these other places where they speak. It certainly is a hidden cost that has to be added on to the cost of whatever you do because it's like your employees or your light bill or anything else, it is a cost that has to be absorbed by the business.

I hope that the motion of this gentleman to indefinitely postpone this bill does not prevail. I feel as though people are being taken, not knowingly, but because it is a hidden cost that has to be put there, and I think we would be doing the people a great favor if we did keep this piece of legislation and see if we could help them out. I understand some of the big stores use promotion but that's only a promotion against the little towns to try to draw them in to the big store and take the business away from the little country store that is trying hard to exist. It may help some big supermarkets considerably but it certainly would be detrimental to the little country store that we don't like to see go out altogether, there are still a few left. I hope we are able to help salvage a few because they are a necessity in these small towns. It is very inconvenient to have to go to one of the bigger towns for a loaf of bread or something and they can't stay in business in these little stores in the country just to sell a loaf of bread. They have to sell a little more than that nowadays to stay in business.

So I hope and trust that this House will use good judgment and not indefinitely postpone this piece of legislation.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: As being tangled up in the gasoline business

I would point out two things. One, these games are voluntary, the adoption of them, from the retailers point of view; and to answer Mr. Brennan's question the answer is no.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman from Manchester, Mr. Rideout, that the retailers have a voluntary contribution to make, I would say that this is not correct because I have personal knowledge in the town of Sanford where a young man in his thirties recently opened up a gasoline station and also of recent date had to close this station because it was costing him \$75 a week to play these games. The name of the game is fully spelled out in the February issue of Fortune Magazine which I have here and I would like to read you this, and for that reason I hope that someone tables this bill for one legislative day.

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

Mr. DRIGOTAS: Mr. Speaker, I would like this tabled for one legislative day.

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

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Scott, that L. D. 1534 be indefinitely postponed. The gentleman from Auburn, Mr. Drigotas moves that it be tabled pending the motion to indefinitely postpone. A vote has been requested. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

61 having voted in the affirmative and 56 having voted in the negative, the tabling motion did prevail.

### Third Reader Tabled and Assigned

Bill "An Act Providing for Regulating Water Well Construction and Pump Installation (H. P. 1214) (L. D. 1546)

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

Mr. Shaw of Chelsea offered House Amendment "A" and moved its adoption.

House Amendment A (H-391) was read by the Clerk.

Whereupon, on motion of Mr. Curtis of Bowdoinham, tabled pending adoption of House Amendment "A" and specially assigned for tomorrow.

Bill "An Act relating to Realty Subdivisions" (H. P. 1215) (L. D. 1547)

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

### Third Reader Amended

Bill "An Act relating to the Taxation of Farm Machinery" (H. P. 1216) (L. D. 1548)

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

Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-394) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a redraft of a bill which was of much broader scope when it came before us. As it was originally drafted it provided for the exemption of most personal property owned by the farmers here in our State and it was one of our longer hearings, and with the nature of our work I think that in the Taxation Committee generally we've become quite heartless, but the stories that we heard that day created a heart where there was none and we came out with this bill which provided for a \$5,000 exemption on personal property, or namely machinery owned by farmers on the local property tax.

Now frankly I'm not too proud of our little offspring. It has a built in weakness that the present veteran's exemption has inasmuch

as it refers to the assessed valuation rather than the actual, and it was pointed out to us by the members of our Committee who are local assessors that it isn't practical to put actual in as the criterion. So from one community to another a farmer might be exempted anywhere from \$5,000 up to many times that.

On the other side of the coin in this same area is that our municipalities are under real pressure to raise the funds that they need and in the areas where there is a concentration of farming activity, this could be quite crippling on them. And I don't know as I have any particular recommendation except that this bears a lot of thought because I am afraid that we will be hurting our municipalities more, perhaps, than they can stand in the farming areas, and I would hope that you would think very carefully on this. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not going to take serious issue with the gentleman from Pittsfield, Mr. Susi. However, I think that previously we have considered a \$5,000 exemption. Certainly with the present day cost of farm equipment, much of it which is only used one or two or three days a whole season, it runs into a tremendous figure and my thought was in offering this amendment that this exemption of \$5,000 doesn't amount to anything, it's just peanuts. I don't know but the same thing applies to \$10,000. It's not unusual on a fairly small farm for the total purchase value of farm machinery now perhaps to run up into the area of 50 to \$100,000. So I'm not going to take serious issue with —

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

Mr. FORTIER: Mr. Speaker and Members of the House: I would simply like to point out to this House once again that twice today so far we have considered bills that again are cutting into the

revenue to our municipalities. The first one was in this exemption to elderly householders. In the original bill it provided for reimbursement to the towns by the state. I appreciate the fiscal responsibility of this House and of this Committee, and I did not oppose this although I did not like it, because what the state cannot afford to spend apparently we are forcing upon the towns where they have nothing to say about it.

But again in this second bill considering farm machinery, I am very sympathetic to the farmers. I believe there was a very very good presentation made to the Taxation Committee on this particular bill, and I think Mr. Susi expressed it very well when he said they almost created a heart where there was no heart before.

But I would also like to point out to you that a table prepared by the Bureau of Taxation based on the 1968 assessments has the ratios down as low as 12%, which would mean that with a \$10,000 exemption this could exempt in the neighborhood of ninety some odd thousand dollars of farm machinery. I do not believe that that was ever the intent of the Taxation Committee, and I doubt very much if it would be the intent of this House.

I am very sympathetic to all these causes, but let's remember that if we here can not find the money for the state to stand the expense, how in the world do you expect our municipalities to find that money?

The SPEAKER: The Chair recognizes the gentleman from Turner, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker and Members of the House: I would hope perhaps I could clarify things here just a little. By law farm machinery is not exempt from taxation; by practice, perhaps it depends on where you live. Now in my own town we never made any attempt to tax it until last year and at that time I wasn't an assessor. I asked the assessors why the change and they said it was from the State Department of Taxation up here and they were

to provide guide lines—the guide lines never did show up.

I have recently learned that my neighbor, the City of Auburn, didn't tax farm machinery last year, doesn't tax farm machinery this year for the simple reason that they don't know how to tax farm machinery. I was also told by the Farm Bureau who investigated that the individual in the Department of State Tax Assessors didn't produce the guide lines for the simple reason that he became baffled and was unable to produce them. You take a machine that is twenty years old, and at the present time I'm speaking of my old mowing machine. I have rebuilt it once, it works perfectly good; if you depreciated it out why somebody owes me money. How are you going to tax it? That is the problem. If you have a new machine you know what it costs and then you can create a valuation. You get an awful variance.

You also get an awful variance in the practice from one municipality to the other and although I have no knowledge of what the average does for the state, in our locality very few of them tax it at all. Now this was an attempt to try to get ourselves inside the law and whether it's \$5,000 or \$10,000, I don't think it is going to make too much difference. I think that this doesn't include tractors, this doesn't include any machinery which is at present taxed through excise. This is merely mowing machines, manure spreaders, hay bailers and that type of machinery.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: You know the reason why these people buy all this farm machinery is we're gettin' old and we're gettin' tired. So quite often this time of year a fella' might want a front end loader or something like that to help him out with his work. He doesn't buy this machinery to have it stand around and looked at.

I can remember the first time I ever went to Topsham Fair. John Gould and I went over early

in the morning just to see the machinery. First time I ever saw runnin' water, and John and I stayed there and looked at runnin' water all day long and I thought that was the best invention that was ever invented. And right to this day I don't understand why they didn't build a monument to the person that invented the runnin' water.

Now I'm not for wild spending at all, but nowadays money don't go very far and it's awful easy to run up \$10,000 before you know it in farm machinery to help you out with your work so that you'll live a longer and happier life.

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

A vote of the House was taken. 85 having voted in the affirmative and 42 having voted in the negative, House Amendment "A" was adopted.

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

### Third Reader Tabled and Assigned

Bill "An Act Increasing the Gasoline Tax" (H. P. 1217) (L. D. 1549)

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

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

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

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

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: There is of course a ground swell of opposition rising against this dangerous legislation, but I

would hope today that we could pass this to be engrossed and reserve our attack on it for enactment.

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

Mr. PORTER: Mr. Speaker and Members of the House: It happened that I came by Louse Island last night. I was quite surprised to find a sign already naming it Thoreau Island. I wonder who authorized the renaming of that island before we passed the bill?

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

### Third Reader

#### Tabled and Assigned

Resolve Proposing the Acceptance of a Master Plan Prepared by the Capitol Planning Commission (H. P. 578) (L. D. 763).

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

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: Mr. Lund has left his seat and I hope that someone would table this for one day.

Thereupon, on motion of Mr. Ross of Bath, tabled pending passage to be engrossed and specially assigned for tomorrow.

### Amended Bills

Bill "An Act Revising the Laws Relating to the Law Court" (S. P. 170) (L. D. 544)

Bill "An Act to Prohibit Possession of Machine Guns" (S. P. 298) (L. D. 991)

Bill "An Act Licensing Administrators of Medical Care Facilities other than Hospitals" (S. P. 311) (L. D. 1026)

Bill "An Act relating to Bank Reporting, Reserves and Loan Limits" (H. P. 542) (L. D. 721)

Resolve to Reimburse Norman E. Dudley of Waite for Well Damage Caused by Road Construction and Highway Maintenance (H. P. 681) (L. D. 880)

Resolve to Reimburse Walter Ware of Benton for Well Damage by Highway Maintenance (H. P. 802) (L. D. 1041)

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.

### Passed to be Enacted Bond Issue

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 111 voted in favor of same and 11 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Passed to Be Enacted

An Act to Establish a Police Training Facility (S. P. 3) (L. D. 17)

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

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

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)

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

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

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

An Act relating to Tuition Charges for Special Education Classes (H. P. 1154) (L. D. 1476)

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

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

#### Finally Passed

Resolve Reimbursing the Town of Sullivan for Winter Road Maintenance (H. P. 853) (L. D. 1095)

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

#### Orders of the Day

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

HOUSE REPORT — Committee on Business Legislation on Bill "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine" (H. P. 885) (L. D. 1144) reported that it be referred to the next legislature.

Tabled—May 22, by Mr. Benson of Southwest Harbor.

Pending—Acceptance.

On motion of Mr. Scott of Wilton, tabled pending acceptance of the Report and assigned for later in today's session.

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

HOUSE REPORT — 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" (H-364)

Tabled—May 22, by Mrs. Payson of Falmouth.

Pending—Acceptance.

On motion of Mrs. Payson of Falmouth, retabled pending acceptance of the Report and specially assigned for tomorrow.

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

HOUSE REPORT — 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" H-365.

Tabled — May 22, by Mrs. Lincoln of Bethel.

Pending — Acceptance.

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

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: I move for the indefinite postponement of L. D. 980 and all its accompanying papers.

I know I will get my ears pinned back trying to oppose ten lawyers and my good friend, Mr. Cottrell, but nothing ventured nothing gained.

L. D. 980 provides for appeal to the probate court by individuals who are dissatisfied with the Department of Health and Welfare's decision regarding applications for adoption of a child within the custody of the Department. I oppose this bill for three reasons.

The first: Placement of a child for adoption by a social agency such as the Department of Health and Welfare is based on the medical, social, and psychological evaluation of the child and the adoptive applicants. The Department of Health and Welfare has staffs trained to perform these evaluations. The probate court does not have staffs equipped to carry out such studies and in fact depends on the Department of Health and Welfare to provide such evaluative information in non-agency adoptions.

My second reason: L. D. 980 is based on one case, with the implication being that there is a state-wide need for a law to permit foster parents to apply to adopt children that have been placed in their home. The following statistics show clearly that many foster parents are continually adopting children in the custody of the Department of Health and Welfare. Total number of Division of Child Welfare adoptions in 1967 were 118, of which 32 were by foster parents. Total number of Division of Child Welfare adoptions in 1968 were 97, of which 19 were by foster parents, plus 32 additional adoptions for this year by foster parents pending completion.

My third reason: L. D. 980 does not give the agency an opportunity to appeal the finding of the court and is, therefore, focused primar-

ily on rights of adults to adopt rather than to focus on the best interest and rights of children.

A vote against this bill would mean that children's rights will continue to be fully protected and I would appreciate your vote to indefinitely postpone this bill.

The SPEAKER: The pending question is the motion of the gentleman from Bethel, Mrs. Lincoln, that item 3, L. D. 980 be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would like to concur with the remarks of Mrs. Lincoln. I am of the same occupation as the gentlemen on the Judiciary Committee. It has been my pleasure to work in many cases with adoptions. I also have a wife who is a social worker and who works in the field of adoptions.

I realize that the Department is not perfect, that errors can be made, but I concur with the statement of Mrs. Lincoln that the probate court does not have the facilities to go into these cases as deeply as the Department does. Additionally, I think her point that this bill focuses on the rights of adults rather than the rights of the children proposed to be adopted is very accurate and hits the nail on the head.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: It is most distasteful for me to have to oppose our most charming and talented gentlewoman Legislator from Oxford County. I certainly never anticipated this. I also dislike to involve you in some harrowing experiences which developed in this particular case. Personally I have never been involved in a case which has taken so much of my time, not that I wouldn't willingly give it in a case of this type.

This was a unanimous report by men on the Judiciary Committee who have had broad experience in the law. They represent all ages. It was a very long hearing in which all of the harrowing details came

out in this particular case. They unanimously reported this out "ought to pass."

Now I put my hand to the plow and I am going through to the end of the furrow on this particular instance. So I will start in with the development of this case. I wish I were a trained barrister. I wish I were a Clarence Darrow and I know I would win this case.

A little child was born in Biddeford at the Notre Dame Hospital about five years ago of a thirteen year old mother. In a few days after birth this child was taken to a foster home, people who had served as foster parents for a dozen years. Dr. Fisher says there have never been any complaints about these people as foster parents. The mother was epileptic, the child was epileptic and these people for four and a half years worked with this child.

I think sometimes his parents, or his grandparents, quoting from some of our outstanding Americans, that perhaps if we never have learned the meaning of love, we learn the meaning of love when we get a helpless, little child who is debilitated with whom we must work either as a grandparent or as a parent. And that is what happened in this case at this foster home. They had to supply medication, they had to supply care, and they have many testimonials which show that they gave this child great care.

And then at age four and a half peremptorily and abruptly the Health and Welfare agents decided that this child should be taken away from these people and it was removed. This has caused a great agitation in Portland and in our Portland Sunday Telegram we had a documented story of the whole business.

I think I was a little disturbed because I couldn't get information from the Health and Welfare Department. I first saw Dr. Fisher about this case and I might quote him as having said that this particular family had always rendered good service as foster parents and with whom they have put children. But at the pre-legislative conference I brought up the subject to Dr. Fisher because it seemed to me that whether or not there was

legality involved there, to me, was humanity and humaneness and I spoke to him about it and he said, "Well, Mr. Cottrell, I think I will have a decision within a week."

I called up within a week and I got a further postponement. Later in December I sent a registered letter and after another two weeks had gone by, having received no reply, I sent another one, and I have got the receipts on those registered letters, and the tenor of both letters was simply this: that until I got more information from the Health and Welfare Department I certainly would have to favor the evidence in this case on the side of these parents who wished to adopt this child. And preliminary papers had been taken out and assurances had been given that they would adopt this child.

I know this is long but I have had a long time on this and to me many things are involved and I find myself in another position where I have got to try to make a long exposition about a case, and I am willing to answer any questions about this too.

So finally along toward the latter part of January Dr. Fisher wrote me and he said, "I think we can discuss this case now." The parents were brought there and we sat in Dr. Fisher's office for over two hours. The parents were on one side, Dr. Fisher was on the other, I was at the head of the table acting, I don't know what I was acting as—I was trying to act as an arbitrator. But they had communication all right. They could communicate back and forth. But they could not arrive at any decision. So I finally I told Dr. Fisher, "I think for your benefit, for your Department's benefit, for the benefit of other people who might find themselves in a condition like this or a situation like this, that it would be better to have a little bill introduced and passed so in cases like this where there is no agreement at all, that a probate judge could listen to this situation."

Now of course the probate judge doesn't have expertise in social adoption matters. But in my opinion the probate judge is a hu-

mane person. He is probably older than some of our social workers in our Welfare Department who—at 24 or 25 seem to think they have social expertise in these matters.

Now there are many more things that I could bring up. As I say, we had almost a two-hour hearing before the Judiciary Committee and there is reams of evidence and I can only hope that you will resoundingly vote against the indefinite postponement of this bill because the Committee amended it and the probate judge has no final judgment. He simply is in a position in cases like this to get people together. You had an emergency preamble on this bill, but in the committee amendment they removed the emergency preamble and they also made the provision that the judge's decision would not necessarily be final.

Now this is the way matters stand. I for one could never agree to having a four and a half year old child taken away from parents who had had it since birth, who had seen that it had the proper medication and had taken care of it like their own, had fallen in love with this child, and then had to face an immediate, abrupt removal.

Mr. Wiley said it would cause no trouble but they have had to remove that child to two adoptive homes and they are now in a third adoptive home. Well that is the story and I thank you.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Members of the House: It feels a little strange speaking on behalf of a special interest group, but in this instance the group is composed of those children who are placed in the custody of our Health and Welfare Department for one reason or another. These children are denied the opportunity to grow up in their own home surrounded by the love of their natural parents. They are likely to be placed in foster homes carefully chosen by the Department of Health and Welfare who maintain close contact with these children through professional caseworkers. This Division of Child Welfare has mem-



bership in the Child Welfare League of America which is a national standard setting agency and their programs are generally endorsed by both private and public agencies across the nation.

L. D. 980 allows decisions on adoption placements made by the Division of Child Welfare to be reviewed and decided by the probate courts. As the probate courts often seek the professional opinions of the Maine Division of Child Welfare in processing many non-agency adoptions, this provision would seem to be contradictory.

It has been said that L. D. 980 is essential to provide an appeal mechanism for foster parents to adopt children in their home, the inference being that all private adoption agencies have such an appeal mechanism built into their policy. This is not true. Foster parents for the Division of Child Welfare do appeal through the department's administrative structure and this is the only appeal mechanism available in private agencies.

I feel that these children, unfortunate victims of broken homes, unwanted pregnancies and so forth, should not be subjected to the stress of emotional and legal efforts to reverse the carefully investigated and thoroughly thought-out decisions of the Division of Child Welfare. A vote against L. D. 980 will assure that these children's rights will be protected.

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

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to answer my good friend Mr. Cottrell. First of all I did tell him that I did not like the bill, so it was no surprise. Secondly, although it came out a unanimous report, Representative McTeague has said that he favored the bill.

Remember that this is one case. It could happen maybe not for another fifty to one hundred years. Remember how many have already been adopted, and these have been very fine cases.

I would like to say that I could say a lot more to what Representative Cottrell has said but in due fairness to other foster parents and

in due fairness to the children under this department, I would rather not say them. If anybody is in question I would be happy to tell what I know to them in private. I think it would be much better.

Yes, they were very good foster parents, but we are not talking about foster parents. We are talking about adoptive parents. I would also like to say that with this parent it has become an obsession with him, the foster parent, and I would also like to say that the child is very happy where the child is now.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This matter that is before us this afternoon is a delicate matter and I for one would have wished that it had not come before our committee this session for personal reasons. One, I recall that on our side of the aisle my good friend, Mrs. Lincoln and I are the only members of the Class of 1961 here, and we have always been very good friends, and the next session I became very good friends with the gentleman from Portland, Mr. Cottrell. During our deliberations on this matter both Mrs. Lincoln and Mr. Cottrell spoke to me about this matter, and quite properly so. But I thought because this was a delicate matter that I should listen neither to Mrs. Lincoln nor to Mr. Cottrell but go back to my book and review the evidence and come up with an unbiased and impartial opinion. And this is what I and the rest of the committee have tried to do.

Now I hope at this stage of our deliberations of the 104th Legislature that you will not dump a unanimous "ought to pass" committee report.

What concerns me, frankly, is not the personality involved here, not the people involved here, but the evidence and fair play. Now I think that we have been overlooking in the discussions so far a very basic American tradition and that is the tradition of fair play and the tradition of an appeal. Now no one is infallible, not even the Department of Health and Welfare,

and it seems to me that if for some reason or other that a citizen of the State of Maine who was involved with the State of Maine through the Department of Health and Welfare is aggrieved by a decision of the Department of Health and Welfare it ought, under our concept of the American tradition of law, to have an appeal. This is simply what the bill as amended by the committee provides; it provides for an appeal.

Now if you want to go against the American tradition of fair play and equal justice you will vote for indefinite postponement, but if you wish to uphold our American tradition of fair play and the basic right of appeal where the State is involved, I hope you will go along with Mr. Cottrell and vote against indefinite postponement of this bill as amended.

Mrs. Lincoln of Bethel was granted permission to speak a third time.

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: In answer to my good friend from Houlton, Mr. Berman, I don't see why they are making the Department of Welfare have an appeal when the private agencies don't have to have an appeal.

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

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

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

Mr. CURTIS: Mr. Speaker and Members of the House: It is with much fear and trembling that I rise as a freshman legislator to oppose the most distinguished group in the Judiciary Committee but I feel that I must. I developed an interest in this bill because I have an adopted daughter and immediately this bill caught my eye.

There are a couple of things about which I am concerned in this bill. One very immediate implication one can draw is that this bill tends to focus on the rights of adults to adopt children and does not concern itself with the rights of the best interests of the children. My own experience

with the Department of Health and Welfare is that they base their decisions on the best interest of children. And who are we to say that this particular decision was incorrect? In fact who is to say that L. D. 980, if it were passed, making it possible for these cases to come before a probate judge that children's needs would be any more or even as fully met and protected?

I feel that we need professional agencies acting on the basis of the best interests of children and that as a Legislature we should be supporting and helping to strengthen such an agency rather than trying to pass laws which will weaken their efforts on behalf of the thousands of children they serve.

The second point that comes to mind is that actually children in State care would be discriminated against. By this I mean the state children available for adoption would have plans made for them available for judicial review while children placed by private adoption agencies which do more adoptions per year than the Division of Child Welfare would not be in the position of having plans made for them. I therefore support the motion for indefinite postponement.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: Looking at the bill from a legal standpoint it would provide for a judicial review of what may be an arbitrary action on the part of an agent of Health and Welfare. I believe that both sides of a case could then be presented before an impartial arbiter for determination as to the suitability of the parents involved. I think the doors of the probate court should be open. It's a very informal court and I think it could with decorum deal with the matter that we are involved with today.

I urge you to vote against the motion to indefinitely postpone.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I don't

know whether you watch the educational program, they call it "Space," between twelve and one o'clock on Sundays, and they don't agree on too many things, but one of the things that all educators are beginning to agree on now is that the first five years of a child's life is the most important in his life, the first five years. The influences that he comes under at that time are most directional and abiding. This child was four and a half years of age in a home doing well, satisfactorily, and he was removed very abruptly, painfully and inhumanely, and that struck in my crop.

All through this case I've had a feeling that a head of a department must support decisions sometimes that he himself dislikes made by people on the very lowest echelon. And that is the feeling I come away with in this total case and I think a great inhumanity has been done and is continuing to be done.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I certainly could not debate this problem based on the legal aspects of it as the learned gentleman from Portland, Mr. Brennan could, he being a successful attorney. I know about this case. I would speak, however, of the American tradition of life. The American tradition as I know it is to know both sides of the case, and I am certain that certainly somewhere along the line the good lady from Bethel, Mrs. Lincoln is not probably aware of some of the other facets involved in this case. I happen to know what the problems are. I happen to know that my dear friend from Portland, Mr. Cottrell is dead wrong.

However, I would like to hear the other side of the picture given to us and it can only be given to us by somebody getting the information from the other side and that is the Department of Health and Welfare headed by Dr. Fisher. I would like to hear it. I'm sure you would like to hear it. If we do what I would suggest that we do it would only stop us from going back and forth in both branches and I

am certain after hearing the other side of the picture, you might feel as I do. And for that purpose, so that we may save time later on, and money, in putting these measures back and forth and printing them, and wheeling them back and forth in both branches, I would suggest very strongly that someone table this bill until tomorrow.

Thereupon, on motion of Mr. Ouellette of South Portland, retabled pending the motion of Mrs. Lincoln of Bethel to indefinitely postpone and specially assigned for tomorrow.

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

MAJORITY REPORT (6) — "Ought to pass"—Committee on Taxation on Bill "An Act Increasing Certain Motor Vehicle Registration Fees" (H. P. 326) (L. D. 413) and MINORITY REPORT (4) reporting "Ought not to pass"

Tabled—May 22, by Rideout of Manchester.

Pending—Motion of Mr. Dudley of Enfield to accept Minority Report.

On motion of Mr. McNally of Ellsworth, retabled pending motion of Mr. Dudley of Enfield to accept the Minority Report and specially assigned for tomorrow.

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

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

Tabled—May 22, by Mr. Wood of Brooks.

Pending — Passage to be engrossed.

Mr. Wood of Brooks offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-395) was read by the Clerk.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen of the House: Your Fish and Game Committee had made a Resolve early in the session to do what we could to

save fish and game. This bill originally was for an increase in license fees. We immediately abandoned that idea and decided to upgrade our penalties. Some of these penalties have been thirty years on the books without a change. We figured it was time to update them.

Now possibly your Committee is too close to the situation. Possibly we are too anxious to do a good job. Possibly we have been too strict in these new penalties. Coming before you today there are going to be two amendments, one concerning dogs and one concerning poachers. Our Committee is convinced that if we can take care of the poachers and the dogs killing deer some day we can have a longer deer season.

There have been some vital reports that the Fish and Game Department was not opposed to poachers—they liked poachers, but they liked to catch poachers so to enrich their coffers. Personally I do not believe it. However, your Committee has recommended five days in jail for the first offense for night hunting and thirty days in jail for a second offense. I firmly believe in the wisdom of this Legislature and if you see fit to water down any of our proposals, well and good; but I am going to insist that we have jail sentences for night hunting. I will not oppose making them mandatory but I think we should continue to try to save our fish and game.

Thereupon, on motion of Mr. Hunter of Durham, retabled pending adoption of House Amendment "D" and specially assigned for tomorrow.

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

Bill "An Act relating to Tuberculosis Sanatoriums" (H. P. 686) (L. D. 885) (Committee Amendment "A" H-350) adopted)

Tabled—May 22, by Mr. Lawry of Fairfield.

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 seventh item of Unfinished Business:

Bill "An Act to Create the Mountain Resorts Airport Authority" (S. P. 368) (L. D. 1281) (In Senate passed to be engrossed as amended by Committee Amendment "A" S-129 and Senate Amendment "B" S-163)

Tabled—May 22, by Mr. Dennett of Kittery.

Pending — Passage to be engrossed.

On motion of Mr. Dennett of Kittery, under suspension of the rules, the House reconsidered its action on May 21 whereby Senate Amendment "B" was adopted.

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

House Amendment "A" to Senate Amendment "B" (H-386) was read by the Clerk and adopted. Senate Amendment "B" as amended by House Amendment "A" thereto was adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "B" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

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

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)

Tabled—May 22, by Mr. Bragdon of Perham.

Pending — Passage to be enacted.

On motion of Mr. Bragdon of Perham, under suspension of the rules, the House reconsidered its action of May 16 whereby the Bill was passed to be engrossed as

amended by Committee Amendment "A".

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

House Amendment "A" (H-379) was read by the Clerk and adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

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

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

Tabled—May 22, by Mr. Brennan of Portland.

Pending—Motion of Mr. Crosby of Kennebunk to indefinitely postpone.

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

Mr. BRENNAN: An amendment is presently being prepared in the Legislative Research office, so I hope someone will table it until tomorrow when it is ready.

Whereupon, on motion of Mr. Mills of Eastport, retabled pending the motion of Mr. Crosby of Kennebunk to indefinitely postpone and specially assigned for tomorrow.

The Chair laid before the House the tenth 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 22, by Mr. Huber of Rockland.

Pending—Acceptance of either Report.

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

The Chair laid before the House the eleventh 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 22, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

The Chair laid before the House the twelfth 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 22, by Mr. Kelley of Machias.

Pending—Acceptance.

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

Mr. KELLEY: Mr. Speaker and Members of the House: Last Friday the State Board of Education gave permission to the four towns involved to form such a school administrative district. Therefore this bill is now superfluous and I would move that it with all if its accompanying papers be indefinitely postponed.

Thereupon, the Report and Bill were indefinitely postponed and sent up for concurrence.

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

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

Tabled — May 22, by Mr. Casey of Baileyville.

Pending — Passage to be enacted.

On motion of Mr. Casey of Baileyville, retabled pending passage to be enacted and specially assigned for Tuesday, May 27.

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 22, by Mr. Cottrell of Portland.

Pending — Passage to be engrossed.

On motion of Mr. Corson of Madison, retabled pending passage to be engrossed and specially assigned for Tuesday, May 27.

The Chair laid before the House the fifteenth 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 22, by Mr. Cottrell of Portland.

Pending — Final Passage.

On motion of Mr. Vincent of Portland, retabled pending final passage and specially assigned for Tuesday, May 27.

The Chair laid before the House the sixteenth 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 22, by Mr. Mills of Eastport.

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

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: After having a meeting with all the powers and all the people that are going to be involved by this bill, I now, with a clear conscience, will move that you accept my withdrawal of this motion.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, withdraws his motion to indefinitely postpone.

Mr. SOULAS: I now offer House Amendment "B" under filing H-392 and move its adoption.

The SPEAKER: The Chair would advise the gentleman that he did not file the amendment.

Thereupon, Mr. Casey of Baileyville offered House Amendment "B" and moved its adoption.

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

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

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

Tabled — May 22, by Mr. Clark of Jefferson.

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

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: I've kind of gotten straightened out on this bill here. This is a consumer protection bill to protect you so when you go to the grocery store you get a pound of good steak and not a pound of horse meat.

Now the other day I was telling you I was all in favor of the bill as long as it was only going to cost \$30,000. Well my good friend Mr. Clark from Whitefield has come up with different figures. And he's been over to the Agriculture Department and they've got \$35,000 right there for the bill now and that \$35,000 will generate funds 50% this year from the federal government and 90% next year. So there's really nothing to the bill at all. So I hope that you'll vote against the man's motion for indefinite postponement.

The SPEAKER: Is the House ready for the question? The pending question is indefinite postponement. The Chair will order a vote. All 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.

10 voted in the affirmative and 97 in the negative.

Thereupon, Mr. Jalbert of Lewiston requested a roll call vote.

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

A vote of the House was taken.

A sufficient number not having voted for a roll call vote, a roll call was not ordered.

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

Mr. JALBERT: Mr. Speaker, I would ask that this item lie on the table until tomorrow morning.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert now moves that item 17 be tabled until — The Chair would advise the gentleman that the motion is not in order. The roll call not having been ordered the Chair must announce the vote.

Mr. JALBERT: Mr. Speaker, would I be in order to change my vote from —

The SPEAKER: The Chair would advise the gentleman that there is no recorded vote. Does the Chair understand that the motion to indefinitely postpone does not prevail?

Mr. JALBERT: No, the roll call vote did not prevail.

The SPEAKER: The Chair would advise the gentleman that the indefinite postponement did not prevail. The bill is about to be enacted.

Mr. JALBERT: Mr. Speaker, then the bill is open to debate. Is that correct?

The SPEAKER: The Chair will advise the gentleman that the matter is no longer before us until the Chair announces the vote, and the vote was 10 for indefinite postponement and 97 against indefinite postponement and the motion did not prevail.

Now the matter is open for debate.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Thank you very much Mr. Speaker. I rise on this measure to state to the

members of the House exactly what I stated to my very dear friend, the gentleman from Durham, Mr. Hunter, on more than one occasion as we rode from Lewiston to Augusta as he very graciously picks me up on several occasions. I was told by a member of the Department of Agriculture first that there would be no money needed for this measure. I'm going right back now to what I told you last week about so often that this is the gimmick that is used — pass the bill, don't worry about the money, we will take care of ourselves; then two years from now this appears and will appear as a Current Services item with a bigger price tag on it, coupled with the fact that at no cost to us at all the federal government is doing this work and they are doing it in a very capable fashion and the gentleman from Durham, Mr. Hunter, knows this to be a fact.

Now all that this measure would do would be to double up the inspection, make the price tag appear before us in a Current Services item and loosen up by not having the federal government do the fine work that they are doing now. And certainly, Mr. Speaker, I hope that this bill fails of enactment.

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

The Chair laid before the House the eighteenth 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 22, by Mr. Lawry of Fairfield.

Pending — Acceptance.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: In regard to this item, I have spoken with the members of the Public Utilities Commission in regards to this bill and they are in favor of a new draft L. D. under filing

number H-380 which I would like to present at this time.

The SPEAKER: The Chair would advise the gentleman that he may move to substitute the Bill for the Report, give it its two several readings and assign for third reading at which time the amendment will be offered.

Thereupon, on motion of Mr. Gauthier of Sanford, the House substituted the Bill for the "Ought not to pass" Report.

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

The Chair laid before the House the nineteenth 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 22 by Mr. Birt of East Millinocket.

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

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: Last Monday an order was passed referring five questions concerning this bill to the Supreme Court of the State of Maine. In talking with many lawyers in the corridor and in the Legislature, it is felt it would not be proper for legislation to be under consideration by the Legislature at the time it is also being considered by the Supreme Court. And as a consequence this bill has been tabled from day to day and I would hope that somebody would table it until the next legislative day in hopes that shortly there will be a decision coming from the Court.

Thereupon, on motion of Mr. Richardson of Cumberland, retabled pending the motion of the gentleman from East Millinocket, Mr. Birt to reconsider passage to be engrossed as amended and specially assigned for tomorrow.

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

MAJORITY REPORT (7) — "Ought not to pass"—Committee on State Government on Bill "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands" (S. P. 389) (L. D. 1314) and MINORITY REPORT (3) reporting "Ought to pass" (In Senate, Minority Report accepted and bill passed to be engrossed as amended by Senate Amendment "A" S-172) (In House, Majority Report accepted)

Tabled — May 22, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Starbird of Kingman Township to reconsider acceptance of Majority Report.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I wish to withdraw my motion.

The SPEAKER: Is there objection to the gentleman withdrawing his motion for reconsideration which requires unanimous consent? The Chair hears none.

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

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

The SPEAKER: The Chair would advise the gentleman that this having been reconsidered, the Majority Report having been accepted twice, it's no longer before the House.

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

Mr. STARBIRD: Apparently our wires have been crossed here somewhere. I informed the sponsor of this bill, since there was some slight mixup last week on my motion to reconsider at his request, that I would withdraw my motion when the matter came before us and that he could handle it in the other body, which he agreed to do.

The SPEAKER: The Chair is not in the position to debate the parliamentary question that he is posing because the Chair is not aware of the question that the gentleman is posing.



Mr. STARBIRD: I am posing no question, Mr. Speaker. I simply wish to say that I am —

The S P E A K E R: The Chair understands that the gentleman from Kingman Township, Mr. Starbird, requests unanimous consent to briefly address the House. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. STARBIRD: Thank you, Mr. Speaker and Members of the House: I thought in withdrawing the motion in regard to item 20 that I was doing what the sponsor wished me to do. If I was not I am sorry, but I see no way to get around it right now.

The S P E A K E R: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Parliamentary inquiry.

The S P E A K E R: The gentleman may pose his inquiry.

Mr. RIDEOUT: Is a motion to table in order?

The S P E A K E R: The Chair would advise the gentleman that the matter is no longer before the House.

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

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" and Report "B" reporting "Ought not to pass"

Tabled — May 22, by Mr. Rideout of Manchester.

Pending — Motion of Mr. Donaghy of Lubec to reconsider acceptance of Report "B".

On motion of Mr. Dennett of Kittery, retabled pending the motion of Mr. Donaghy of Lubec to reconsider acceptance of Report "B" and specially assigned for tomorrow.

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(Off Record Remarks)

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On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.