

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 29, 1969

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

Prayer by the Rev. Mr. Robert Merrill of Gardiner.

The journal of yesterday was read and approved.

Conference Committee Reports

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

Resolve in favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722) reporting that the Senate recede and concur in accepting the Majority "Ought to pass" Report of the Committee on Claims and pass the Resolve to be engrossed in concurrence.

(Signed) LINCOLN of Bethel
CURTIS of Bowdoinham
QUIMBY of Cambridge
— Committee on part of House.

PEABODY of Aroostook
BOISVERT

of Androscoggin

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

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

Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics" (H. P. 734) (L. D. 952) reporting that they are unable to agree.

(Signed) MacPHAIL of Owls Head
HUBER of Rockland
HARDY of Hope

— Committee on part of House.

TANOUS of Penobscot
MINKOWSKY

of Androscoggin

VIOLETTE of Aroostook

— Committee on part of Senate.

Report was read.

On motion of Mr. Hardy of Hope, the Report was rejected and the House voted to further insist and ask for a second Committee of Conference.

Papers from the Senate

The following Resolution:

WHEREAS, the Lewiston Housing Authority is a public body corporate, created in accordance with Statutes of the State of Maine, and established in the City of Lewiston, Maine; and

WHEREAS, said Authority, in conjunction with the Housing Assistance Administration of the Department of Housing and Urban Development, is the sponsor of federally designed Project ME-5-1; and

WHEREAS, said Project ME-5-1 is a six-story 107-dwelling unit housing for the elderly project for low income residents of the City of Lewiston; and

WHEREAS, the said Project ME-5-1 has been designated by the said Lewiston Housing Authority as the "Blake Street Towers"; and

WHEREAS, the said Blake Street Towers has been completed substantially and has been available for occupancy since the first day of May in the year of our Lord, Nineteen Hundred and Sixty-Nine; and

WHEREAS, the said Blake Street Towers is the first such public housing for the elderly project under occupancy in the State of Maine; and

WHEREAS, the said Blake Street Towers shall serve as landmark for the senior citizens of the City of Lewiston; and

WHEREAS, the said Blake Street Towers is formally being dedicated on the 23rd day of May in the year of our Lord, Nineteen Hundred and Sixty-Nine; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 104th Legislature, now assembled, that the officials of the Lewiston Housing Authority are hereby commended for taking the initiative in providing sound, safe and decent housing for the elderly citizens of the City of Lewiston, Maine; and be it further

RESOLVED: That a duly authenticated copy of this Resolution be sent to Mr. Arthur Bisson, Ex Director of the Lewiston Housing Authority, along with best wishes to the residents of the Blake Street Towers in their new home. (S. P. 479)

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development (S. P. 390) (L. D. 1315)

Report was signed by the following members:

Messrs. WYMAN of Washington
LETOURNEAU of York
— of the Senate.
Messrs. DENNETT of Kittery
MARSTALLER
of Freeport
STARBIRD
of Kingman Township
DONAGHY of Lubec
D'ALFONSO of Portland
RIDEOUT of Manchester
— of the House.

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

Report was signed by the following members:

Mr. BELIVEAU of Oxford
— of the Senate.
Miss WATSON of Bath
— of the House.

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

In the House: Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report in non-concurrence and I would speak briefly to that motion.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House accept the Majority "Ought not to pass" Report in non-concurrence. The gentleman may proceed.

Mr. DENNETT: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before the Committee on State Government as a sort of an implementation to a bill creating and setting up a housing authority within the State

of Maine. The housing authority bill, I believe the Committee agreed unanimously, was a good bill and was passed out accordingly. But this calls for the State of Maine to guarantee \$20 million in bonds.

Now, at the hearing we went into it in quite some detail. Those proponents of the bill said that they could live and they could make this housing authority work without this \$20 million bond issue. I think frankly at this session the State of Maine has gone far enough in pledging its faith and its credit and I honestly and sincerely believe, in light of the fact that the proponents of this bill said that they could live without this measure, that we should accept the "Ought not to pass" Report.

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

Final Reports

Final Report of the following Joint Standing Committees:

Inland Fisheries and Game
Liquor Control

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers" (H. P. 855) (L. D. 1097) which was accepted in the House on May 15.

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

In the House:

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

Mr. LEWIN: Mr. Speaker, I move that we recede and concur with the Senate and I would speak to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Lewin moves that the House recede from its

former action and concur with the Senate.

The gentleman may proceed.

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen: I speak very briefly this morning on L. D. 1097. The money being spent in the defense cases today equals the amount of the premiums which would be paid if L. D. 1097 is passed. Now with the increase in the case load and the increase of crime in Maine it is only reasonable to assume that the case cost will greatly increase in the future. The limits of coverage under this bill would be \$100,000 per individual case, \$300,000 per incident and \$500,000 total annual aggregate. This matter has been thoroughly investigated by the State Police Department, the Attorney General's Department and the Insurance Advisory Council, and it has been determined by all that this is the proper action to take to cope with this increasing problem.

I so move that we recede and concur.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I thoroughly concur in the remarks expressed by my good friend from Augusta, Mr. Lewin. If this particular item had been on the books before we would not have had the hassle that we had in the Hilton case. If the House had accepted this when it first came to us we still would not have had the hassle. I thoroughly approve of this bill because rather than protecting one State policeman now if this bill becomes enacted we are going to protect every State police officer in the State of Maine.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I wish to state a position of the Highway Committee when we reported out this bill "ought not to pass." This wasn't enabling legislation and we thought at this late date that at the beginning of the year, July 1st, it was already in-

cluded or could be included in the new budget. We are in favor of the concept of the idea and I have no particular objection to going along with recede and concur.

Thereupon, the House voted to recede and concur with the Senate, the Bill was given its two several readings and assigned the next legislative day.

Non-Concurrent Matter

Report of the Committee on Health and Institutional Services on Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property" (H. P. 757) (L. D. 977) reporting same in a new draft (H. P. 1203) (L. D. 1530) under title of "An Act relating to the Military and Naval Children's Home" and that it "Ought to pass" on which the House substituted the original Bill for the Report and passed it to be engrossed on May 26.

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

In the House:

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I don't intend to prolong this today. I am sure that you know the pros and cons, but we feel very strongly that there is a need for an institution such as this whether it be in Bath or some other city in the State.

A fact that was never mentioned in our debates was the fact that in a report from the Child Welfare League of America was the statement that every state should have at least one interim home and that is what we have in existence now.

In the last two debates it was mentioned that the House upheld the unanimous Appropriations Committee Report 97 to 33 and that we should hold fast. Since then other facts have been brought up. The second vote was 50 to 67. With still further knowledge on the part of the members of the House, the third vote the proponents went up to the number of

63. I am confident that we now have enough votes to pass this re-drafted bill. However, we are practical; we are not just stubborn or adamant. We sincerely want to cooperate with the Appropriations Committee because we realize the genuine sincerity of this group and even though we might win our case this morning we would still need funding.

But aside from finances there are other aspects of this redraft that are of grave concern to certain members of that Committee and they have assured me that they will sincerely try to work this out in a Committee of Conference. So rather than to make a motion to recede and concur I request that the proponents happily accept a motion to insist and request a Committee of Conference and I would yield to the House Chairman of Appropriations.

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

Mr. BRAGDON: Mr. Speaker, I move that we insist on our former action and request a Committee of Conference.

The SPEAKER: The gentleman from Perham, Mr. Bragdon moves that the House insist on its former action and request a Committee of Conference.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Frankly I think it is about time that I get up anyway, I haven't arisen for two days and that is as long as I can stand it. In any event, on this measure here I am going to go along with the agreement of the Committee of Conference. I must, however, repeat that year in and year out, the last fourteen or sixteen years, I have stood here and I have voted to close that school because of the fact that it was unsafe, because of the fact that this and that was not done. I appreciate what has been done by the boys at the Brunswick air base and all that, but I assure you that what has been done there is very minor compared to what has got to be done there.

Now also two years ago, four years ago, I wanted this program

back where it belonged, and that's in the Health and Welfare Department. Now magnanimously those who fought me so hard four years ago and two years ago just to save their bacon, now agree to this. I am going to go along with this Committee of Conference, but I am going to tell you one thing right now—if there is one place I don't want to be found sleeping it's in the Naval and Military School at Bath.

Thereupon, on the previous motion of the gentleman from Perham, Mr. Bragdon, the House voted to insist and ask for a Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. BRAGDON of Perham
BENSON
of Southwest Harbor
MARTIN of Eagle Lake

Non-Concurrent Matter

Bill "An Act relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 102) (L. D. 110)

on which the House accepted the Minority "Ought to pass" Report of the Committee on Taxation and passed the Bill to be engrossed on March 6.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House:

On motion of Mrs. Baker of Orrington, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

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

which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 20.

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

In the House:

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

Non-Concurrent Matter

Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon" (H. P. 1031) (L. D. 1361) which was recommitted to the Committee on Judiciary in the House on May 19.

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

(Later Reconsidered and Tabled) In the House:

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

Mr. BERMAN: Mr. Speaker I would inquire through the Chair what the Committee Report was on this particular item.

The SPEAKER: The Chair would inform the gentleman that the Report was "ought not to pass" but the Bill was substituted for the Report.

Mr. BERMAN: Thank you.

Whereupon, on motion of Mr. Carter of Winslow, the House voted to recede and concur with the Senate.

From the Senate: The following Order.

ORDERED, the House concurring that when the House and Senate adjourn, they adjourn to Tuesday, June 3, at 10 o'clock in the morning. (S. P. 482)

Came from the Senate read and passed.

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

Orders

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

Mr. DUDLEY: Mr. Speaker, does the House have in its possession L. D. 1398?

The SPEAKER: The answer is in the affirmative, the Bill is in the possession of the House—Bill "An Act relating to Harness and Running Horse Races on Sunday," House Paper 1069, L. D. 1398.

Mr. DUDLEY: I now move that we reconsider our action of yesterday.

The SPEAKER: The gentleman from Enfield, Mr. Dudley moves

that the House reconsider its action of yesterday whereby the House voted to recede and concur.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to have this tabled until Tuesday, June 3.

Thereupon, Mr. Rideout of Manchester requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until the next legislative day pending the motion of Mr. Dudley of Enfield to reconsider will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

81 having voted in the affirmative and 39 having voted in the negative, the tabling motion did prevail.

On motion of Mrs. Wheeler of Portland, it was

ORDERED, that Kim and Rainey Edwards of Portland be appointed to serve as Honorary Pages for today.

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

Mr. FECTEAU: Mr. Speaker, may I inquire if the House is in possession of House Paper 1217, L. D. 1549?

The SPEAKER: The answer is in the affirmative. The House is in possession of Bill "An Act Increasing the Gasoline Tax."

Mr. FECTEAU: I move that we reconsider our action of yesterday whereby this bill was passed to be engrossed with amendment H-398.

The SPEAKER: The gentleman from Biddeford, Mr. Fecteau moves that the House reconsider its action of yesterday whereby this Bill was passed to be engrossed as amended by House Amendment "A".

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

Mr. SUSI: Mr. Speaker, I move that this item be tabled until Tuesday.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves that this matter be tabled until

the next legislative day pending the motion of the gentleman from Biddeford, Mr. Fecteau to reconsider.

Whereupon, Mr. Rideout of Manchester requested a vote on the tabling motion.

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

A vote of the House was taken. 81 having voted in the affirmative and 42 having voted in the negative, the tabling motion did prevail.

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

Mr. LEBEL: Mr. Speaker, I would ask if the House is in possession of House Paper 1185, L. D. 1506, Bill "An Act Revising the Motor Vehicle Dealer Registration way"?

The SPEAKER: The answer is in the affirmative; the Bill is in the possession of the House.

Mr. LEBEL: I move that we reconsider our action of yesterday whereby we voted to insist and I hope that someone will table this for one legislative day.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel moves that the House reconsider its action of yesterday.

Whereupon, on motion of Mr. Crosby of Kennebunk, tabled pending the motion of Mr. Lebel of Van Buren to reconsider and specially assigned for Tuesday, June 3.

Mrs. Baker of Orrington presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the provisions of existing law concerning county estimates and finances and to determine the need for additional legislation, if any, relating in general to county estimates and finances including but not limited to the following areas: Method and form of submission to the Legislature and Secretary of State; requirements for public

hearing on budgets; accounting, reporting and audit procedures including the use of contingent accounts, reserve accounts and surplus funds; requirement that the county fiscal year be the same as that of the State; purposes of appropriation of county moneys and in addition, a determination should be made of the scope of the responsibility of the county delegation and the Joint Committee on Towns and Counties; and be it further

ORDERED, that the Committee report its findings, with such recommendations or implementing legislation as it deems necessary, at the next regular or special session of the Legislature. (H. P. 1233)

The Joint Order received passage and was sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, would I be in order to reconsider item eight on page three? And the reason that I would like to reconsider it because this bill is very technical as the Senate Amendment—

The SPEAKER: Would the gentleman defer for a moment?

The gentleman is in order. House Paper 1031, L. D. 1361, Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon."

Mr. CARTER: I would move that we reconsider our action whereby we receded and concurred with the Senate and I would hope that someone would table it until the next legislative day.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the House reconsider its action whereby it receded and concurred with the Senate.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the motion of Mr. Carter of Winslow to reconsider and specially assigned for Tuesday, June 3.

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

Mr. OUELLETTE: Mr. Speaker, I would ask if the House has in its possession House Paper 1017, L. D. 1325, Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens."

The SPEAKER: The answer is in the affirmative; the paper is in possession of the House.

Mr. OUELLETTE: I move that we reconsider our action of May 28 whereby this bill was indefinitely postponed.

Whereupon, on motion of Miss Watson of Bath, tabled pending the motion of Mr. Ouellette of South Portland to reconsider and specially assigned for Tuesday, June 3.

Tabled and Assigned

Mr. Carter of Winslow presented the following Joint Order and moved its passage:

WHEREAS, Central Maine Sanatorium at Fairfield is the last such facility in the State for the care and treatment of persons affected with tuberculosis; and

WHEREAS, this modern facility offers the latest equipment and highly specialized treatment of that particular illness; and

WHEREAS, there is a trend throughout the country to close such a facility due to the reduction in number of cases and the high cost of maintaining such facilities; and

WHEREAS, the Central Maine Sanatorium could more usefully serve its function if it drew from and were supported by other states lacking facilities of their own; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the feasibility of providing a regional care facility specializing in tuberculosis at the Central Maine Sanatorium, available to a number of states who wish to participate in the cost and maintenance of the existing facilities; and be it further

ORDERED, that the Department of Health and Welfare of this State be requested to provide the Committee with such information and technical assistance as it deems necessary; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular or special session of the Legislature.

Whereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending passage and specially assigned for Tuesday, June 3.

House Reports of Committees Ought to Pass in New Draft New Drafts Printed Tabled and Assigned

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act Making Permissible the Group Marketing of Property and Liability Insurance" (H. P. 920) (L. D. 1181) reported same in a new draft (H. P. 1227) (L. D. 1560) under title of "An Act Amending the Fictitious Grouping and Rate Filing Provisions of the Insurance Code" and that it "Ought to pass"

Report was read.

(On motion of Mr. Scott of Wilton, tabled pending acceptance of Report and specially assigned for Tuesday, June 3.)

Mr. Hewes from the Committee on Judiciary on Bill "An Act relating to Allowance for Widows of Justices of the Supreme Judicial Court and the Superior Court (H. P. 919) (L. D. 1180) reported same in a new draft (H. P. 1228) (L. D. 1561) under same title and that it "Ought to pass"

Mr. Ross from the Committee on Taxation on Bill "An Act to Clarify Taxation of Annuity Contracts and Insurance Policies" (H. P. 674) (L. D. 860) reported same in a new draft (H. P. 1229) (L. D. 1562) under same title and that it "Ought to pass"

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

Ought to Pass with Committee Amendment

Mr. Heselton from the Committee on Judiciary on Bill "An Act to Provide that Charging More Than the Maximum Legal Rate of Interest is a Felony" (H. P. 434) (L. D. 558) reported "Ought to pass" as amended by Committee

Amendment "A" (H-419) submitted therewith.

Mr. Hewes from same Committee on Bill "An Act to Provide for Discovery Procedures in Workmen's Compensation Hearings" (H. P. 930) (L. D. 1191) reported "Ought to pass" as amended by Committee Amendment "A" (H-420) submitted therewith.

Mr. Cushing from the Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the City of Belfast" (H. P. 965) (L. D. 1255) reported "Ought to pass" as amended by Committee Amendment "A" (H-421) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and the Bills assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act Appropriating Funds for Educational Cost for Maine Students in Private Schools of High Education" (H. P. 952) (L. D. 1228)

Report was signed by the following members:

Messrs. KELLAM of Cumberland
STUART of Cumberland
KATZ of Kennebec

—of the Senate.

Mrs. CUMMINGS of Newport

Messrs. RICHARDSON

of Stonington

ALLEN of Caribou

Mrs. KILROY of Portland

Messrs. WAXMAN of Portland

CHICK of Monmouth

—of the House.

Minority Report of same Committee reporting same in new draft (H. P. 1232) (L. D. 1565) under same title and that it "Ought to pass"

Report was signed by the following member:

Mr. MILLETT of Dixmont

—of the House.

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I move that we accept the

"ought not to pass" report and I would speak briefly to the motion.

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

The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Education had a great deal of sympathy for this bill. On the other hand, the original draft called for an expenditure of \$5,600,000 in the two years, \$2.8 million in the first year of the biennium and \$2.8 in the second year of the biennium. The bill was offered as a means of saving money for the State public education system but we felt there was not sufficient proof offered to the Committee that there would be a saving.

It was the feeling of the Committee that the Higher Education Council which is composed of presidents of the various public and private colleges study this bill to see if more students can be accepted in the private sector if this were passed. We did not feel that the actual forecast had been borne out by the desire of the private colleges to take that many more public students in their private colleges.

I realize that the redraft of this bill calls for \$1,000,000 in the biennium or \$500,000 in each year, but we still feel that this should be studied further and not passed at this time. Thank you.

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

Mr. HASKELL: Mr. Speaker and Members of the House: This bill is my baby on which I have worked very hard for the entire session. It has had an interesting history. The original bill did call for a substantial amount of money and when I became convinced that there was no chance of this amount of money being appropriated I redrafted the bill and submitted one that in my view is a very minimal bill to accomplish the results sought.

At the hearing this bill was supported very strongly by all of the private colleges in the State of Maine and it was interesting to

note that there was no debate on the analysis or no debate on the solution proposed and the Committee objections to this point, almost all of the Committee have indicated to me that they are in agreement with the basic analysis of the problem and the solution proposed. However, they do feel that it needs more study. I regard the study as a stalling tactic and for that reason I am going to argue for the acceptance of the Minority "Ought to pass" Report.

I argue for this not because there is any basic disagreement between the Education Committee and myself regarding the merits of the bill, but because I cannot see that any real purpose can be served by a reference to a study group as has been proposed. We are concerned here with a basic policy decision that can only be made by the Legislature after the problem is outlined and a solution is proposed. The end result sought by this legislation is a reduction in the capital construction needed at the University of Maine.

We have been building college capacity at the University of Maine at an ever increasing rate for many years and we will be so engaged for many more. If we are going to attempt to slow that rate, to achieve savings, obviously, the sooner we start, the greater the total savings will be. I consider the time element extremely important, and the savings involved can amount, in the aggregate, to millions of dollars. I feel justified therefore in taking legislative time to outline the problem and propose a solution.

The analysis of the problem and the method of solution was supported at the committee hearing by the appearance as proponents of representatives of all but one of the private colleges in Maine—typically by the President, Vice-President or Treasurer. The University of Maine had a vice-president in attendance who did not testify either as an opponent or a proponent.

The point I want to establish is that this analysis and solution has not been challenged at any point up to now. I would welcome an opportunity to debate any part of this

proposal. For this reason, I am discussing it on first reading as I would like to debate it or discuss it at any length desired. I do not welcome the idea of a study as I regard this as a stalling tactic.

Now to the problem. The percentage of Maine students attending Maine private colleges is declining at a steady rate. The percentage has dropped from 45% to 28% from 1945 to 1967 in a group of Maine private colleges. In 1945, 45% of the student body was from Maine; in 1967, only 28% were Maine students. The reason for the decline is economic. As the differences in tuition and board and room costs between private education and public education increases, as it has been and will continue to, the number of Maine students in private colleges declines, throwing an increasing number on the public sector requiring construction of expanded public college facilities.

The private colleges testify that they all experience the problem of accepting Maine students who do not enter because the private colleges cannot extend sufficient scholarship aid to make up the difference between their costs and those at the University of Maine. One interesting bit of testimony by Colby College indicated that although only 25% of their student body consisted of Maine students, more than 40% of their scholarship aid was extended to Maine students. Since it costs currently \$8,000 in subsidy money and \$6,000 per student if capacity has to be built at the University of Maine, it clearly is to the advantage of the State of Maine if more Maine students can go to private colleges.

The problem thus becomes one of devising a means of channeling some lesser amount of money than is currently spent per student in the public sector into a plan that will divert added students into the private colleges. New York State, Connecticut, Pennsylvania, Illinois, and Michigan are now using one method or another to accomplish this result. Several proposals are currently in other state legislatures to reach this same goal.

The method proposed in this L. D., which was distributed to you

this morning, is to establish this 1968-69 year as a base year and any Maine private college that shows an increase in Maine students in the next school year will receive a grant of state money equal to the number of students in excess of the base year multiplied by the current University of Maine subsidy amount. As an example, if Bates College has 130 Maine students currently and next year they have 140, they would receive ten times \$2,000, or \$20,000 which Bates would be required to expend as scholarship aid to Maine students in an effort to encourage additional students to seek their education in private colleges rather than the current total reliance on the University of Maine.

I would point out that, since the State of Maine is tacitly committed to the proposition that college facilities will be provided for all Maine students seeking higher education, the subsidy money providing for private college scholarship money is not new money but rather a diversion from future University of Maine budgets in order to buy education at wholesale prices from the private colleges.

The millions of dollars that will be saved by this diversion lies in the savings represented in the reduction in the amount of construction necessary at the University of Maine. As long as the private colleges are willing, in fact, eager, to use a larger proportion of their facilities for Maine students and to build more without cost to the State of Maine.

In short, I submit that every student we can divert to the private college will result in a \$6,000 savings to the State of Maine at the expenditure of no additional funds to accomplish the diversion. I am going to repeat that statement — I submit that every student that we can divert to the private college will result in a \$6,000 saving to the State of Maine at the expenditure of no additional funds to accomplish the diversion.

This is the key argument and the one I will challenge anyone to disprove in debate here. This L. D. will be resisted by that sector of the "Educational Establishment"

committed to the public sector since it is unrealistic to expect more than resigned acceptance to any idea that poses a threat to the current monopoly position enjoyed by them.

If there is opposition to this piece of legislation, I sincerely hope it will be in the open — in debate here. If none appears and my conclusion stands, I frankly cannot see how a reasonable person could vote against the acceptance of the idea, and I would sincerely hope that you would vote against the "ought not to pass" report and then vote for the Minority "Ought to pass" Report.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: Everything that the gentleman from Houlton, Mr. Haskell has to say is true with the exception of the fact that so far we have had no guarantee from the University of Maine that they would take into consideration these students that are going to be funded to the private colleges. So therefore there is no guarantee that the dormitory space that would be saved by these students going to the private institutions would therefore result in a lessening of the amount of dormitories that would have to be built and I think that the crux of this situation, philosophically it is absolutely correct but financially I do not think it will hold water. I cannot imagine that the University actually would cut down on its spending. I think it would mean really that they would be able perhaps to take more students. This is not bad; we would like them to take more students but I am not sure we can afford this program right now.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I am sure that the gentleman from Houlton probably explained the costs so that most members of the House got it. I am sure that I didn't quite and I would like to have him refer again to section 2326 of the bill and perhaps give us—in other words,

this section goes on to say, "Any eligible student may receive a grant not to exceed $\frac{1}{2}$ of the annual amount of state subsidy per student at the University of Maine."

Now I assume they are saying there and are trying to arrive at the overall cost of one student at the University of Maine, figuring what it costs the University or the State, about what they pay in tuition. Does the gentleman from Houlton understand my question and would he comment again on that figure?

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

Mr. HASKELL: Mr. Speaker, I am not sure that I identify the section that Mr. Bragdon refers to. However, the subsidy amount that is used here as an amount to be paid is the amount of tax dollars from the State of Maine that are required in excess of the amount collected from the student to pay the costs at the University of Maine. This figure is computed and the material that was supplied to us initially this year the University estimated that their subsidy costs for the upcoming year would be \$2,000 per student.

In response, while I am on my feet, in response to the point made by Mrs. Cummings, I have tried very hard during this session to indicate that I felt the initiative regarding educational costs has got to shift from the University to the Legislature. Mrs. Cummings' fears apparently are that even if we were able to effect a shift of students through this means, as we certainly would, that the University would not be willing to cut back their capital requests. I can point out to Mrs. Cummings that the fingers that snap and un-snap the public purse are in the hall that we presently occupy.

The capital expenditures at the University of Maine have to be based on reliable student projections. So far their projections have been very good. Certainly in making future projections they are going to have to take into account the possibility of a shift of students into the private sector and the appropriations granted by

this body will have to be in the light of whether in fact their student projections are accurate. In the last analysis we control the amount of money that goes into public education; the control is here, the initiative does not belong to the University, it belongs to the Legislature.

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

Mr. BRAGDON: Mr. Speaker, just one more question and then I—would the gentleman from Houlton care to comment on what the private college—if I understand his answer correctly, he said that this would allow for \$2,000—the cost is now \$2,000 per student at the University of Maine which would allow a subsidy to a private college I believe of \$1,000. Does he have any figures on what the projected costs are in the private colleges?

The SPEAKER: For a point of information the gentleman may answer the question. The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker, the answer gets a little bit complicated. Under the bill that I proposed, I hope that you all understand that not a nickel of this money would go to any of the private colleges as such. The subsidy money that is paid over as a, well in effect in homely terms this would be a bounty on students, just like you would have a bounty on bears. If the private colleges can induce additional Maine students to attend the private sector, for each additional student above the current levels they would receive an amount of money equal to the subsidy at the University of Maine.

This money the private colleges would have to extend as scholarship aid to Maine students in order to encourage additional Maine students to attend the private sector. None of this money would be left in the pockets of the private colleges, it would all be expended for the benefit of Maine students entering the Maine private colleges and the reason for the scholarship aid is to reduce the gap between the costs in the private sector and the public sector.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am a little slow at figures, but did I understand the gentleman to say that he is saving \$6,000 a student by this subsidy? I wish he would answer that, maybe I got it wrong.

The SPEAKER: The Chair will allow the gentleman to answer the question as a point of information.

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

Mr. HASKELL: Mr. Speaker, the \$6,000 per student is based on the premise that we are currently building additional capacity each year at the University of Maine to accommodate more and more students. If we reduce the number of students entering classes at the University of Maine, we therefore do not have to build as much capacity. The capacity currently, the best estimates, it costs \$6,000 to build a college place for one student, so obviously if we can divert 100 students we are going to save in capital construction at the University \$600,000.

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Richardson that the House accept the Majority "Ought not to pass" Report on Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education," House Paper 952, L. D. 1228. The Chair will order a vote. All in favor of accepting the Majority Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 55 having voted in the affirmative and 42 having voted in the negative, the motion prevailed.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Neglect of Official Duty by Municipal Officers" (H. P. 528) (L. D. 699) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. HESELTON of Gardiner
DANTON

of Old Orchard Beach
MORESHEAD of Augusta
HEWES of Cape Elizabeth
BRENNAN of Portland
BERMAN of Houlton

— of the House.

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

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook
MILLS of Franklin

— of the Senate.

Mr. FOSTER
of Mechanic Falls
— of the House.

Reports were read.

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

Mr. BERMAN: Mr. Speaker, I would move acceptance of the Majority "Ought to pass" Report and would speak briefly to that motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman moves that the House accept the Majority "Ought to pass" Report, and the gentleman may proceed.

Mr. BERMAN: Mr. Speaker and Members of the House: The good gentleman from Kittery came before our Committee on L. D. 699. Apparently a problem had developed which could be general throughout the length and breadth of the state, and after careful consideration the majority of the Committee on Judiciary felt that any municipal officer either elective or appointive, acting in a quasi judicial capacity as a member of an administrative body, should be responsible for his decision in a civil action where bad faith or malice or both are shown. And for that reason I hope that you will go along with the "ought to pass" report.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read twice.

Committee Amendment "A" (H-422) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Towns and Counties on Bill "An Act Increasing Salaries of County Officials of Kennebec County" (H. P. 971) (L. D. 1259) reporting same in a new draft (H. P. 1230) (L. D. 1563) under title of "An Act relating to Salaries of County Officers in the Several Counties of the State" and that it "Ought to pass"

Report was signed by the following members:

Messrs. PEABODY of Aroostook
MARTIN of Piscataquis
— of the Senate.
Messrs. HANSON of Vassalboro
CROMMETT

of Millinocket
LABERGE of Auburn
FORTIER of Waterville
WIGHT of Presque Isle
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1231) (L. D. 1564) under title of "An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County" and that it "Ought to pass"

Report was signed by the following members:

Mr. MILLS of Franklin
— of the Senate.
Messrs. DYAR of Strong
HAWKENS of Farmington
— of the House.

Reports were read.

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

Mr. WIGHT: Mr. Speaker, I move the acceptance of the Majority Report "Ought to pass" and would like to speak on it.

The SPEAKER: The gentleman from Presque Isle, Mr. Wight moves that the House accept the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. WIGHT: Mr. Speaker, Ladies and Gentlemen: You have before you two reports on salaries for county officials. Report "A" is a majority report supported by seven members of the Towns and Counties Committee and the result of many hours of work on about thirty or forty L. D.'s sub-

mitted for salary adjustment for all county officials. These figures are arrived at by consideration of population, area and workload, also the County Commissioner's report and the delegation's recommendations. For example, by population we have broken these down in four groups.

First group, by population would be Cumberland and Penobscot. Second—Androscoggin, Aroostook, Kennebec and York. The third group is Oxford, Somerset, Washington, Hancock and Knox. The fourth group, being a smaller group population-wise, is Franklin, Sagadahoc, Waldo, Lincoln and Piscataquis.

Most of these elected county officials, aside from the sheriffs and one clerk of courts, are considered only part-time jobs. We have many dedicated county officials who find these part-time jobs developing into nearly full-time.

Having been on this Committee several legislative terms, some counties have been more liberal with increases than others, some counties year after year budget for 10% increases across the board; others ask for little or nothing and do not have in their budget any increases, or L. D.'s. For example, this year Cumberland has 10% across the board increases. Piscataquis, from the auditor's report and from bills, asks for nothing—no increases.

Therefore this Committee can adjust these salaries to some extent for legislative approval as these salaries are set by statute. In the past, this has been done to a slight degree, but this year more has been done than usual as the Committee felt some increases were not necessary.

May I say that these salaries that are submitted in the budget by the county commissions, and many times as revised by the county delegations in the final form except on the L. D.'s, do not have a public hearing.

I have been for stronger county government or home rule, but cost of county government, including salaries, may become too expensive and give cause for the State to take over.

Our current salaries for officials of all county offices is now \$753,980. The increases in salaries requested in the budgets for 1970 amounted to \$61,865, or a total of \$815,845 for a budget in 1970. Every member of our Committee that reviewed the salaries, as submitted in the budget, had to admit there were excessive salaries; therefore, we submit this adjusted budget for your approval.

I feel that the time has come when you as the legislature should take a look at these salaries and not say, "You take care of your county and I will take care of mine." This is not good. Anything that I dislike in State or County Government is being a rubber stamp for the group that makes the loudest noise. Therefore, may we use some reason and facts in setting these salaries, and I ask you to support Report A.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Apparently the difference in the two reports of this Committee hinges upon the philosophy of whether county salaries should be strictly a business of each county of the state or the business somewhat of the Legislature.

My first reaction to the Majority Report of this Committee was that I felt the Committee had possibly exceeded their authority. Second, and better thoughts I believe, lead me to the belief that the Committee has performed a much needed function in this Majority Report. They have an opportunity to see the complete picture of the various county salaries statewide, which each county delegation does not have individually. I said in there—when I first saw the report, that it was poorly timed.

However, I am convinced now that these adjustments that this Committee has recommended in their Majority Report can be easily assimilated by the various counties in their contingent accounts. I believe that the Committee has come up with a different thought, which may hit various members of the House on first impression as

being unwise. I believe that it is wise and is called for.

I hope that you will give serious consideration to this matter and I am going to vote for the Majority Report of the Towns and Counties Committee.

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

Mr. JALBERT: Mr. Speaker and Members of the House: One would have to recognize the effort as put in by the Towns and Counties Committee. It might be the thought to allow this bill, to accept the report now, and that for any delegation to get together among themselves and decide what areas they want to go to. It might be that if we did not operate in this fashion and then decide to have a block of amendments, if we're going to have them all at the same time, then we might possibly save a great deal of time.

I have seen us when a bill has come out in this fashion spend as much as three days off and on debating the pros and cons about this. I have suggested to the gentleman from Presque Isle, Mr. Wight, the House chairman of the Towns and Counties Committee, who has worked relentlessly along with others on the Committee on this situation, it might be an idea the delegation's chairman to get together and sound out how the delegation members feel about this thing, and then possibly all get together and come out with one amendment if it were to be. In the meantime I certainly hope in the interest of time saving that we would accept the report so that the bill could be given its first and second readings, then Tuesday or Wednesday or some other day we would then be in a position to present immediately amendments and certainly it would be time saving at this stage of the game, of the timing of the Legislature.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Hawkens.

Mr. HAWKENS: Mr. Speaker, is it too late to ask to have it tabled one legislative day?

The SPEAKER: The gentleman from Farmington, Mr. Hawkens moves that L. D. 1259 be tabled un-

til the next legislative day pending the motion of the gentleman from Presque Isle, Mr. Wight to accept the Majority "Ought to pass" Report.

Whereupon, Mr. Jalbert of Lewiston requested a vote on the tabling motion.

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

A vote of the House was taken.

41 having voted in the affirmative and 69 having voted in the negative, the motion to table did not prevail.

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

Mr. JALBERT: Mr. Speaker, I would certainly state that I did not move for division against the tabling motion, not because I didn't want the measure tabled but I just don't think it would serve any useful purpose, and I certainly would respectfully ask the gentleman from Farmington, Mr. Hawkins to recognize this fact. I think that we can have the bill on its way and then we can move from there. I move the acceptance of the report.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks of the gentleman from Perham, Mr. Bragdon. I support and endorse the remarks of the House chairman of the Towns and Counties Committee, Mr. Wight of Presque Isle. I am not too happy with the remarks made by my friend from Lewiston, Mr. Jalbert. I don't think it is necessary.

I would call to your attention to every member of this House you ask the Towns and Counties Committee to do the impossible. Your various delegations come to our Committee with their proposals. The County Commissioners have a proposal of their own. Then on the side certain individuals come with their various L. D.'s. I have sat on that Committee for four ses-

sions; the story is always the same. We do have information from the various counties throughout the state other than our own counties. When you get a committee with three members from one county and of one mind, it is rather hard to come out with a unanimous report. I don't believe any individual as a member of the delegation has a right to promise to their constituents that they will give to them an increase in salary. Whether this committee is right or wrong the authority to review the salary is vested in the committee.

Mr. Dyar, the gentleman from Strong, has an opinion from the Attorney General stating that that is so. I urge you to support the Majority Report.

"Ought to pass" Report in new draft on Bill "An Act relating to Salaries of County Officers in the Several Counties of the State," House Paper 1230, L. D. 1563, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

93 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

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

The SPEAKER: The Assistant Sergeant-at-Arms will escort the gentleman from Bridgewater, Mr. Finemore, to the rostrum to serve as Speaker pro tem.

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

Passed to Be Engrossed

Bill "An Act to Provide for Registration of Snowmobile Trailer Dealers" (S. P. 185) (L. D. 587)

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

Bill "An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6" (S. P. 358) (L. D. 1222)

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

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I am not against the idea of this road, Route 6, and I am not going to speak for or against it. All I am going to do is ask one question. If we can't afford to raise the money for our regular highway program, how under the name of heaven are we going to do this?

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

Bill "An Act relating to Non-profit Hospital or Medical Service Organizations" (H. P. 808) (L. D. 1047)

Bill "An Act relating to Posting Bonds by Defendants under the Uniform Paternity Act" (H. P. 817) (L. D. 1056) (Later Reconsidered)

Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (L. D. 1243)

Bill "An Act relating to Mediation Authority of State Employees Appeal Board" (H. P. 1035) (L. D. 1345)

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

Amended Bills

Bill "An Act to Authorize General Fund Bond Issue in Amount of Fifty Million Dollars for Planning, Construction and Equipment of Pollution Abatement Facilities" (S. P. 343) (L. D. 1209)

Bill "An Act to Amend the Charter of the City of Saco" (H. P. 695) (L. D. 895)

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

Third Reader

Tabled and Assigned

Bill "An Act Providing for a Council-Manager Charter for the Town of Scarborough" (H. P. 736) (L. D. 954)

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

(On motion of Mrs. Wheeler of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, June 3.)

Bill "An Act to Authorize Lincoln County to Raise Money for Court House Capital Improvements" (H. P. 750) (L. D. 968)

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

Third Reader

Tabled and Assigned

Bill "An Act Creating a School Administrative District for the City of Portland" (H. P. 805) (L. D. 1044)

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

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

Mr. RICHARDSON: Mr. Speaker, in view of the fact that there is an amendment being prepared for this I would appreciate it if someone would table this for one legislative day.

Whereupon, on motion of Mr. Cote of Lewiston, tabled pending passage to be engrossed and specially assigned for Tuesday, June 3.

Third Reader

Tabled and Assigned

Bill "An Act Revising the General Laws Governing the Town Manager Form of Government" (H. P. 900) (L. D. 1161)

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

(On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed and specially assigned for Tuesday, June 3.)

Bill "An Act Revising the Charter of the City of Biddeford" (H. P. 996) (L. D. 1298)

Bill "An Act Authorizing Municipalities to Voluntarily Consolidate" (H. P. 1068) (L. D. 1397)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Com-

mittee Amendment "A" and sent to the Senate.

Resolve Proposing an Amendment to the Constitution Regulating the Size of the State Senate (S. P. 463) (L. D. 1537)

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

At this point, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair thanks the gentleman from Bridgewater, Mr. Finemore for serving as Speaker pro tem; he did an excellent job. This isn't the first time of course that Representative Finemore has been on the rostrum. He was here many years ago and some of you older members will remember this.

Bond Issue Tabled and Assigned

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

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

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

Mr. **HEWES:** Mr. Speaker and Members of the House: I cannot in good conscience vote for this item — not that the State doesn't owe it, the State is committed to pay this amount, but I feel that this is something that should come from current revenue. I feel that if we go along with this bond vote here we are passing the buck in two ways. First, we are passing the buck to the younger generation for the next twenty years because this is set up for twenty-year borrowing. We will have to pay it back a twentieth each year. They pay back

\$1.49 for every dollar that we borrow.

Secondly, I think we are passing the buck to the voters next November or whenever the vote is to take place, it is scheduled now on the amendment for November I believe, and I feel that this is something that we ourselves should vote upon and not pass the buck. In short, I am opposed to the borrowing feature of this bill.

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

Mr. **BRAGDON:** Mr. Speaker and Members of the House: I want to comment that I am in complete agreement with the gentleman from Cape Elizabeth in his remarks. I have said many times that this is something we should take care of by taxation. However, I feel that it cannot be done at this time because I don't think we can find any more tax money than we are now working for.

I would make one other comment. This will be more or less a matter of looking into the crystal ball. I see now that we are approaching an area where we may well go over submitting \$200,000,000 in prospective bond issues to the people of the State of Maine to make a decision on and this could be, when we analyze the feeling nation-wide, this could be the year that the unexpected could happen and every one of these bond issues could well be turned down. If this should happen, then the Legislature would definitely have to come back in special session and come up with this \$8 million in tax money which I think would be a desirable thing to do if we could do it.

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

Mr. **JALBERT:** Mr. Speaker and Members of the House: One would have to agree with the gentleman from Cape Elizabeth, Mr. Hewes if, one, we had a surplus; two, if we had the monies in anticipation from additional taxation. This is not a question of whether we like to or we do not like to. This is a question of a dead set commitment and it will only mean the

same thing happening all over again that happened when a bond issue was turned down. This is not just a situation whereby we would just turn around and just keep on going. It would be in a situation that we are now into a legal commitment that we must meet. I think this might be confusing. It is getting later in the day and I certainly would suggest that for further explanation that this item be tabled until Tuesday.

Whereupon, on motion of Mr. Levesque of Madawaska, tabled pending passage to be enacted and specially assigned for Tuesday, June 3.

Passed to Be Enacted

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

An Act relating to State Appropriation for Local Law Enforcement (S. P. 357) (L. D. 1221)

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

An Act Increasing State Aid for Construction of Highways (H. P. 32) (L. D. 33)

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

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

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

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

An Act Amending the Waterville City Charter (H. P. 958) (L. D. 1239)

An Act Revising the Minimum Wage Law (H. P. 1166) (L. D. 1487)

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

An Act relating to Retail Sale of Wine (H. P. 1181) (L. D. 1502)

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

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

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

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis moves that L. D. 1502 be tabled until the next legislative day pending passage to be enacted.

Whereupon, Mr. Moreshead of Augusta requested a vote on the tabling motion.

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

A vote of the House was taken. 54 having voted in the affirmative and 59 having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker, I move for indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller now moves the indefinite postponement of L. D. 1502.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: Last week we debated this matter and I don't feel this morning that we have to get involved in the merits or demerits of this particular bill. I feel we all know about the bill and know where we stand on the bill.

I do rise this morning to oppose the motion for indefinite postponement of this bill. This bill was passed by the House last week and I feel that it is very good legislation. It is an optional matter with the communities and with the stores that will be selling the wine and Mr. Speaker, I ask for a division on the motion.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: I rise in support of the indefinite postponement of this legislation. Although not being prepared to defend ourselves this morning, I would like to point out to the House that in the very near future if you vote for this measure you will have seventeen-year-old children selling this wine. Those people in support of this type of legislation will come out very shortly with an omnibus bill which has the support of the Liquor Control Committee, which would authorize seventeen-year-olds to sell beer and if you include the wine I don't believe that it is the intention of the House to take this wine out of the liquor store and throw it on the market being sold by seventeen-year-olds.

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

Mr. DENNETT: Mr. Speaker, Members of the House: I rise in support of the motion made by the gentleman from Freeport, Mr. Marsteller, but I don't arise in support on any moral grounds. As one who introduced the bill for Sunday sales of liquor, if I should get up here and cry that there is anything immoral about this, you would say with good cause that my testimony was false and perjured.

But I arise on entirely different grounds. I arise on the grounds that this will have the tendency to break a system that has worked well in the State of Maine since its inception. I speak of the State control, of Maine being a monopoly state. When we put wines in grocery stores—and frankly we offer to the retailer nothing but the dogs that the Liquor Commission can't sell that gather dust upon the shelves. If they gather dust upon the shelves of the liquor stores, they are certainly going to gather dust in the grocery stores.

But I am fearful that this is just a wedge that would open wider and wider. If you put these tables wines, these wines of light alcoholic content in the grocery stores, the retailers won't be able to sell them in quantity enough

to make anything like a sizable profit. So two years hence they will be back and they will say, we want all the wines. So as an appeasement, because they have suffered for two years, you give them the wines with alcoholic content and pretty soon they will be back after whiskey and rum and what have you and your monopoly system in this state is gone. It has worked well. Ladies and gentlemen of the House I will not belabor this question. I could only ask you this morning to support this motion that you might not destroy a system that has worked over the years in the State of Maine.

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

Mr. CHANDLER: Mr. Speaker and Members of the House: I feel a little bit this morning like the Biblical character named David going up against Goliath. However, I too agree that there is no moral issue here but there is an economic issue. And that economic issue, to my mind, is the fact that we have held the State of Maine responsible for the sale of alcoholic beverages and I see no reason, and I hope you will agree with me, that the state should ask its taxpayers to support a system which sells something that brings no profit back to the state.

Now in this particular measure there is no requirement for any retail store to accept the sale of wine. It is purely up to the retail store to request that particular privilege.

Thinking for just a moment about this, it would seem to me that the retail store who does desire to sell wine, making proper request, coming under the laws of the State of Maine as far as control is concerned, certainly will prove an advantage to the State of Maine financially. No longer will our Liquor Commission have to stock these items which are not profitable to the taxpayers of the state.

There is one small point that I think we are all overlooking, and that is that the Liquor Control Committee has worked long and hard at this session to bring

forth legislation that is meaningful to the people of this state. I certainly would hope that you will support Mr. Moreshead and vote against indefinite postponement of this very worthwhile piece of legislation.

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

Mr. HICHENS: Mr. Speaker and Members of the House: I would rise to refute some of the statements which have just been made by the gentleman from Orono. I would like to know where the figure of \$453,000 increased revenue comes from? We cannot forget that there will be a decrease in beer revenue if these stores sell wine. We also have to figure that there will be an increase to enforcement costs also.

I have been told by the Liquor Enforcement Division that 70% of the licensed premises which they had trouble with last year were retail stores. This is going to increase the enforcement problems and going to increase the costs. I would again refute the statement that this is a moral issue. I think it is a very definite moral issue in our state.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I rise in support of the motion of indefinite postponement. I feel that this is a moral issue. I have a young daughter that might work in a store, and she like all other young ladies gets along very well with young boys and I am afraid that they might entice her at some future time to sell them a bottle of wine, if she should happen to work in a store that sold it. I feel this is a moral issue and it is not a good law to pass and I would ask for the yeas and nays.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I rise to take issue with the statement made by Mr. Tanguay. If he is citing to us this morning the problems with the law that may be passed by this Legislature, then I

feel that this is not a valid argument. We have not passed a bill in this House to allow seventeen-year-olds to sell beer in stores. And whether or not we allow this is a question that we'll have to decide on, but I personally have my doubts whether we will allow this and I think that this is not a fair argument to use to defeat the passage of this legislation.

I would like to point out that this legislation is concerned only with table wines, wines of less than 14% alcohol content and whether or not we subsequently allow other wines to be sold will be another matter before a future legislature. I think this is fair to test the sale of wine at the retail level by passing this bill to see how it goes, to see whether this wine causes problems. There are no other wines involved in this bill, only table wines.

I would like to also point out that some forty states throughout the nation allow the retail sale of table wines or wines in stores, and even a number of controlled states such as Maine have allowed this; and I point to one, namely, Vermont, which the Research Committee went to and they did indicate to the Research Committee that there was no problem with the retail sale of wine in the stores in Vermont even though they are a controlled state.

So I do humbly take issue with Mr. Dennett. I do not feel that this breaks the control system up. I think that the people who would be most concerned about the breaking of the system would be the Commission themselves and they favor this bill. And I am sure that if they felt this was going to break down the Liquor Commission, they would not favor this legislation. So I once again urge you to vote against the motion.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I heartily agree with the gentleman from Augusta, the statements that he made regarding the sale of this wine by seventeen-year-olds. At the present time, malt liquor is being sold by these gro-

cery stores. There are no youths of seventeen that sell it. The law prohibits this and I don't know as you have many cases where there have been violators in that area. I don't see where this wine is going to hurt anyone. And I certainly will support Mr. Moreshead and vote against this indefinite postponement.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that House Paper 1181, L. D. 1502, be indefinitely postponed.

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, and 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 Freeport, Mr. Marstaller, that item 12, An Act relating to Retail Sale of Wine, House Paper 1181, L. D. 1502, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Birt, Bragdon, Buckley, Bunker, Carrier, Casey, Chick, Clark, H. G.; Crosby, Curtis, Dennett, Donaghy, Dudley, Durgin, Eustis, Farnham, Finemore, Gauthier, Good, Hanson, Hawken, Hichens, Huber, Immonen, Kelleher, Kelley, K. F.; Lawry, Lee, Lewin, Marstaller, McNally, Meisner, Millett, Mills, Mitchell, Mosher, Quimby, Rand, Richardson, G. A.; Ricker, Sahagian, Scott, G. W.; Snow, Starbird, Stillings, Tanguay, Temple, Trask, White, Wight, Williams.

NAY — Benson, Bernier, Binnette, Boudreau, Brown, Burnham, Carey, Carter, Chandler, Clark, C. H.; Corson, Cote, Cottrell, Crommett, Croteau, Cummings, Curran,

Cushing, Dam, Drigotas, Dyar, Erickson, Fortier, A. J.; Fortier, M.; Fraser, Gilbert, Giroux, Hardy, Haskell, Henley, Heselton, Hewes, Jalbert, Jameson, Jutras, Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, LePage, Levesque, Lewis, Lund, MacPhail, Marquis, McKinnon, McTeague, Moreshead, Morgan, Norris, Noyes, Ouellette, Page, Payson, Pratt, Richardson, H. L.; Rideout, Rocheleau, Santoro, Shaw, Sheltra, Susi, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler.

ABSENT — Bedard, Bourgoin, Brennan, Coffey, Couture, Cox, D'Alfonso, Danton, Emery, Evans, Faucher, Fecteau, Foster, Hall, Harriman, Hunter, Johnston, Leibowitz, Lincoln, Martin, Nadeau, Porter, Ross, Scott, C. F.; Soulas, Wood.

Yes, 55; No, 69; Absent, 26.

The SPEAKER: Fifty-five having voted in the affirmative and sixty-nine in the negative, the motion does not prevail.

The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Members of the House: I ask that this matter be tabled for one legislative day.

Mr. Moreshead of Augusta then asked for a division on the tabling motion.

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

A vote of the House was taken. 47 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

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

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

Mr. MORESHEAD: Mr. Speaker, I now move that we reconsider this matter and I hope that you will vote against my motion.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead, now moves that the House reconsider

its action whereby this Bill was passed to be enacted. All in favor will say yes; those opposed will say no.

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

An Act to Allow Corporations to Enter Into Partnership or Joint Venture Arrangements with Other Corporations (H. P. 1191) (L. D. 1512)

An Act Increasing Compensation of Councillors of Town of Mechanic Falls (H. P. 1209) (L. D. 1538)

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

Enactor Tabled and Assigned

An Act relating to Regional Planning and Establishing Regional Councils of Governments (H. P. 1210) (L. D. 1539).

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

On motion of Miss Watson of Bath, under suspension of the rules, the House reconsidered its action on May 23 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-417) was read by the Clerk.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending adoption of House Amendment "A" and specially assigned for Tuesday, June 3.

Finally Passed

Resolve to Reimburse Warren F. Chapman of Skowhegan for Well Damage by Highway Maintenance (H. P. 406) (L. D. 517)

Resolve to Reimburse Elwood A. Jepson of Norridgewock for Well Damage by Highway Maintenance (H. P. 623) (L. D. 811)

Resolve to Reimburse Elmer L. Rogers of Berwick for Well Damage by Highway Construction (H. P. 719) (L. D. 937)

Resolve to Reimburse Doris Nankervis of Franklin for Well Dam-

age by Highway Maintenance (H. P. 854) (L. D. 1096)

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

Orders of the Day

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

MAJORITY REPORT (6) — Committee on Health and Institutional Services on Bill "An Act to Require Fluoridation of Water Supplies Used for Public Purposes" (S. P. 134) (L. D. 418) reporting same in a new draft (S. P. 475) (L. D. 1553) under same title and that it "Ought to pass" and MINORITY REPORT (3) reporting "Ought not to pass" (In Senate, Reports and Bill indefinitely postponed)

Tabled — May 28, by Mr. Rideout of Manchester.

Pending — Motion of Mr. Carrier of Westbrook to indefinitely postpone in concurrence.

On motion of Mr. Meisner of Dover-Foxcroft, retabled pending the motion of Mr. Carrier of Westbrook to indefinitely postpone in concurrence and specially assigned for Tuesday, June 3.

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

HOUSE REPORT — "Ought not to pass"—Committee on Judiciary on Bill "An Act to Provide for the Interception of Wire and Oral Communications" (H. P. 769) (L. D. 1002) (In House, recommitted to the Committee on Judiciary) (In Senate, Report accepted)

Tabled—May 28, by Mrs. Payson of Falmouth.

Pending—Further consideration.

On motion of Mrs. Payson of Falmouth, retabled pending further consideration and specially assigned for Tuesday, June 3.

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

Bill "An Act Providing for Androscoggin County Funds for Child and Family Mental Health Services" (H. P. 1084) (L. D. 1405) (In

Senate, adhered to its action whereby Bill passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" S-173, H-282)

Tabled—May 28, by Mr. Marquis of Lewiston.

Pending—Motion of Mr. Jalbert of Lewiston to reconsider further insisting and asking for a Committee of Conference.

The House voted to reconsider its action whereby it further insisted and asked for a Committee of Conference.

Thereupon, on motion of Mr. Jalbert of Lewiston, the House voted to recede and concur.

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

SENATE REPORT — "Leave to Withdraw" — Committee on Appropriations and Financial Affairs on Resolve to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine" (S. P. 364) (L. D. 1246) (In Senate, accepted)

Tabled—May 28, by Mr. Tyndale of Kennebunkport.

Pending—Acceptance.

On motion of Mr. Birt of East Millinocket, retabled pending acceptance of the Leave to Withdraw Report and specially assigned for Tuesday, June 3.

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

HOUSE REPORT — "Ought not to pass" — Committee on State Government on Bill "An Act to Clarify the State Museum Law" (H. P. 296) (L. D. 372)

Tabled—May 28, by Mr. Birt of East Millinocket.

Pending—Acceptance.

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

Mr. BIRT: Mr. Speaker and Members of the House: This L. D. had four parts to it. One of them was to authorize the establishing of a state archeologist. The other parts were to allow the receipt of federal funds by the State Museum Department Director, a publication fund to put out a small publication, and the establishment of a small

souvenir exhibit stand within the Museum building when it is completed.

The most objectionable feature of this and the one that caused all of the discussion in the hearing before the State Government Committee was the authorization and establishment of a State Archeologist. I have an amendment which would remove that and I would therefore move to substitute the Bill for the Report and then will introduce the amendment which will eliminate paragraph 363, establishing the office of a State Archeologist.

Thereupon, the Bill was substituted for the Report, the Bill read twice and assigned for third reading the next legislative day.

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

HOUSE REPORT — Committee on Liquor Control on Bill "An Act relating to Services of Private Clubs under Liquor Laws" (H. P. 1004) (L. D. 1306) reporting same in a new draft (H. P. 1223) (L. D. 1555) under title of "An Act relating to Services of Premises not Licensed under the Liquor Laws" and that it "Ought to pass"

Tabled—May 28, by Mr. Martin of Eagle Lake.

Pending—Acceptance.

On motion of Mr. Levesque of Madawaska, the "Ought to pass" Report in new draft was accepted.

The New Draft was read twice and assigned for third reading the next Legislative day.

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

HOUSE REPORT — Committee on Liquor Control on Bill "An Act to Revise the Liquor Laws" (H. P. 773) (L. D. 1006) reporting same in a new draft (H. P. 1224) (L. D. 1556) under same title and that it "Ought to pass"

Tabled—May 28, by Mr. Hichens of Eliot.

Pending Acceptance.

Whereupon, the "Ought to pass" Report in new draft was accepted, the New Draft read twice and assigned for third reading the next legislative day.

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

HOUSE REPORT — Committee on Business Legislation on Bill "An Act relating to Contracts of Loans under Small Loan Agency Law" (H. P. 622) (L. D. 810) reporting "Ought to pass" as amended by Committee Amendment "A" H-406.

Tabled—May 28, by Mr. Scott of Wilton.

Pending—Acceptance.

On motion of Mr. Scott of Presque Isle, retabled pending acceptance of the Report and specially assigned for Tuesday, June 3.

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

Bill "An Act Regulating Snow-mobiles" (S. P. 455) (L. D. 1501) (In Senate, passed to be engrossed as amended by Senate Amendment "C" S-180).

Tabled—May 28, by Mr. Dudley of Enfield.

Pending — Passage to be engrossed.

Mr. Lebel of Van Buren offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-424) was read by the Clerk and adopted.

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

Mr. CORSON: Mr. Speaker, I move that this lie upon the table for one legislative day.

Mr. Lebel of Van Buren requested a vote on the tabling motion.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel moves a vote on the tabling motion. All in favor of this matter being tabled until the next legislative day will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

39 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

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

Mr. CROMMETT: Mr. Speaker, there are some amendments being prepared and they are not now ready. Now I would like to reconsider our action whereby the tabling motion was defeated.

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

Mr. CROMMETT: A parliamentary inquiry, sir.

The SPEAKER: The gentleman may pose his inquiry.

Mr. CROMMETT: Mr. Speaker, what would be the proper procedure?

The SPEAKER: The Chair would advise the gentleman that the tabling motion has just been defeated. Therefore, it will not be entertained a second time until intervening debate does proceed.

Mr. CROMMETT: Mr. Speaker, then I'll proceed to debate the motion.

The SPEAKER: The gentleman may debate the engrossment of this bill.

Mr. CROMMETT: If you will bear with me just for a moment, I have a few notes.

Mr. Speaker, I note the hour, it is near noon time, but another parliamentary inquiry, sir.

The SPEAKER: The gentleman may pose his inquiry.

Mr. CROMMETT: I do not desire to debate this at length at this time, until the amendments are presented. I will evidently do some talking on this, but the question is—should I refrain from speaking my mind at full length, when do I have another chance?

The SPEAKER: The Chair would advise the gentleman that if this bill is passed to be engrossed it would go to the Senate, it will come back here for enactment, and there is sufficient time for the gentleman to act upon the Bill before it is finally enacted.

Mr. CROMMETT: Thank you Mr. Speaker and Ladies and Gentlemen of the House, you have asked for it.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund, and would inquire for what purpose does he interrupt?

Mr. LUND: To make a parliamentary inquiry, Mr. Speaker.

The SPEAKER: The gentleman may pose his inquiry.

Mr. LUND. Mr. Speaker, if this bill failed of engrossment, would it be in order at that point to table it?

The SPEAKER: The answer is in the affirmative.

The Chair recognizes the gentleman from Albion, Mr. Lee, and would inquire for what purpose does he rise?

Mr. LEE: A parliamentary inquiry, sir.

The SPEAKER: The gentleman may pose his inquiry.

Mr. LEE: Mr. Speaker, may I make a motion to table this until later in today's session?

The SPEAKER: The Chair would advise the gentleman that the tabling motion is not in order at this time.

The Chair recognizes the gentleman from Millinocket, Mr. Crommett. Mr. Crommett has the floor and the Chair would advise the other members to defer until the gentleman has proceeded with his debate.

Mr. CROMMETT: Thank you Mr. Speaker. I was wondering how I happened to lose out here.

Mr. Speaker and Ladies and Gentlemen of the House: At long last an opportunity to speak for a meaningful and realistic snowmobile bill. L. D. 1501, which is a redraft of L. D. 586, is such a bill, if—and I emphasize "if"—amended to meet the requirements of the public in general.

Now I know the name of the game. I accept it but I do not like it. At any rate I am not going to let it get me down. All I want to do is tell my story.

In deference to my good friend from Manchester, Mr. Rideout, who has stated publicly he is sick and tired of hearing me speak, I say to any member of the House, "Feel free to leave the Chamber," for I will not allow myself to be embarrassed. Neither will I be intimidated by threats of reprisal by a minority group of my constituents.

My conscience dictates that I speak and vote my convictions. It is with mixed emotion that I speak to you today on L. D. 1501. I don't know whether I feel like the fel-

low that was taken for a sleigh ride in July or the 7 year-old boy on his first day of school where he found out for the first time that his name was not "No-No." Perhaps the advocates of progressive education, with an early starting age and no frustration for the child, might have something at that.

More appropriate to the occasion would be to offer the horse's prayer, whereby he implored the Lord to deliver him from a cedar skid. This is what I am trying to do, to keep the snowmobiles from running into a cedar skid. Even those of the snowmobile fraternity who have a total disregard for the rights of others. The trespass laws on the books are sufficient if properly enforced. Why hamstring the Department of Inland Fisheries and Game by nibbling away 25c here and a dollar there, leaving only \$2.75 for the administration and enforcement of this act as directed in L. D. 1501?

The destruction of new growth and the cutting of wire fences must stop. The culprits should be punished to the full extent of the law. Isolated cases of ice fishing and deer slaughter should not be magnified and blamed on all snowmobiles. Why penalize all for the wrongs of the few? I feel this is a local problem and should be handled by the Fish and Game Department in such areas where the problem exists.

I became interested in snowmobiles in the 103rd Legislature when I supported the motion of the gentleman from Enfield, Mr. Dudley, for indefinite postponement of the present snow traveling vehicle law, not that I claimed superior knowledge, for I thought we should have more time and shouldn't put something on the book with so much to be derived and so ably defended by the gentlewoman from Orrington, Mrs. Baker.

The Secretary of State called two meetings in 1968. One in July and the other in September. I attended both meetings, and the rules and regulations as proposed by the Secretary of State at those meetings, are now incorporated in 1501.

I presented to His Excellency, the Governor, hundreds of signa-

tures imploring his help to repeal the present law. At the Special Session I presented an order for the Legal Affairs Committee to report out a bill for the repeal of the present law. The order was promptly killed on motion of the gentleman from Madawaska, Mr. Levesque and this was in accordance with a previous agreement of both parties.

Now L. D. 1501 which we have before us today is a redraft of L. D. 586. And quoting from the gentleman from Machias, Mr. Kelley, a redraft means different things to different people. This redraft was brought about, acknowledged by the sponsor, because of a bill L. D. 529 sponsored by me and held in the Committee on Taxation. I will not read you the entire bill, I will read you the title: "Resolve proposing an Amendment to the Constitution Exempting Snow Travelling Vehicles Fees and Taxes from Limitation on Expenditure of Motor Vehicle Revenues."

L. D. 529 was also the reason for the written opinion of the Department of Attorney General. This letter is addressed to me and says: "Dear Representative Crommett: You have requested that we advise you whether certain provisions in your proposed snowmobile legislation will violate Article IX, Section 19 of the Maine Constitution, which provides for the dedication of certain revenues to the Highway Fund.

The legislation takes the form of a redraft of the entire provisions of the present law relating to snow travelling vehicles. The provisions will be re-allocated from Title 29 of the Revised Statutes (Motor Vehicles) to Title 12 (Conservation). Responsibility for administration of the law is changed from the Secretary of State to the Commissioner of Inland Fisheries and Game. Revenues derived from registration of snowmobiles are to be used for administration and enforcement of the snowmobile law by the Department of Inland Fisheries and Game. In addition, a certain proportion of the registration fees collected will be returned to the municipalities in which the registrants of the snowmobiles are domiciled.

The proposed legislation also changes the term "snow travelling vehicles" to 'snowmobiles' and excepts snowmobiles from the definition of vehicles and motor vehicles contained in both the taxing laws and the laws relating to registration and operation of conventional motor vehicles. The provisions of registration relating to snowmobiles are set up so as to be peculiar only to snowmobiles.

It is to be emphasized that snowmobiles will be prohibited from operating upon controlled access highways or the main traveled portion or the plowed snowbanks of any other public way. They may cross public ways as directly as possible. They may operate upon ways that are unplowed and unused during the winter months by conventional motor vehicles including public ways which are closed during the winter months. Operation during the hours of sunset to sunrise is prohibited on certain portions of public ways.

At the present time, all revenues from snowmobile registration fees are being paid into the Highway Fund under the provisions of the Constitution of Maine, Article IX, Section 19. This section provides:

'All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways . . . shall be expended solely for cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in the construction and reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax.'

The above constitutional provision was passed by the 91st Legislature and became effective October 27, 1944. The Legislative Record of the 91st Legislature con-

tains extensive debate as to the intent and application of the reference constitutional provisions.

The sense of the legislative debate is that the constitutional provision was intended to apply to conventional motor vehicles such as automobiles, trucks, and other similar vehicles that regularly used and were operated over the highways. The intendment of the constitutional measure was to insure that monies paid by motorists in the form of registration fees, excises and license taxes would be used for the building and construction of highways.

The Maine Supreme Judicial Court said in *Opinion of the Justices*, 152 Me. 449, 456 in speaking of the reference provision that:

'The language of the Constitution should not, in our view, be extended beyond its plain and ordinary meaning.'

It is our view that Section 19 of the Constitution does not prohibit snowmobile registration revenues from being dedicated as provided in your suggested legislative enactment. The provisions allowing snowmobiles to operate on the public ways are so restrictive that they are not 'vehicles' being operated 'on public highways' within the meaning of Section 19 of Article IX of the Constitution. Their principal and intended use is not on the public highways but rather off the public highways. Too, the nature of snowmobiles as defined in the proposed legislation is such that there is a clear indication that snowmobiles are not 'vehicles' as contemplated by the constitutional provision.

We therefore advise that the disposition of the registration revenues in your proposed legislation does not violate Article IX, Section 19 of the Constitution of Maine.

Let me emphasize that our conclusion applies only to revenues derived from snowmobiles under the structure of your proposed legislation. If any changes are made in the legislation, particularly in the areas of administration, definition and operation, we should be consulted again to give our opinion as a result of the changes.

We have discussed our conclusion with counsel for the State Highway Commission, and he indicates that he and the Chairman of that Commission concur in the result that we reach.

Sincerely yours,

(signed)

JAMES S. ERWIN
Attorney General"

Mr. Speaker, another parliamentary inquiry, please.

The SPEAKER: The gentleman may pose his question.

Mr. CROMMETT: Should I yield to the gentleman Mr. Lebel for a tabling motion?

The SPEAKER: The Chair would advise the gentleman that any member may speak in their own name.

Mr. CROMMETT: Another question, Mr. Speaker. Where do I stand on this issue if any members speaks in his own name and tables this?

The SPEAKER: The Chair would advise the gentleman any member may speak in his own right.

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

Mr. LEBEL: Mr. Speaker, I move this be tabled for one legislative day.

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

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

Mr. RICHARDSON: Mr. Speaker, a parliamentary inquiry whether or not a motion to reconsider the adoption of the amendment previously adopted would be in order?

The SPEAKER: The Chair would advise the gentleman in the affirmative.

Mr. RICHARDSON: Mr. Speaker, I move that the House reconsider its earlier action at which time it adopted the amendment.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that the House reconsider its action whereby House Amendment "A" was adopted.

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending reconsideration and specially assigned for Tuesday, June 3.

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

Resolve Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine (S. P. 209) (L. D. 618)

Tabled — May 28, by Mr. Berman of Houlton.

Pending — Final Passage.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I am very pleased this morning that the House reconsidered and went along with the gentleman from Augusta, Mr. Lewin, to afford protection not to just one State Trooper but to every trooper on the force and because the House has done it I am now pleased to go along and I would move final passage.

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

Mr. Jalbert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I am addressing myself mostly to the members who have not been here more than one term and I have the approbation of the House Chairman of the Appropriations Committee to make the comments that I am going to make.

Several members of the Appropriations Committee have been asked and are being asked now about matters that are being tabled on the Senate Appropriations Committee. For instance, I had a member this morning, he came to me and said, "Why is my item going to be tabled in the other branch because it has no money on it as far as the General Fund is concerned? It is not a General Fund item. It is a retirement problem coming out of the Retirement Fund."

It is to be noted that the Retirement Fund is fed some dollars out of the General Fund. What I am trying to say in that explanation is that the same goes for any other item with money. The House Chairman and the Senate Chairman usually are given a calendar

at the beginning of the session by the Finance Office of those items that have the word "table" on them and those items that have a price tag on them. So that any item, including my own and I have some nestling on the Appropriations Table in the other branch now, any item whether it is an item concerning itself with the Highway Fund which is a dedicated revenue or concerning itself with any matter before this body that is enacted with a price tag on it in this House, once it hits the other branch it is automatically placed on the table, any item.

I thought, Mr. Speaker, I might make this explanation because I have done it before to individual members as I know other members who are cognizant to this fact that it is done and this might clear the air.

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

HOUSE REPORT — "Ought not to pass" — Committee on Judiciary on Bill "An Act to Give the Attorney General Authority to Require Certain Telephone Records" (H. P. 386) (L. D. 496)

Tabled — May 28, by Mrs. Payson of Falmouth.

Pending — Acceptance.

On motion of Mrs. Payson of Falmouth, retabled pending acceptance of the Report and specially assigned for Tuesday June 3.

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

MAJORITY REPORT (7) — "Ought not to pass"—Committee on Judiciary on Bill "An Act relating to Period of Real Estate Mortgage Foreclosure" (H. P. 555) (L. D. 736) and MINORITY REPORT (3) reporting "Ought to pass" as amended by Committee Amendment "A" H-388.

Tabled—May 28, by Mr. Cox of Bangor.

Pending—Motion of Mr. Berman of Houlton to accept Majority Report.

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

Mr. BENSON: Mr. Speaker and Members of the House: This bill with the Committee Amendment would provide for real estate foreclosures in 6 months.

Maine has had a 1 year foreclosure period for a century, but it is completely outmoded today in this era of all kinds of available financing.

Practically all other states have a period even less than 6 months. About 25 states have no foreclosure period at all, other than 2 or 3 weeks notice under powers of sale. About 10 more use a period of six months or less. There are only about 11 states having a period as long as a year and all of these but two are west of the Mississippi. Every New England State except Maine has a period of 6 months or less and New Hampshire, Connecticut and Massachusetts have only short notice provisions under a power of sale.

Any person who really wishes to refinance and can do so ever, can do so within at least six months.

During the long one year period, properties run down, the owner pays nothing, the property can't be resold, and the situation stagnates.

Of major consideration is that Maine banks are unable to sell Maine mortgages, as no one wants them with the 1 year foreclosure handicap. Thus, while Maine financial institutions can purchase out-of-state mortgages when they have extra funds, they never can sell Maine mortgages when they are short of funds. It is a one-way flow of capital to the detriment of Maine people. If the period of foreclosure were shortened, it would loosen up credit considerably, permitting banks to sell mortgages when they are loaned up and then to have more funds to invest in the community. The Governor's Committee on Housing strongly recommended that the 1 year foreclosure period be reduced for this purpose. It would open up lower cost housing.

This age old anachronism should be changed to permit Maine to follow its sister states and have a foreclosure period which fits modern financing needs.

If we can agree that the best interests of the people of the State of Maine would be served by shortening the foreclosure period to six months, I will offer an amendment to exclude the farming community and hopefully in language that will be acceptable to all.

I ask you to defeat the present motion before the House, the "Ought not to pass" Report and we may then accept the "Ought to pass" Report and hopefully consider this issue further.

I therefore urge you to defeat the "Ought not to pass" Report presently before the House.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I don't have a prepared statement like my good friend, the Assistant Majority Leader, but I would like to try to tell you why I think you should go along with the Majority "Ought not to pass" Report.

Maine, as I understand it, and as some of the others of us on Judiciary understand it, has the strictest foreclosure law of any of the states. It is not directed to the debtor's interest, it is directed to the creditor's interest. Now the financial interests that are asking you to shorten the period of foreclosure haven't told you that the debtor is in an inferior situation at the present time to the creditor in the State of Maine.

Now the financial picture in the State of Maine is not quite as black as you might believe from listening to some of the talk on the matter this morning. As I understand it as recently as last week there was a very interesting article about Maine's home mortgages and it says among other things that in a rapid survey throughout the state the lowest interest rates on conventional mortgages were 7% even in Kingfield and Eastport Savings Banks. There are undoubtedly other Maine banks charging the same 7%. Now if that is the lowest interest rate in the State of Maine, I don't think that the financial institutions are hurting too much.

Then it goes on to say the highest interest rates anywhere was the Savings and Loan Association in Portland which was charging 9%. Now it strikes me that 9% is a pretty high rate of interest. The Greater Portland area is booming when it comes to mortgage demand. That is one thing behind the 9% interest being charged by that Savings and Loan Association. Now with the limited supply of money and the big demand for mortgages the Savings and Loan Association appears to be trying to discourage mortgages with the 9% rate. Now frankly when the interest rate gets up to around 9% I think that there should be a certain attempt to discourage borrowing at that high rate of interest.

Then it goes on to say that the Portland Savings Bank is charging $7\frac{1}{2}$ to $7\frac{3}{4}$ percent. In Greater Portland, the savings and loan associations and commercial banks are slightly higher on the mortgage interest rates. If the demand keeps heavy for housing in Greater Portland, it wouldn't be surprising to see the mortgage interest rates rise even more. And that in my opinion is even a sounder reason for refusing to shorten the foreclosure period.

Move to an area like Aroostook County where there is a potato price depression—and there really is a potato price depression in Aroostook County — and you will find demand for home mortgages not very heavy. A local savings bank is charging $7\frac{1}{2}$ percent on its mortgages now with that slow demand. Some other banks in the county and in Houlton itself have gone as high as $8\frac{1}{4}$ percent on their mortgage rates.

In Bangor where the demand for mortgages is very steady according to the Bangor Savings Bank official, the rate is $7\frac{1}{2}$ percent. Augusta Savings Bank is kind of quiet on demand in the past two months and the rate is $7\frac{1}{2}$ percent. Maine National Bank, Rumford branch, demand is holding fairly steady; rates are from $7\frac{1}{2}$ to $7\frac{3}{4}$ percent.

Now I hope I have given some indication to the House that I don't think it's in the best interest of the smaller people of the State of Maine to be borrowing at these

high interest rates and I certainly don't think it is in the interests of the smaller people in the State of Maine who may be in the field for mortgages to have to sign a mortgage with a shorter foreclosure period than one year.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I was intrigued by the remarks of the gentleman from Southwest Harbor, Mr. Benson, and I think he might look well into the suggestion that he makes. I am not going to pose as being a legal authority or anything but it seems to me that I sensed a tremendous difficulty in defining what are farming communities and what are not farming communities when he suggested an amendment that would exclude farming communities. It seems to me he could easily get into an area of where it would be almost impossible to define.

I am not commenting on this in any opposition to this bill for shortening the term of mortgage foreclosures. I have always voted for it and I intend to vote for it again. I recognize the needs of the changing times, and I shall continue to vote for it.

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

Mr. BENSON: Mr. Speaker and Members of the House: I am well aware that there is a problem in defining a farmer. For example I would suggest if you were to go by looks, possibly the gentleman from Cumberland, Mr. Richardson, would qualify. He does have a tractor and a manure spreader and several other little odds and ends, but by occupation I think we'd have some difficulty.

I certainly do not presume to be able to arrange language as such that it would define a farmer but I do have some legal eagles working on it and hopefully they will be able to confuse the issue so that we will never know what a farmer is. If it is possible for us to come up with the proper language, I would offer an amendment at third reader which would hopefully satisfy the farming community of the

State of Maine, as I feel that they should be excluded from the shorter foreclosure period.

I think it is very much in the interest of the State of Maine to shorten the foreclosure period from the present 12 months to 6 months and I hope that we can reject the motion presently before the House, the "Ought not to pass" Report. We can then adopt the "Ought to pass" Report and give this bill further consideration at third reading.

This is all I ask you today, that we allow the bill to live until such time as we can properly examine the provisions of excluding the farming community which I feel is a good and proper move.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I support the Majority "Ought not to pass" Report on this bill and I would like to state a few facts for your consideration. This bill does not change the situation as far as the mortgagee protection is concerned, but it does give more advantage to the loaning institution than it did before, whereby the original bill before the amendment they had brought it down to a 3 month foreclosure period from the present 12 month period. Now to soften the blow, an amendment bringing the 3 months to 6 months foreclosure period was offered.

Well I claim and I happen to know that this amendment was put in only again to soften the blow due to the fact that they expected and they wanted this bill on a six-month period but they started with a three-month period in order to compromise on the 6-month period. I strongly oppose this cut in the redemption period due to the fact that this would create hardships on the conscientious mortgagee, the one who pays the mortgage, who struggles to pay his mortgage, and who because of certain circumstances such as sickness finds himself jeopardized in losing his home and his life's savings. The mortgagee under such circumstances needs time and he is faced with a tremendous problem which he wishes he could

resolve, but time is of the essence and under this 12-month period if he cannot see himself clear after 8 or 9 or 10 months that he can pay, at least he can put the house up for sale and pay off his mortgage and probably save some of his equity and at least save his credit rating.

On the other hand the bank and loaning institutions have many advantages that the mortgagee doesn't have when he borrows money on the real estate mortgage.

Now let's consider first the bank position when they give out a mortgage. First—and I wish to consider under FHA financing. First, the bank gets a good return on their money. The interest is fairly high, probably more than they would get if they would invest somewhere else. Secondly—and this is really the one that bugs the buyer—is that if the buyer does not pay the bank under the mortgage — under the FHA mortgage it is guaranteed their money. They are guaranteed to start with. All they have to do is return it on a foreclosure to the FHA and they will get their money. And what makes it much nicer for the bank is the fact that when the buyer does borrow the money he also has to pay for insurance to guarantee this mortgage to the bank. So the buyer is hit in many ways and I don't think that this foreclosure period should be reduced whatsoever. These are some of the terms that the buyer commits himself and when anybody wants money sometimes they can go overboard and they usually do. This is a treacherous method to lend money, but on the other hand it is necessary because most of us probably wouldn't have a house if they wouldn't use this.

Now as far as the buyer, he subjects himself, when he applies for such a mortgage, right off hand when he gets the mortgage he subjects himself to at least a 100 minimum cost, what they call a service cost, just for borrowing. Then he has to pay, like I said, the insurance on the mortgage, not for his protection but for the protection of the bank.

Then if the mortgagee later turns around and sells his house under an FHA mortgage, and sells his house to somebody that does not refinance it as an FHA mortgage, then he is subjected to a 1% penalty for paying his mortgage ahead of time. Now if you figure on a \$15,000 mortgage at 1%, that is \$150. He already paid \$100, and if he sells the house within eight or nine months, he has paid the bank probably another \$500 in interest, so it costs him seven or eight hundred just for a period of less than a year.

I think that this bill should not pass due to the fact that if all of us, or any of us at any time you are laid up for a period — there are many diseases—no doubt you are laid up for five months or six months or four months, that then after working to pay for your house for ten years, you find yourself in a position that you had false hopes that you would recover and pay, and then you can find yourself in a position where you wouldn't be able to refinance.

As far as refinancing goes, I will agree you can probably refinance at one place but you surely will not refinance it at the place that has foreclosed before. So therefore I strongly urge the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Frankfort, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker and Members of the House: As a farmer with a fairly heavy mortgage, I find myself in favor of this piece of legislation. I have many neighbors down my way, neighbors and friends and people throughout my district who would like to own a home of their own and if we can cut this foreclosure time, we can reduce the size of the down payment and allow those people to own their houses. I will take a chance on refinancing my place if I should fall and break a leg or one thing or another so to give these people an opportunity to own theirs. Thank you.

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

Mr. CHICK: Mr. Speaker and Members of the House: I hadn't intended to say anything on this matter until comments by the gentleman from Houlton, Mr. Ber- man, reminded me of the article that he read in the paper a short while ago.

This hasn't been brought out so I think I will bring it out—incidentally, I support the position of Mr. Benson—because this same article, if it was read very carefully, on how well some of the small savings banks had done in the State of Maine, if you read the article thoroughly you noticed that they had done so well because they have been buying securities. They haven't been loaning money to the homemakers within the community.

Now it seems to me that if there is some way to pass a bill that will make it more attractive to these banks, perhaps they will then loan more money on mortgages within their community rather than buy securities, which to my mind is not benefiting the large number of people surrounding these banks. So for that reason alone I am going to support the position of Mr. Benson.

The SPEAKER: The Chair will order a vote. 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.

55 having voted in the affirmative and 51 in the negative, the motion did prevail.

Sent up for concurrence.

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

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

Tabled — May 28, by Mr. Lund of Augusta.

Pending — Passage to be engrossed.

On motion of Mr. Lund of Augusta, tabled pending passage to be engrossed and assigned for later in today's session.

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

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

Tabled — May 28, by Mr. Norris of Brewer.

Pending — Adoption of House Amendment "A" H-404.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker and Members of the House: The chief objection to this bill seemed to be the question of whether or not it was constitutional, which has been questioned by some. However, I have here a number of decisions from other states on similar legislation.

I am not going to read too many but there is one item here, "the Wisconsin Statute, relating exclusively to unfair competition and distribution of gasoline was challenged by Texaco Inc. as discriminatory. Its constitutionality was upheld by the Supreme Court of Wisconsin as a valid exercise of legislative power in the case of the State vs. Texaco," and so forth.

I think the pending question now is the adoption of the amendment, and I feel that we should give it a try. If it is determined to be unconstitutional later, it is no trouble to change it, and I still favor the adoption of House Amendment "A".

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

Mr. SHELTRA: Mr. Speaker, could I table this for one legislative day?

Thereupon, Mr. Jutras of Sanford requested a vote on the tabling motion.

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

A vote of the House was taken.

52 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

Mr. Norris of Brewer presented the following Order out of order and moved its passage:

ORDERED, that Marilyn Minsky of Bangor be appointed to serve as Honorary Page for today.

The Order received passage.

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

Conference Report on Bill "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687) reporting that it be referred to the 105th Legislature.

Tabled—May 28, by Mr. Rideout of Manchester.

Pending—Acceptance.

On motion of Mr. Henley of Norway, retabled pending acceptance of the Report and specially assigned for Tuesday June 3.

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

Resolve Proposing the Acceptance of a Master Plan Prepared by the Capitol Planning Commission (H. P. 573) (L. D. 763)

Tabled—May 28, by Mr. Lund of Augusta.

Pending — Passage to be engrossed.

On motion of Mr. Lund of Augusta, tabled pending passage to be engrossed and assigned for later in today's session.

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

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 28, by Mr. Birt of East Millinocket.

Pending—Acceptance.

On motion of Mrs. Baker of Orrington, retabled pending acceptance and specially assigned for Tuesday June 3.

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

Mr. McTEAGUE: Mr. Speaker, in regard to item 4 on page 6, this is an item for which an amendment is being prepared at this time by Mr. Silsby. It went through third reading this morning and I missed it. So I would like at this time to move that we reconsider the process that it went through today in the hopes that someone else will table the matter until the next legislative day.

The SPEAKER: The Chair understands the gentleman means item 4, Bill "An Act relating to Posting Bonds by Defendants under the Uniform Paternity Act", a third reader of this morning, whereby this bill was passed to be engrossed. The gentleman from Brunswick Mr. McTeague, moves that the House reconsider its action whereby this bill was passed to be engrossed.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending reconsideration and specially assigned for Tuesday June 3.

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

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 28, by Mr. Binnette of Old Town.

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

On motion of Mr. Lee of Albion, retabled pending motion of Mr. Dudley of Enfield to accept the Minority Report and specially assigned for Tuesday, June 3.

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

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

Tabled—May 28, by Mr. Mills of Eastport.

Pending—Passage to be enacted.

On motion of Mr. Casey of Baileyville, under suspension of the rules, the House reconsidered its action on May 13 whereby the

Bill was passed to be engrossed as amended by House Amendment "A."

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

House Amendment "B" (H-401) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: I was looking over L. D. 967 which consists of about eight lines. The amendment being applied to this bill consists of eight and a half pages. It looks to me like it's writing a whole new catalog on this bill and I would expect that someone ought to table this until someone in the House gets a chance to look this amendment over.

Whereupon, on motion of Mr. Shaw of Chelsea, retabled pending the adoption of House Amendment "B" and specially assigned for Tuesday, June 3.

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

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

Tabled—May 28, by Mr. Tyndale of Kennebunkport.

Pending — Passage to be engrossed.

On motion of Miss Watson of Bath, retabled pending passage to be engrossed and specially assigned for Tuesday, June 3.

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

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

Tabled—May 28, by Mr. Tyndale of Kennebunkport.

Pending—Final Passage.

On motion of Mr. Vincent of Portland, retabled pending final passage and specially assigned for Tuesday, June 3.

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

Bill "An Act relating to Approval of Refuse Disposal Areas" (H. P. 1196) (L. D. 1517) (In House, passed to be engrossed as amended by House Amendment "A" H-340) (In Senate, indefinitely postponed)

Tabled—May 28, by Mr. Eustis of Dixfield.

Pending—Motion of Mr. Evans of Freedom to recede and concur. The pending motion to recede and concur did prevail.

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

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

Tabled—May 28, by Mr. Bragdon of Perham.

Pending—Passage to be enacted.

On motion of Mr. Levesque of Madawaska, retabled pending passage to be enacted and specially assigned for Tuesday, June 3.

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

HOUSE REPORT—"Ought not to pass" — Committee on State Government on Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program" (H. P. 1174) (L. D. 1498)

Tabled—May 28, by Mr. Snow of Caribou.

Pending—Acceptance.

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

Mr. CAREY: Mr. Speaker, I move this item be tabled one legislative day.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that item 24, L. D. 1498, be tabled until the next legislative day pending the acceptance of the Report.

Thereupon, Mr. Benson of Southwest Harbor requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until the next legislative day pending acceptance of the Report will vote yes; this opposed

will vote no. The Chair opens the vote.

A vote of the House was taken. 60 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

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

REPORT "A" reporting "Ought to pass"—Committee on Judiciary on Bill "An Act relating to Charitable Organization's Immunity in Civil Actions" (H. P. 558) (L. D. 739) and REPORT "B" reporting "Ought not to pass"

Tabled—May 28, by Mr. Dennett of Kittery.

Pending — Acceptance of either Report.

On motion of Mr. Berman of Houlton, retabled pending acceptance of either Report and specially assigned for Tuesday, June 3.

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

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

Tabled—May 28, by Mr. Richardson of Cumberland.

Pending—His motion to reconsider failure of passage to be engrossed as amended by House Amendment "B" as amended by House Amendment "A" thereto. (H. "B" - L. D. 1542) (H. "A" to H. "B" H-387)

On motion of Mr. Benson of Southwest Harbor, retabled pending the motion to reconsider and specially assigned for Tuesday, June 3.

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

HOUSE REPORT—"Ought not to pass"—Committee on Judiciary on Bill "An Act relating to Redemption by Owner and Sales of Tax Acquired Property" (H. P. 816) (L. D. 1055)

Tabled—May 28, by Mr. Norris of Brewer.

Pending—Acceptance.

On motion of Mr. Dyar of Strong, retabled pending acceptance of the Report and specially assigned for Tuesday, June 3.

The Chair laid before the House a matter tabled earlier and assigned for later in today's session:

Bill "An Act to Establish Revised Boundaries for the Master Plan of the Capitol Complex Area at Augusta" (H. P. 577) (L. D. 758) which was tabled May 28 by Mr. Lund of Augusta pending passage to be engrossed.

Mr. Lund of Augusta then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-427) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House a matter tabled earlier and assigned for later in today's session:

Resolve Proposing the Acceptance of a Master Plan Prepared by the Capitol Planning Commission (H. P. 578) (L. D. 763) which was tabled May 28 by Mr. Lund of Augusta pending passage to be engrossed.

Mr. Lund of Augusta then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-428) was read by the Clerk and adopted and the Resolve passed to be engrossed as amended and sent to the Senate.

Mr. Dyar of Strong was granted unanimous consent to briefly address the House on the record.

Mr. DYAR: Mr. Speaker and Members of the House:

Tomorrow, May 30th, Memorial Day, we pay tribute to those who have served their country. The blood, the toil and sacrifices, many supreme, should not be overlooked.

The delegation from Franklin County, the gentleman from Wilton, Mr. Scott, the gentleman from Farmington, Mr. Hawker, and myself today would like to pay tribute to a gallant young man who is serving his country in Vietnam.

The action of 1st Lieutenant Michael P. Ranger, son of Mr. and Mrs. Roland Ranger of Farmington, typifies the unusual valor and courage of Maine's fighting men and raises a swell of pride in the hearts of our citizens. Such outstanding service places a debt on each of us who are spared the rigors of this war, far beyond the ordinary bonds of human gratitude.

Lt. Ranger has been wounded three times while in combat in Vietnam and is the recipient of the Purple Heart and has recently been awarded his second Silver Star, the second highest award that can be awarded a combat soldier, for his meritorious acts of extraordinary fidelity and bravery.

This delegation and the citizens of Franklin County commend this young man, age 21, for his outstanding acts of heroism and superior leadership of the military forces under his command. Thank you.

On motion of Mr. Richardson of Cumberland,

Adjourned until Tuesday, June 3, at ten o'clock in the morning.