

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, June 3, 1969

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

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

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

The journal of the previous session was read and approved.

Conference Committee Report

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

Bill "An Act relating to Safety Devices for Railroad Utilities" (H. P. 440) (L. D. 564) reporting that the House recede from passage to be enacted, recede from passage to be engrossed, adopt Conference Committee Amendment "A" submitted therewith, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House.

(Signed) RIDEOUT of Manchester

HARDY of Hope

HASKELL of Houlton

— Committee on part of House.

SEWALL of Penobscot

STUART of Cumberland

CIANCHETTE

of Somerset

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The House voted to recede from passage to be enacted and from passage to be engrossed. Conference Committee Amendment "A" (C-432) was read and adopted.

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

**Papers from the Senate
Reports of Committees****Ought to Pass in New Draft**

Report of the Committee on Highways on Bill "An Act Providing for a Feasibility Study for a High Level Bridge or Vehicular Underwater Tunnel Across Fore

River" (S. P. 416) (L. D. 1391) reporting same in a new draft (S. P. 472) (L. D. 1544) under title of "An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River" and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Inland Fisheries and Game, acting in accordance with Joint Order (S. P. 467), reporting a Bill (S. P. 478) (L. D. 1557) under title of "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1970 and June 30, 1971" and that it "Ought to pass"

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act to Amend the Credit Union Law" (S. P. 402) (L. D. 1354)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Communications Between Physician and Patients" (S. P. 224) (L. D. 664)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Amended in Senate

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Concerning Admissibility of Hospital Records and Copies of Records as Evidence" (S. P. 104) (L. D. 317)

Report of the Committee on State Government reporting same on Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and for Preservation of Certain Business Enterprises (S. P. 391) (L. D. 1316)

Came from the Senate with the Reports read and accepted and

the Bill and Resolve passed to be engrossed as amended by Senate Amendment "A".

In the House, the Reports were read and accepted in concurrence, the Bill read twice and the Resolve read once. Senate Amendment "A" to each was read and adopted in concurrence, and tomorrow assigned for third reading of the Bill and second reading of the Resolve.

**Ought to Pass with
Committee Amendment
Tabled and Assigned**

Report of the Committee on Labor on Bill "An Act Providing Notice or Severance Pay by Employers" (S. P. 156) (L. D. 474) which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read.

(On motion of Mr. Farnham of Hampden, tabled pending acceptance of the Report in concurrence and specially assigned for tomorrow.)

**Ought Not to Pass
Bill Substituted for Report
Tabled and Assigned**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Control of Riots" (S. P. 141) (L. D. 423)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed.

In the House, the Report was read.

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

Mr. BERMAN: Mr. Speaker, I move that the House accept the unanimous "ought not to pass" report.

Whereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Berman of Houlton to accept the "Ought not to pass" Report in non-

concurrence and specially assigned for tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Appropriating Moneys for Vocational and Technical Institute in Waterville" (S. P. 83) (L. D. 280)

Report was signed by the following members:

Messrs. SEWALL of Penobscot
DUNN of Oxford
—of the Senate.
Messrs. BENSON
of Southwest Harbor
BRAGDON of Perham
LUND of Augusta
BIRT of East Millinocket
—of the House.

Minority Report of same committee on same Bill reporting same in a new draft (S. P. 477) (L. D. 1554) under title of "An Act Appropriating Moneys for a State Vocational and Technical Institute in Waterville" and that it "Ought to pass"

Report was signed by the following members:

Mr. DUQUETTE of York
—of the Senate.
Messrs. SAHAGIAN of Belgrade
JALBERT of Lewiston
MARTIN of Eagle Lake
—of the House.

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

In the House: Reports were read.

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

Mr. CAREY: Mr. Speaker, I move that we accept the Minority Report in concurrence.

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

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

Whereupon, Mr. Carey of Waterville requested a vote on the tabling motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt moves that L. D. 280 be tabled

until the next legislative day pending the motion of the gentleman from Waterville, Mr. Carey that the House accept the Minority "Ought to pass" Report. A vote has been requested on the tabling motion. All members desiring this matter to be tabled until tomorrow will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

82 having voted in the affirmative and 30 having voted in the negative, the tabling motion did prevail.

Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act Revising the Law Regulating the Alteration of Wetlands" (S. P. 150) (L. D. 431) reporting same in a new draft (S. P. 469) (L. D. 1527) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERRY of Cumberland
SEWALL of Penobscot
—of the Senate.
Mrs. COFFEY of Topsham
Mrs. BROWN of York
Messrs. HARDY of Hope
JAMESON of Bangor
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 470) (L. D. 1528) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. REED of Sagadahoc
—of the Senate.
Messrs. SNOW of Caribou
EUSTIS of Dixfield
CURRAN of Bangor
—of the House.

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

In the House: Reports were read.

On motion of Mr. Snow of Caribou, the Minority "Ought to pass" in new draft Report was accepted in concurrence.

The New Draft was given its two several readings.

Senate Amendment "A" (S-191) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Divided Report

Report "A" of the Committee on Retirements and Pensions on Bill "An Act relating to Retirement Benefits for Institutional Heads, Deputies and Assistants and Correctional Officers and Employees of the Bureau of Corrections under State Retirement System" (S. P. 174) (L. D. 577) reporting same in a new draft (S. P. 481) (L. D. 1559) under title of "An Act relating to Retirement Benefits for the Warden, Deputy Warden, Superintendent, Assistant Superintendent, Correctional Officers or Guards of the Men's Correctional Center and the Maine State Prison under State Retirement System" and that it "Ought to pass"

Report was signed by the following members:

Messrs. HANSON of Kennebec
DUQUETTE of York
—of the Senate.
Messrs. MEISNER
—of Dover-Foxcroft
SHELTRA of Biddeford
TEMPLE of Portland
—of the House.

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

Report was signed by the following members:

Mr. CIANCHETTE
—of Somerset
—of the Senate.
Mrs. LINCOLN of Bethel
Messrs. PRATT of Parsonsfield
MARQUIS of Lewiston
BARNES of Alton
—of the House.

Came from the Senate with Report "B" accepted.

In the House: Reports were read.

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

Mr. MARQUIS: Mr. Speaker, I move we accept Report "B" "Ought not to pass."

The SPEAKER: The gentleman from Lewiston, Mr. Marquis moves that the House accept Report "B" or "Ought not to pass" Report. Is this the pleasure of the House?

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

Mr. MEISNER: Mr. Speaker and Members of the House: Having signed Report "A" "Ought to pass" I would just like briefly to explain why I signed that way. This is a very to my mind one of the perhaps more dangerous jobs in the department of enforcement. It is a job that personally, after hearing the evidence that came from Superintendent Robbins and others, can hardly understand why they get help at all in a place like this. It is very depressive. For example, a carpenter who is an instructor of perhaps seventy people, people who may be planning all the time for his destruction, and as was pointed out that these folks are brilliant in their way; it is just too bad that they got off the track in life. The last time Mr. Robbins was before us he explained that they had had an explosion and this is a device that was worked up by some of these inmates, and they are doing things like this all the time. These guards are under this cloud of not knowing just when some of these things are going to happen.

Because of the reasons that we heard then and because of the danger under which they are working, I signed the Report "A" which "ought to pass."

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

Mr. MacPHAIL: Mr. Speaker, I would like very much to concur with the gentleman from Dover-Foxcroft, Mr. Meisner, in acceptance of Report "A" and I request that when the vote is taken it be by roll call.

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

Mr. PRATT: Mr. Speaker and Members of the House: I am also on the Retirement and Pension Committee and I signed Report "B" for the following reasons. This bill of course would include the guards at the State Prison at Thomaston and the same security personnel at the Men's Reformatory at South Windham. These men work an eight hour shift at the present six days a week, but

they are being cut to forty-four hours. They start on a probationary wage of \$99 a week and are soon promoted to \$6,000 per year.

They are now included in the enforcement officers pension plan, which is enjoyed by the Inland Fish and Game wardens, also Sea and Shore wardens. It was formerly the same pension plan the State Police had. But these men are desirous of becoming granted the same pension plan which was given by the 103rd to the Maine State Police, which allows them to retire after twenty years of service. This was granted for the State Police on what was determined hazardous duty and be on call for twenty-four hours, but I repeat these guards are on an eight hour shift, and it's inside work. This bill has a price tag of approximately \$100,000 for the biennium. I urge you to support the motion of Mr. Marquis.

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

Mr. TEMPLE: Mr. Speaker and Members of the House: As a signer of the "Ought to pass" Report of this Committee, I would like to state to the House this morning that in order to be consistent in my actions as a member of this Committee I must change my vote and vote for the "ought not to pass."

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Marquis that the House accept Report "B" "Ought not to pass." The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Marquis that the House accept Report "B" "Ought not to pass." All in favor of accepting the "Ought not to pass" Report will vote yes;

those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Benson, Berman, Binnette, Birt, Boudreau, Brown, Buckley, Burnham, Carter, Casey, Chick, Clark, C. H.; Coffey, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Curran, Curtis, Cushing, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Durgin, Dyar, Emery, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Foster, Fraser, Giroux, Good, Hall, Hanson, Harriman, Haskell, Henley, Hewes, Hunter, Immonen, Jalbert, Jameson, Johnston, Keyte, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lincoln, Marquis, Marstaller, Martin, McKinnon, McNally, Millett, Mills, Mitchell, Morgan, Nadeau, Norris, Ouellette, Page, Payson, Porter, Pratt, Rand, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Tanguay, Temple, Thompson, Trask, Tyndale, Waxman, Wheeler, Wight, Williams.

NAY — Bernier, Brennan, Carey, Carrier, Clark, H. G.; Croteau, Danton, Erickson, Evans, Hardy, Hawken, Hichens, Huber, Kelley, K. F.; Kelley, R. P.; Laberge, Lewis, Lund, MacPhail, McTeague, Meisner, Mosher, Sahagian, Sheltre, Vincent, Watson, White, Wood.

ABSENT — Bourgoin, Bragdon, Bunker, Chandler, Corson, Cummings, Dudley, Eustis, Gauthier, Gilbert, Heselton, Jutras, Kelleher, Kilroy, Lee, Moreshead, Noyes, Quimby, Richardson, G. A.; Starbird.

Yes, 102; No, 28; Absent, 20.

The SPEAKER: One hundred and two having voted in the affirmative and twenty-eight in the negative, Report "B" "Ought not to pass" is accepted in concurrence.

Final Report

Final Report of the following Joint Standing Committee:

Health and Institutional Services
Came from the Senate read and accepted.

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

Non-Concurrent Matter

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to the Small Claims Act" (S. P. 246) (L. D. 755) which was accepted in the House in non-concurrence on May 28.

Came from the Senate with that body voting to insist on its former action whereby the Bill was substituted for the Report and passed to be engrossed, and asking for a Committee of Conference.

In the House: On motion of Mr. Scott of Wilton, the House voted to adhere.

Non-Concurrent Matter

Resolve Changing Name of Louse Island, Penobscot County, to Thoreau Island (S. P. 457) (L. D. 1503) which was finally passed in the House on May 28 and passed to be engrossed on May 26.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. RIDEOUT: Mr. Speaker, I know this is an emotionally charged issue, and I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Manchester, Mr. Rideout moves that the House insist on its former action and ask for a Committee of Conference. Is this the pleasure of the House?

(Cries of "No")

The Chair will order a vote. Is the House ready for the question? All in favor of the motion to insist will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 36 having voted in the affirmative and 36 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Rideout of Manchester, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Resolve relating to Retirement Allowance for Hal G. Hoyt of Augusta (H. P. 868)

(L. D. 1110) which was accepted in the House on May 27.

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

In the House: On motion of Mr. Lewin of Augusta, the House voted to insist and ask for a Committee of Conference.

Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mrs. Cummings of Newport be excused for the remainder of the week because of personal business.

House Reports of Committees Leave to Withdraw Covered by Other Legislation

Mr. Huber from the Committee on Labor on Bill "An Act Creating a Public Employer-Employee Labor Relations Law" (H. P. 1036) (L. D. 1346) reported Leave to Withdraw, as covered by other legislation.

Mr. Crommett from the Committee on Towns and Counties reported same on Bill "An Act Increasing Salaries of Jury Commissioners of York County" (H. P. 584) (L. D. 769)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Officials of Androscoggin County" (H. P. 842) (L. D. 1080)

Same gentleman from same Committee reported same on Bill "An Act relating to Minimum Salaries for Probate Judges" (H. P. 844) (L. D. 1082)

Mr. Dyar from same Committee reported same on Bill "An Act Increasing Salaries of Certain County Officials of Washington County" (H. P. 362) (L. D. 470)

Mr. Fortier from same Committee reported same on Bill "An Act Increasing Salary of Judge of Probate of Sagadahoc County" (H. P. 82) (L. D. 82)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Officials and Jury Commissioners of Lincoln County" (H. P. 496) (L. D. 650)

Same gentleman from same Committee reported same on Bill

"An Act to Increase the Salary of Sheriff of York County" (H. P. 585) (L. D. 770)

Mr. Hanson from same Committee reported same on Bill "An Act Increasing Salary of Clerk of Courts and Providing for Deputy Clerk of Courts of Somerset County" (H. P. 786) (L. D. 1019)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Officials of Somerset County" (H. P. 787) (L. D. 1020)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of Clerks of Court" (H. P. 788) (L. D. 1021)

Mr. Hawken from same Committee reported same on Bill "An Act Increasing Salaries of County Officials of Sagadahoc County" (H. P. 151) (L. D. 177)

Mr. Laberge from same Committee reported same on Bill "An Act Increasing Salary of Clerk of Courts of Sagadahoc County" (H. P. 81) (L. D. 81)

Mr. Wight from same Committee reported same on Bill "An Act Increasing Salaries of County Officials of Penobscot County" (H. P. 647) (L. D. 835)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Officials of Knox County" (H. P. 648) (L. D. 836)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Officers of Franklin County" (H. P. 748) (L. D. 966)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Covered by Other Legislation Tabled and Assigned

Mr. Huber from the Committee on Labor on Bill "An Act Establishing the Policemen's Arbitration Law and Amending the Fire Fighters Arbitration Law" (H. P. 604) (L. D. 785) reported "Ought not to pass", as covered by other legislation.

Report was read.

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

Mrs. Brown from the Committee on Natural Resources reported "Ought not to pass" on Bill "An Act to Create a Use Regulation Commission" (H. P. 1042) (L. D. 1372) which was recommitted.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Snow from the Committee on Natural Resources on Bill "An Act to Create the Wildlands Use Regulation Commission" (H. P. 171) (L. D. 210) reported same in a new draft (H. P. 1234) (L. D. 1566) under title of "An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions" and that it "Ought to pass"

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

Ought to Pass with Committee Amendment

Mr. Benson from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$1,900,000 for the Development, Expansion and Improvement of State Park and Forestry Facilities and for the Completion of the State's Marine Research Laboratory" (H. P. 309) (L. D. 396) reported "Ought to pass" as amended by Committee Amendment "A" (H-429) submitted therewith.

Mr. Birt from same Committee on Bill "An Act to Provide for Special Plates Observing the State of Maine Sesquicentennial" (H. P. 1130) (L. D. 1457) reported "Ought to pass" as amended by Committee Amendment "A" (H-430) submitted therewith.

Mr. Haskell from the Committee on Labor on Bill "An Act Establishing the Municipal Public Employees Labor Relations Law" (H. P. 636) (L. D. 824) reported "Ought to pass" as amended by Committee Amendment "A" (H-431) 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 tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 24) (L. D. 27) reporting same in a new draft (H. P. 1235) (L. D. 1567) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
PEABODY of Aroostook
BELIVEAU of Oxford
— of the Senate
Messrs. GOOD of Westfield
BEDARD of Saco
CASEY of Baileyville
HASKELL of Houlton
McTEAGUE of Brunswick
HUBER of Rockland
— of the House.

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

Report was signed by the following member:

Mr. DURGIN of Raymond
— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Rockland, Mr. Huber moves that the House accept the Majority "Ought to pass" Report in new draft.

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

Mr. DURGIN: Mr. Speaker, I would ask that this be tabled for one legislative day, please.

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

The SPEAKER: The gentleman from Raymond, Mr. Durgin moves that item 23 be tabled until tomorrow pending the motion of the gentleman from Rockland, Mr. Huber that the House accept the Majority "Ought to pass" Report in new draft. A vote has been requested on the tabling motion. All members desiring this matter to be tabled until tomorrow will vote

yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 86 having voted in the affirmative and 33 having voted in the negative, the tabling motion did prevail.

Order Out of Order

Mr. Lee of Albion presented the following Order out of order and moved its passage:

ORDERED, that Dale Lee, Robert Clark and Pamela Clark of Albion be appointed to serve as Honorary Pages for today.

The Order received passage.

Third Reader Amended

Bill "An Act to Clarify the State Museum Law" (H. P. 296) (L. D. 372)

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

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H- 426) was read by the Clerk and adopted.

Whereupon, on motion of Mr. Donaghy of Lubec, tabled pending passage to be engrossed as amended and specially assigned for tomorrow.

Passed to Be Engrossed

Bill "An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers" (H. P. 855) (L. D. 1097)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Services of Premises Not Licensed Under the Liquor Laws" (H. P. 1223) (L. D. 1555)

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

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

Third Reader Tabled Until Later in Today's Session

Bill "An Act to Revise the Liquor Laws" (H. P. 1224) (L. D. 1556)

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

(On motion of Mr. Hichens of Eliot, tabled pending passage to be engrossed and assigned for later in today's session.)

Bill "An Act relating to Allowance for Widows of Justices of the Supreme Judicial Court and the Superior Court" (H. P. 1228) (L. D. 1561)

Bill "An Act to Clarify Taxation of Annuity Contracts and Insurance Policies" (H. P. 1229) (L. D. 1562)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Salaries of County Officers in the Several Counties of the State" (H. P. 1230) (L. D. 1563)

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

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

Amended Bills

Bill "An Act to Provide that Charging More Than the Maximum Legal Rate of Interest is a Felony" (H. P. 434) (L. D. 558)

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.

Bill "An Act relating to Neglect of Official Duty by Municipal Officers" (H. P. 528) (L. D. 699)

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

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: This bill provides that municipal officers under certain circumstances may be sued up to \$5,000. It seems to me that this would open up a lot of cases against municipal officers.

It is the intention of this bill that they only be sued for malice or some acts such as this, but someone who felt aggrieved in taxes or some other problem with the municipality might use this law, if passed, as a means of bringing action against the town or the municipal officers. I feel that this is a bad bill and I would move its indefinite postponement.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, moves that item 9, L. D. 699, Bill "An Act relating to Neglect of Official Duty by Municipal Officers," be indefinitely postponed.

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

Mr. HEWES: Mr. Speaker and Members of the House: In opposition to the motion for indefinite postponement, this bill as amended by Committee Amendment "A" allows an action against an official only where, "bad faith or malice or both" are shown. And I submit that a public official should not make his decisions based on bad faith and malice. This particular bill will tend to keep these quasi-judicial officials in line and I therefore oppose the motion for indefinite postponement.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: After perusing this bill, I am of the opinion that this is going to open up a tremendous amount of law suits of all types and classes against any of our municipal fathers, so-called; that this is in type and essence strictly an attorney's bill whereby that one day in court judgment is to be rendered. I believe that this is going to cause more hardship and more deterioration of candidates for public office in their small municipalities than anything that I have heard of. I support

the gentleman, Mr. Marstaller, for indefinite postponement.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I am rather surprised this bill should be attacked this morning, because in essence this is an excellent bill.

I am the sponsor of the bill. I am not an attorney. I think everyone is quite aware of that. This is definitely not an attorney's bill as such. It did arise out of a case that did occur in the County of York where it was definitely established that the municipal officers were not acting in good faith. The circumstances surrounding this are not to be repeated in public because it has nasty implications all the way through. But the bill in itself, particularly as amended, as explained by the gentleman from Cape Elizabeth, Mr. Hewes, doesn't bring any hardship on anyone. It is no grand opener for law suits because the aggrieved must definitely show that the municipal officers are acting with malice and in bad faith. I certainly oppose the motion made by the gentleman from Freeport, Mr. Marstaller.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I must oppose Mr. Dennett on this because in these small towns now where they are only paying \$50 to \$100 a year for members of the council and selectmen, we are having a hard time now to get the proper people to take these offices, ones who are capable, on account of the money and on account of the time. And if this bill becomes a law, they are just going to be that much harder to get because as I read, even the amendment, I think it would be almost impossible to get anyone who would go into office for \$50 a year and have a chance to get sued for \$5000.

And again I repeat what someone else has said here, I definitely believe that this is an attorney's bill. I don't think there is any question, because he is the only one who stands to make much

money out of it if it becomes a law.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I rise this morning to support my good colleagues, the gentleman from Cape Elizabeth, Mr. Hewes, and the gentleman from Kittery, Mr. Dennett. I think that one of the principal things that we should be concerned with is individual responsibility for our own acts and for the acts of others who are dealing with the public.

Now I really can't imagine any municipal officer acting in good faith and without malice would have anything to fear from this type of legislation. As a matter of fact, I would think that the higher type, the better type of municipal officers would welcome this sort of a bill, because this bill is in the interests of fair play. So I hope you will not indefinitely postpone this worthwhile bill, and when the vote is taken, I request a division.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, if anyone hurts another person through malice or bad faith, shouldn't someone be responsible for their malicious acts? That is all this bill does. I urge you to vote against the motion to indefinitely postpone.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I am against the motion to indefinitely postpone. I support this bill wholeheartedly. The municipal officers that this would affect are people who are held in trust by the people who elected them, and if they occupy the office and use it for their own vested interest, or use it to express certain prejudices or bigotry, then I think in that case they should be subjected to some suit. I think that those who are holding office and are using that office in a decent manner have nothing to fear, but those who are holding office for

their own vested interest or to express their own prejudices should be sued and should pay the penalty. Therefore, I wholeheartedly support this bill and I am against the motion to indefinitely postpone.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I would like to ask a question of anyone that cares to answer. If a municipal official is innocent in truth, can't he still be sued under this law and have to pay for the defense of that suit?

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

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

Mr. BRENNAN: Mr. Speaker and Members of the House: To answer the gentleman's question, anybody can be sued at any time for any thing. It may not get any judgment, but the court is open to practically anything. So someone can bring suit at any time.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that Bill "An Act relating to Neglect of Official Duty by Municipal Officers," House Paper 528, L. D. 699, be indefinitely postponed. A vote has been requested. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

62 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

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

Bill "An Act to Provide for Discovery Procedures in Workmen's Compensation Hearings" (H. P. 930) (L. D. 1191)

Bill "An Act to Grant a New Charter to the City of Belfast" (H. P. 965) (L. D. 1255)

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.

Constitutional Amendment Tabled and Assigned

Resolve Proposing an Amendment to the Constitution to Provide for Direct Initiative to Amend the Constitution (S. P. 239) (L. D. 714)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending final passage and specially assigned for tomorrow.)

Passed to Be Enacted

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

An Act to Conform the Statutes to the Rules of Civil Procedure (S. P. 168) (L. D. 542)

An Act relating to Juvenile Offenses (S. P. 404) (L. D. 1357)

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

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

An Act relating to Strikes of Insurance Agents (H. P. 1108) (L. D. 1429)

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

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

Finally Passed

Resolve to Reimburse Clyde Rolins of Rumford for Damage by Highway Construction (S. P. 132) (L. D. 416)

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

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to

be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

(Off Record Remarks)

Thereupon, on motion of Mr. Richardson of Cumberland,

Recessed until two-thirty o'clock in the afternoon.

After Recess 2:30 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

Bill "An Act relating to Harness and Running Horse Races on Sunday" (H. P. 1069) (L. D. 1398)

Tabled—May 29, by Mr. Kelleher of Bangor.

Pending—Motion of Mr. Dudley of Enfield to reconsider receding and concurring.

The SPEAKER: Is it the pleasure of the House to reconsider?

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

Mr. RIDEOUT: Mr. Speaker, I would ask for a vote on the reconsideration motion.

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

A vote of the House was taken. 49 voted in the affirmative and 43 voted in the negative.

Whereupon, Mr. Benson of Southwest Harbor requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote—

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

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

The SPEAKER: The Chair would inform the gentleman that the question of a roll call must be

decided prior to entertaining the motion to table.

All in favor of a roll call 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 of the members present having expressed a desire for a roll call, a roll call was ordered.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion to reconsider and assigned for later in today's session.

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

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

Tabled—May 29, by Mr. Susi of Pittsfield.

Pending—Motion of Mr. Fecteau of Biddeford to reconsider passage to be engrossed as amended by House Amendment "A" (H-398).

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

Mr. FECTEAU: Mry I speak to my motion, please?

The SPEAKER: The gentleman may speak to his motion to reconsider.

Mr. FECTEAU: Mr. Speaker, Ladies and Gentlemen of the House: After speaking with Mr. Nadeau on the Highway Department I realized that I had made a mistake in voting the other day, and I feel that we should maybe go on and put the two cents back on the gasoline tax instead of bonding the Highway Department again for a twenty million bond.

There are a lot of people on this gasoline tax that they can deduct it at the end of the year, like traveling salemen, business officials, people that travel to work—sometimes they have passengers, and they can absorb this, this small amount. And I really think—what's 15 gallons of gas, it is probably thirty cents a week that we might pay extra. And then we have to recognize that we are going to have a lot of transients, a lot of strangers that are going to visit our lakes and parks and

beaches, and we might have a lot of help from them.

So I really think that we should go on and keep the two cent tax and save us from a lot of interest on bonds.

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

Mr. SUSI: Mr. Speaker and Members of the House: I understand that the Highway budget is going to be before us in the next day or so, I understand tomorrow, and I believe that it would have considerable influence on us if we knew what we were buying with this tax; so I would hope that someone would table this until tomorrow so that we could consider the budget at the same time as the tax.

Whereupon, on motion of Mr. Lee of Albion, tabled pending the motion of Mr. Fecteau of Biddeford to reconsider and specially assigned for tomorrow.

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

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

Tabled—May 29, by Mr. Crosby of Kennebunk.

Pending—Motion of Mr. Lebel of Van Buren to reconsider insisting.

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

Mr. LEBEL: Mr. Speaker, I present an amendment and I move its adoption, House Amendment "A".

The SPEAKER: The Chair would advise the gentleman that the motion to reconsider is pending.

Thereupon, the pending motion to reconsider insisting prevailed.

On motion of Mr. Lebel of Van Buren, the House voted to recede.

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

House Amendment "A" (H-439) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm" (H. P. 1031) (L. D. 1361)

Tabled—May 29, by Mr. Hewes of Cape Elizabeth.

Pending—Motion of Mr. Carter of Winslow to reconsider receding and concurring.

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

Mr. LUND: Mr. Speaker and Members of the House: This L. D. is an attempt to solve a problem which has been causing a great deal of difficulty in this state as other states, and that is a problem of carrying weapons in the course of commissions of crime, and implementing the solution by specific legislation is one that has become rather complicated.

It seems to me that we can agree in substance on a solution and I have an amendment which is being reproduced which I would hope to offer and would like to discuss later on in today's session. I would hope that some member might table this until later in today's session so we could give consideration to an amendment that would I think provide a fair solution to this problem.

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

Mr. MILLS: Mr. Speaker, I so move it.

The SPEAKER: The Chair would inquire what the so move gentleman is moving? (laughter)

Mr. MILLS: The request of Representative Lund, sir, to table for one legislative day or later in the session.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Carter of Winslow to reconsider receding and concurring and assigned for later in today's session.

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

Bill "An Act to Relieve Certain Elderly Householders from Extra-

ordinary Property Tax Burdens" (H. P. 1017) (L. D. 1325)

Tabled—May 29, by Miss Watson of Bath.

Pending—Motion of Mr. Ouellette of South Portland to reconsider indefinite postponement.

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

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: I respectfully urge that you allow L. D. 1325, An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens, to be reconsidered this afternoon. I do so because after giving this matter considerable study, I feel that this document is the only workable and equitable solution to the serious problem which confronts us.

A recent report prepared for the United States Senate Special Committee on Aging said that three out of ten Americans more than 65 years old were living in poverty yet "many of these aged people did not become poor until they became old." Thus it becomes clear that many of these senior citizens to whom I feel we now have a moral obligation to grant some relief, were once paying members of this society who contributed to the economy of this State and this Nation and now through a cutback in income and an increasingly exorbitant property tax find themselves under a severe financial hardship.

I would hope that by now everyone in this House realizes that a need clearly exists and that we no longer have to debate the desirability of such a program of relief, but rather only how best to implement it.

I would like to reiterate briefly why many of us feel that L. D. 1325 is far superior to the new draft by the Taxation Committee:

1. L. D. 1325 recognizes that people who rent also pay property taxes through increased charges by landlords; the new draft does not.

2. L. D. 1325 would provide relief for those whose property taxes are already too high; the new draft

would not. It would simply freeze taxes at the present level.

3. L. D. 1325 recognizes that the State must bear the financial burden and that the local assessment and rate-setting processes should not be interfered with; the new draft does not.

4. Finally, the most objectionable feature of the new draft is that in order to receive what little and inadequate relief that it offers, an elderly person must in a sense mortgage his home. I feel that if this Legislature is going to adopt this philosophy of "We'll give it to you now, but we'll get it all back later plus interest," we should carry it all the way. Would it not make as much sense to attach the income of a high school graduate for twelve years following graduation at the rate of the per pupil foundation program plus 6% interest?

I believe it comes right down to the question of whether or not the senior citizens of this State are entitled to any relief from the unusual burden which the property tax imposes on them. In a budget of \$323 million, can we find \$3 million per biennium to enable them to live out their retirement years in comfort and dignity? I submit to you that if we cannot find this money, then we shall have failed these people who have done so much for all of us and we shall have failed ourselves as representatives of the people.

I only ask you today to allow this much needed legislation to be reconsidered so that it might at least reach the Appropriations table in the fervent hope that in the waning days of this session L. D. 1325 will be recognized as the top priority item which it is.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I am very sympathetic to the ideal of the gentlewoman from Bath in regards to our elderly people, the problem that they have in paying taxes. This bill certainly takes into consideration the needs of the elderly people, but as to the needs

of all the other people it does not consider them at all.

I would simply remind you of two items. I know it is no use debating this bill any more than it has been previously, but the two items that I would respectfully ask you to keep in mind is, number one, there is a price tag on this of over a million dollars and a half. We all know of course the trouble that we have had in our respective caucuses and on the Floor of this House in regards to taxation. This would make the matter worse by a million dollars and a half.

I would furthermore like to remind you that this lien on property, which the adherents of this bill are trying to make so much of, do not tell you that we are not asking the elderly to pay this lien; we are simply asking people who will get something for nothing. In every one of these cases where an elderly person has a piece of real estate, someone is going to get it, whether it is their children or another heir; and they are going to get it at the price of either the municipality or the State. Is the State going to go into a program of giving gifts to every heir of an elderly person? This is really what it comes down to.

The lien would not affect the elderly an iota. Furthermore, it would discourage a great many of them from asking for this relief where they would know that before they could give an inheritance to their children or to some other heir, the taxes would have to be provided for. And please keep in mind that in every case the person inheriting that property either could not or did not or would not contribute to the support of that elderly person, and just as long as that situation exists I do not feel that the State should be the Santa Claus. I respectfully hope that you will adhere to the previous position.

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

A vote of the House was taken. 55 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

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

JOINT ORDER re the Legislative Research Committee to study feasibility of providing a regional care facility specializing in tuberculosis at the Central Maine Sanatorium.

Tabled—May 29, by Mr. Benson of Southwest Harbor.

Pending—Passage. (H. P. 1237)

Thereupon, the Joint Order received passage and was sent up for concurrence.

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

HOUSE REPORT — Committee on Business Legislation on Bill "An Act Making Permissible the Group Marketing of Property and Liability Insurance" (H. P. 920) (L. D. 1181) reporting 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"

Tabled—May 29, by Mr. Scott of Wilton.

Pending—Acceptance.

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

Mr. DENNETT: Mr. Speaker, due to the fact that this bill is in considerable position than it originally went in, in fact it is an entirely new bill and nothing like the original bill, I move that we substitute the bill for the report.

The SPEAKER: The gentleman from Kittery, Mr. Dennett moves that the House substitute the bill for the report.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This original bill L.D. 1181, sponsored by my good friend from Kittery, Mr. Dennett, was the only bill that he presented before the Business Legislation Committee. We would

like very much to have come out with a favorable report. However, after public hearing and studying the matter we felt that his original bill was too restrictive so we used this bill as a vehicle to strengthen, tighten up on the fictitious grouping law. I can go into a lot of detail but that briefly is the position of the Committee and I hope that you would oppose the gentleman's motion to substitute the bill for the report.

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

Mr. SCOTT: Mr. Speaker and Members of the House: I too am sorry this afternoon to oppose my friend, Mr. Dennett and I support the position of the gentleman from Wilton. The Committee felt that while the original bill was similar and germane to the redraft that we did come out with, that the original bill was almost impossible to administer and enforce as it being far too complicated. Further, the Committee felt that the original bill would increase such a burden on the Insurance Department as to require additional personnel and really should have a price tag.

The existing law before you, 1560, clarifies the existing law and I think does very much the same as proposed on the other one and I hope you will support the gentleman from Wilton on this.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kittery, Mr. Dennett that the House substitute the Bill for the Report. The Chair will order a vote. All in favor of substituting the Bill for the Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

39 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

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

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

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

Tabled — May 29, by Mrs. Wheeler of Portland.

Pending — Passage to be engrossed as amended by Committee Amendment "A" (H-408).

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

Mr. MacPHAIL: Mr. Speaker, I offer House Amendment "A" and would speak to my motion.

The SPEAKER: The gentleman from Owls Head, Mr. MacPhail offers House Amendment "A" and moves its adoption.

House Amendment "A" (H-437) was read by the Clerk.

The SPEAKER: The gentleman may continue.

Mr. MacPHAIL: Mr. Speaker and Members of the House: This amendment was offered by a group of Scarborough residents who are in favor of Council form of government for their town but who feel that the new charter will not be accepted by a vote of the Town unless it is drafted to make the Council truly representative of all sections of their town. Making the Councilman under this charter representative of the various sections of the town is what this amendment accomplishes.

It is true that a similar amendment was offered at the special town meeting where this charter was approved. It was poorly presented there. Let me point out that approval was at a special town meeting. Special town meetings are notoriously attended by special interest groups and therefore do not necessarily reflect the true feelings of the townspeople.

I urge passage of this amendment because it is felt that the charter will be defeated by the full vote of the Town when it is returned for their approval unless it contains this provision to give representation to all the people of Scarborough.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. LePage.

Mr. LePAGE: Mr. Speaker, I move for indefinite postponement of Amendment "A" to House

Paper 736 and wish to speak on my motion.

The SPEAKER: The gentleman from Scarborough, Mr. LePage moves the indefinite postponement of House Amendment "A". The gentleman may proceed.

Mr. LePAGE: Mr. Speaker, Ladies and Gentlemen of the House: I am the Representative from Scarborough and I knew nothing of this amendment until this morning. I do know that my people voted at a special town meeting and voted against this amendment. This would mean that we would need about seven voting places and my people are not interested in Amendment "A". I hope that you will vote for indefinite postponement.

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

A vote of the House was taken. 106 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

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

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

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

Tabled — May 29, by Mr. Cote of Lewiston.

Pending — Passage to be engrossed as amended by Committee Amendment "A" (H-389).

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

Mr. CHICK: Mr. Speaker, I would like to make a motion that this be indefinitely postponed.

The SPEAKER: The gentleman from Monmouth, Mr. Chick moves that item 9, L. D. 1044 be indefinitely postponed.

The gentleman may proceed.

Mr. CHICK: Mr. Speaker and Members of the House: My reason for making the motion to indefinitely postpone this bill is because I feel very strongly that we shouldn't allow a District to be formed in Portland any different than the seventy odd Districts that have already been formed. If this bill is passed Portland would be permitted to form an SAD without transporting their secondary pupils, and even more importantly they will be able to set up an SAD and the budget will not be reviewed either by a Town Meeting form of government or by their City Council where they have a charter, the way all other City appropriations are. So for that reason I hope that you will support and indefinitely postpone this bill.

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

Mr. WAXMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Monmouth, Mr. Chick, to indefinitely postpone. I would hope that you would vote against it. He has given us two reasons for his opposition to this bill. One is the aspect of the bill which does not require that the City pick up the tab for transportation of its youngsters. As I explained previously in debate, our present arrangement is for the youngsters to pay ten cents each way by bus if they choose to use the school bus in going to and from classes. In many cases on sunny days they walk, and other days they receive rides, and often they are not in a position where they absolutely are required to use transportation provided by the City.

I think we might question the reason for requiring transportation in School Administrative Districts. As I understand it, it was to assure that youngsters who lived in outlying areas from high schools, this is only in SAD's that would require secondary school transportation. As I understand it, the reason was to require youngsters to attend that might otherwise be dropouts. I think this is primarily the reason the bonus was included in the SAD.

As I have explained in debate previously to this, we are embark-

ing on programs in the City of Portland whose specific intent is to help potential dropouts adjust to school so they will not be dropping out of school at a later date. These programs are costly, but I submit, ladies and gentlemen, that we are fulfilling our responsibility to encourage youngsters to stay in school and this was one of the intents of the original 10% bonus. Thus I feel that we are fulfilling this purpose in our own special manner.

As far as Mr. Chick's other objections, that is a review of the budget, again as I explained previously in debate this is a novel concept, but just because it is new to the State of Maine doesn't necessarily mean we should be opposed to it. Indeed it is the practice in 90% of the School Districts in 38 of our 50 states. If we have the City Council pass judgment on bonds, we cannot issue them as a separate governmental entity and thus we would destroy the advantage of having our own separate bonding capacity for schools. There wouldn't be any purpose at all in our going to a SAD form of districting under those circumstances. And as far as the town meeting is concerned I think you can see how highly impractical it would be to try to have a town meeting with 70,000 people. It just isn't possible.

The only possible alternative in my mind, it would seem, is for us to elect officials who would have the power and trust it in their hands to hold them responsible, to fix responsibility so we know what they are doing and can either defeat them at the polls or recall them if we are not satisfied with the job they are performing.

I would hope that you would grant the people of the City of Portland the privilege of voting on this in referendum. As the gentleman from Cumberland, Mr. Richardson has pointed out and as the gentleman from Portland, Mr. Brennan has pointed out, this is a local matter and whether we agree totally with all aspects of the bill or not, it certainly deserves local consideration in referendum form. I therefore hope that you will vote against the motion of Mr. Chick to indefinitely postpone.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: We have had the matter of the 10% brought up here. I think every other town or city that is not in a district if this bill passes would put in a special bill for a special type of district so they can get the 10%. I think it is very poor legislation. I hope you will vote with Mr. Chick.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am not necessarily in favor of voting for the indefinite postponement of this bill, but I would like to have some amendments drawn so that the people of the City of Portland in presenting it to them would have a better bill to vote on.

Now at the present time in Portland we have an evaluation of \$331,000,000 at 82% of market value and at 7½% it means, our present bonding limit means that we can borrow \$25,000,000. We have not reached that limit yet. Our bonded debt is now \$14,000,000 and we have a triple A rating which means a 5% interest rate. Now with that 12½% increase in our borrowing power, which would be exercised exclusively by the nine members of the SAD, the nine directors, that would increase the borrowing power to \$41,000,000, from \$25,000,000, up to \$66,000,000, and in arranging for those bonds or deciding to bond there would be no public approval necessary.

Now it seems to me that we would be running a little wild on an arrangement like that, and of course in addition there would be no scrutiny as in other SAD's to change the budget in three distinct areas. So if somebody would table it I would be glad to arrange some amendments which I think would be very desirable and which would help in the long run to get this SAD through.

Now another thing is the procedure in which this would be initiated. At first we were to vote on it in a referendum next Septem-

ber, I think it was the second Monday in September. That has been changed now to the third Monday in October. And then in December if it were accepted we would have to elect nine School Board members to carry out these responsibilities. I think there is an area in which the procedure could be lengthened out a bit so if it were accepted there would be ample opportunity for nine people who were capable of accepting this responsibility to decide to run and also to have a campaign, which election would come in December, which to me would be a very short time for campaigning.

So I would hope that somebody might table this bill so we can reconstruct it a little bit with the few which in my mind are necessary amendments.

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

Mr. CAREY: Mr. Speaker, I am interested in someone from Portland. This 10% bothers me. What would 10% amount to as a subsidy for the City of Portland? Would it be in the neighborhood of \$700,000?

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

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

Mr. COTTRELL: Mr. Speaker, it would be approximately \$100,000.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker, I move that this item lie on the table until the next legislative day.

Whereupon, Mr. Waxman of Portland requested a vote on the tabling motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Wheeler moves that House Paper 805, L. D. 1044, Bill "An Act Creating a School Administrative District for the City of Portland," be tabled until tomorrow pending the motion of the gentleman from Monmouth, Mr. Chick to indefinitely postpone. 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. 65 having voted in the affirmative and 62 having voted in the negative, the motion to table did prevail.

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

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

Tabled — May 29, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed as amended by Committee Amendment "A" (H-409).

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

Mr. DAM: Mr. Speaker, on this bill, as I am having some amendments prepared, I would hope that someone would table it for one day.

Whereupon, on motion of Mr. Chandler of Orono, tabled pending passage to be engrossed as amended by Committee Amendment "A" and specially assigned for tomorrow.

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

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

Tabled — May 29, by Mr. Levesque of Madawaska.

Pending—Passage to be enacted.

Thereupon, in accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 101 voted in favor of same and 23 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act relating to Regional Planning and Establishing Regional Councils of Government (H. P. 1210) (L. D. 1539) (In House, passage to be engrossed reconsidered) (In Senate, passed to be engrossed)

Tabled — May 29, by Mr. Rideout of Manchester.

Pending — Adoption of House Amendment "A" (H-417).

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

The Chair laid before the House the thirteenth 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 29, by Mr. Meisner of Dover-Foxcroft.

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

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this controversial fluoridation bill, a member of this House has prepared an amendment for your approval. However, in order for you to vote on the amendment it will be necessary to accept the bill. This cannot be done if you move to indefinitely postpone. I would humbly ask the gentleman from Westbrook, Mr. Carrier, to withdraw his motion and give us the opportunity to act upon the amendment. If you then decide to vote against the amendment, I will personally support the indefinite postponement.

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

Mr. CARRIER: Mr. Speaker, at this time I do not wish to withdraw my motion. Can I speak on it please?

The SPEAKER: The gentleman may proceed.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I didn't intend to speak on the amendment, but the amendment you can compare it with the original bill and it is practically the same. Which ever way you look at it, it is still a mandatory form of fluoridation. It might not be as vicious as the original bill but the mandatory part of it is still there which is what I and a lot of others object to.

Now I would like to consider L. D. 1553 and give you some reasons why I believe that this is about the most dangerous piece of legislation we face this session.

This bill, if passed, would endanger the health of many people by forcing them to have fluoride in an amount excess that the body requires.

I choose today to attack the contents of the bill and my reasons for doing so is that this bill is drawn up in total disregard of the wishes of the people of this state. Many citizens have expressed by their vote that they do not want their water fluoridated. The proponents of this bill now ask to pass mandatory fluoridation of the water supplies whether the people voted against it or not.

It is obvious that we have but one choice and that is to defeat this bill and do justice to the people we represent. If we face our responsibility to our citizens, we must uphold their basic right and give them the freedom of choice.

In referendum the voters have made their choice and as their representatives we must respect that choice. If they have voted against fluoridation, it is unthinkable to impose on them something they do not want or need.

Now let's look at the new draft L. D. 1553. On the 4th line from the top it states that the Commissioner of Health and Welfare "shall" adjust the quantities of

fluoride iron, etcetera. "Shall" is the important word, and "mandatory in nature."

The 4th line from the bottom states, again, that the Commissioner can force upon the people by issuing orders the fluoridation of any water systems. Another way for the proponents to get what they want in total disregard of the people's wishes.

On page 2 it is usually customary that by petition losers can ask for another vote on referendum by getting 10 per cent of the votes cast in the last gubernatorial election. This bill reverses the whole procedure by suggesting that the ones who voted against fluoridation and thereby having defeated the question have to petition for another referendum or else be subject to fluoridation upon orders of the Commissioner of Health and Welfare who may issue such orders as he desires.

If this would be allowed, this would set up a precedent that the winners in this case would be subject to a number of referendums on the same question.

I propose to you that the losers were the proponents of fluoridation where it was voted down and they are the ones who should get the 20 per cent to have another referendum on this dead issue. This would be in line with the present laws we have to initiate a referendum on any issue.

I must say at this point that the proponents of such action, aside from spending \$60,000 of the State's money to promote this unsavory issue, adds insult on top of insult to the intelligence of the people of this state.

On the 11th line on the bottom of page 2 the proponents also demand—they don't ask—that a majority vote cast should decide on this issue instead of the higher percent now required under the statute. In consideration throughout, the bill prevails in their favor.

Ladies and gentlemen of the House, I submit to you that the proponents of this bill will claim this legislation to be in the best interest of the people when in fact it is a camouflaged attempt to take away your right to decide on what kind and how much medica-

tion you want for yourself and your family.

The fluoridation issue is a dead one and the proponents should realize that the people do not want it. If people do want it, they can buy pills cheaper than by mass medication and stop using them when they want to. This seems to be a much sounder solution and especially one of choice.

After this bill was rejected in the other chamber it was stated that the proponents will be back again. May I forewarn them that they may find themselves confronted by a bill which would prohibit fluoridation by the state. Let them think this one over.

The big question is: how safe is a toxic drug that is known to be more powerful and deadlier than arsenic? Is this what you want for your family, friends and constituents?

I am convinced that your good judgment will prevail and you will support my motion for indefinite postponement of this L. D. 1553. Mr. Speaker, I respectfully ask for a roll call.

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

MR. EMERY: Mr. Speaker and Members of the House: I rise in opposition to 1553. The total usage of public water supplies in 1967 in Maine was 36 billion gallons of water. To fluoridate this vast amount of water, it would require 133 short tons of fluoride.

The Portland Water District supplied approximately 7 billion gallons of water to its users in 1967. Fluoridation of this amount of water would require some 26 tons of fluoride. Of this very toxic chemical, a very great amount would eventually reach the waters of Casco Bay.

Today, when we are concerned with the toxic effects of DDT, I believe that we should take a second look before we consider this well-meaning bill. Fluorine is one of the most dangerous poisons known to man, even if we consider its use in only minute quantities. I am quite concerned when I think of the people who cannot use water with fluoride in it. If this bill is passed, I believe we should also

furnish fluoride-free spring water to certain disabled people.

To the members of this House, I ask this question. Have you estimated the cost of fluoridating the various public water systems? I know what the estimate for my City of Auburn is, \$15,000, the initial investment alone, and no one knows how much more. The average involved utility will spend approximately 50c per person to set up the basic program, to be shared by the rate payers.

The function of a public water supply is to provide pure, safe, water for everybody, not to serve as a vehicle for drugs. The safety of fluoridation has never been proved, and yet it should be required before it is undertaken. If the public water supply is to be used as a vehicle for a drug, the burden rests upon the parties who propose such use to prove it is entirely safe for every user. It should be clear that if the possibility of harm to any user exists, then it should not be added to the water.

In a Republic such as ours, it is the democratic right of every individual to decide what he, she, or their children should eat or drink, as long as their attitude constitutes no danger to their fellow man. The founding fathers of this great democracy took every precaution to protect the rights of the minority, but the fluoridation of the public water supply denies that protection to a considerable number of people.

Mass medication is wrong in principle and it is not in keeping with the principles of our democratic Republic. Our government was founded on the principle that the dignity and sanctity of the individual was to be respected. Thank you.

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

MR. MEISNER: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the motion for indefinite postponement of this bill. I am not going to discuss fluoridation and all of its aspects. It is one of the most controversial questions I think there is before the public and this country today.

We can have fluoridation if the people want it. I think this is the

crux of the whole question of this bill here today. This bill is a mandatory bill. It says that the Commissioner of Health and Welfare, whoever he may be, can come to my town where we have defeated this bill seven times and tell us that we must have it.

We have a law now in this state which I think can give everybody an opportunity to have fluoride if they want it. If the proponents go to the selectmen in the town, they can ask to put an article in the town warrant at the town meeting and the people can vote upon it. And if the selectmen do not want to get mixed up in this controversial question, and quite often they don't, then they can get a certain number of petitions and then it will have to be put in the town warrant. This is what has been done in our town for seven times and the people have defeated it 3 to 1, 2 to 1, every time, depending somewhat on the weather and the ability of people to get out. Always a large number figure that when fluoridation is an issue at a town meeting that we are going to have a crowd.

Now this to me seems to be all that we need at the present time, and I don't think that we should be compelled, or the people should be compelled, to have it if they don't want it.

The Portland Evening Express on March 12, 1969, commenting upon this subject, said that this is an undisguised way of trying to get this before the people, trying to get by force what they have not been able to do by persuasion, and we all know that Portland Evening Express is somewhat in favor of fluoridation—they are certainly not against it, but they are against this. They said this bill does not deserve to pass because it is taking away from the people the referendum, their opportunity to say whether they want this drug put in their water system or not.

I am not going to discuss the merits one way or another this afternoon. This is not the point of the bill that we have before us. The point is: are we going to have somebody come and tell us? I know that this amendment here,

it's the same old thing; that the Commissioner is going to tell us this, he's going to tell us that, he's going to tell us who can have it and who can't. He is telling us also here that if we voted on it within the next five years that we don't have to vote on it the next time around. But what about the next time around? It doesn't say anything about that. And the way it is worded I am sure that this is just a way to disguise the bill a little bit and the next time around we will be forced to have fluoridation whether we want it or not.

And we are supposed to live in a free country. People are supposed to speak. And as Abraham Lincoln said, I think you can trust the people because most of the time they are right. And the proponents have sometimes said, that we the people do not know enough to vote on many of the subjects that are put before them.

I think in most of our towns the people are well enough educated so that they can read and study these bills that come up to be voted upon, and if they can't why our education must have failed somewhere along the line. I know in our town we have many educated people. They studied both sides of this question and they came to the conclusion that at the present time at least they don't want it. And the people who voted against putting it in public water systems—there is a club in our town that is made up of these people who have voted against it in the public water supply and they have told the doctors and the dentists in town that if they come in contact with children whom they think should have fluoride for their teeth they can give them a prescription and send the bill to us and we will pay the bill.

Ladies and gentleman, when I came to this country I came to a free country. I paid for my citizenship, took the oath of allegiance, and I went out from that court as a free man to be able to make certain choices, especially as to what I was to eat and perhaps what I was to drink, and I do not feel that I or or the other people should be in the position where some man can come along and tell us, "You have

got to drink this whether you want to or not."

I hope that you will vote in favor of indefinite postponement of this bill and that you will do it without spending an hour discussing it because time is costing us money.

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

Mr. VINCENT: Mr. Speaker and Members of the House: Like the other members that have already spoken, I do not approve of the present L. D. before us and it is for this reason that I drew up an amendment.

Last week in the paper there was a headline that read: "Senate beats down bill to force water fluoridation." I think the key word here is "force." This is the reason that I opposed the original bill. I would speak against and vote against the motion by the gentleman from Westbrook to indefinitely postpone this bill. There has been a great deal of confusion by those that have risen and opposed my amendment, not too much confusion as to their opposition to the present L. D.

The present amendment is listed under S. P. 475, L. D. 1553, House filing number H-418. From the original L. D., it strikes out half of the first page, the entire second page, and the entire third page. It completely reverses the concept of force fluoridation.

References have been made to page 1 of the amendment which says: "Ordered by the Commissioner of Health and Welfare." This pertains to communities that have voted for fluoridation and not communities that have not. The present bill says that the fluoridation will be sent to the people. If they wish to oppose it, they shall have a referendum. The amendment says that the issue of fluoridation will be submitted to the communities in the next general election that (A) have not voted on fluoridation in the last five years. In other words, if a community has voted on fluoridation in the last five years it will not be compelled to vote on it and it will not be compelled to accept fluoridation.

One of the objections raised in the other body was the cost for a small community, the cost of a thousand dollars maximum. The amendment in this section would exclude all communities under 2,000 because of the cost factor. The question has been brought up of pills. It costs \$5 per person per year to use pills. It costs 18c per year per person for water, and this would be a great advantage to those that can least afford to obtain these pills.

If anyone wishes to ask any questions in relation to the amendment, I would so ask. There was also objection to majority vote. We have always done things in this House and in our elections by majority vote and I see no necessity for an 80% vote which is on the present statutes.

As I have suggested, I have stricken out 85% of the original bill with this amendment. It completely changes the concept of the original bill and it is for this reason so that I may offer this amendment I would ask you to vote against the indefinite postponement of this bill, in hopes that you would accept the House Amendment which I have presented.

Once again I want to remind you that is not compulsory fluoridation. It will go out as a referendum at the next general election where you will have the largest number of people. It will only affect communities that haven't voted on the subject in the last five years. It will exclude communities of under 2,000. And it will exclude private water sources pertaining to small numbers of people. It will not pertain to any jarred water so that the people who wish to sell jarred water within those communities unfluoridated, this is permissible.

I hope that you will vote against indefinite postponement so that this amendment may be presented.

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

Mr. CAREY: Mr. Speaker, the gentleman from Portland, Mr. Vincent, asked if we would have any questions for him and I certainly do. The City of Waterville is in a five-town water district. If

a municipality—and I talked this over with the Superintendent of our water district—as his amendment would propose, voted against it, would the water district be able to reroute their line so that they would not be affected? And the answer was no, and I assume that this is true in many water districts. And if this is true, how would you propose handling this?

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

Mr. VINCENT: Mr. Speaker, as long as several municipalities feed upon the same water line I would assume that they must all abide by the majority decision of their community. If the community wishes to have a separate water supply of fluoridation, they can reroute their water so that only they would be affected and not the community as a whole that is being served by it. The Greater Portland area is supplied by the Sebago Lake. If these communities as a collective body vote against the subject, such as we did last year, then they would not be compelled; and if they so wished to have it, then they could reroute some water into their own private source in that community.

As was mentioned, any community that has voted on it in the last five years would be excluded and the Greater Portland area was excluded because we did vote on the issue of those communities that were receiving water from Sebago Lake.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I would like to rebut some of the things that were said about this amendment. I think that we can all read and that we can see that this is mandatory, although in camouflaged form, an amendment which would force the people into mandatory fluoridation. And on the second page of the amendment it says so clearly where it states the date of January 1, 1972 and 1971.

Now there is a story behind this amendment and usually I am sympathetic with trying to put amend-

ments on, but I am not with this one due to the fact that the idea of this amendment was that they tried to put this in as an original bill and they were refused and now they are trying to bring it in under this particular bill. Now they have had four or five months to put this bill in, or this amendment as an original bill, and if they chose not to do it, well, I just don't sympathize with them at this point.

Now it is said that the cost of pills is very expensive. Well for those who are interested I can tell them that there is a certain place that I know of that you can buy fluoride pills for \$2.53 for one thousand pills. Now a thousand pills is—roughly 365 days a year—this is good for three years if you use one a day.

Now as far as the majority vote is concerned, true enough, this prevails in a lot of things; but in this mass medication affair where it is very obvious that if you take your family to the doctor today and he treats you for heart disease, will not give the same treatment to the rest of the family. But this is what this bill actually proposes.

And as far as the fluoridation and the fluoride, there is much to be said about that. Now sodium fluoride, as you probably know by now, is a cumulative poison. In adults it accumulates in such vital organs such as the kidneys, thyroid, aorta, liver, and the lungs. This has caused great concern in chronic diseases.

Fluoride is an enzyme poison, and doctors recognize that disturbances of the enzyme system are a cause of disease. Many of these diseases have disappeared when the person has switched from fluoridated water to good clean non-fluoridated water.

Many do not agree, and justly so, that a drug fifteen times stronger than arsenic can be beneficial to one's health. And that's what sodium fluoride is classified as.

Let's consider what fluoridation does to water systems and compare it with your own system. The nearby town of Concord, New

Hampshire, gave up fluoridation after damage to their water system. To ease the damage Concord had to foot a \$200,000 bill for a new water system. Fluoride and metals simply do not co-exist.

After water fluoridation started the price of sodium fluoride jumped from 1½¢ a pound when sold as rat poison up to as much as 15¢ a pound when sold for human consumption in drinking water. Isn't the human worth more than a rat? If so, why are not his rights protected against mandatory fluoridation? When will the invasion of our rights stop? Why not let the water company give us the good water we now enjoy and leave the task of administering sodium fluoride to those who desire it without infringing on the rights of others?

Recently at the town meeting in Thomaston, a forum was to be held on fluoridation. The Health and Welfare Department were asked to provide speakers. The people were told by the Department that they would participate in the forum if there were no rebuttal. What were they afraid of? That the truth would come out and show that fluoridation is not as perfect as they picture it to be?

You probably know that to fluoridate all the Maine water for one year it would take 133 tons of sodium fluoride. The same 133 tons would make over 120 billion fluoride tablets. This would be enough to fluoridate the teeth of all Maine children through the year 1982. Under mass medication through the water system about 95½% is used for laundry purposes and washing cars and people. Only one half of one percent is used as a drinking water. Tablets eliminate waste and would be used as intended to in the first place.

Also—for the interest of the beer drinkers—beer barons cannot use fluoridated water because it kills the enzymes that make the beer ferment.

I hope you will support the motion to indefinitely postpone this dangerous bill.

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

Mr. VINCENT: Mr. Speaker and Members of the House: The amendment would exclude the gentleman from Westbrook due to the fact that they voted on this last year. It says "any municipality that has voted on it in the last five years would be excluded"; it says, "the Commissioner shall order"—and this has been brought up several times—"fluoridation of water on communities that have voted for it and not before they have voted on it." And I wish to make this clear. The Commissioner will not order any fluoridation of any water unless the community has voted on it by a majority vote. There is also provision in this that the maximum length of time for this to be done is January 1, 1972, which would allow plenty of time for the communities to reverse their action if they find some irregularities in the election or the balloting or they feel that they have enough support but they just need another go around on this. There is plenty of time for overthrows on this and it is not compulsory under the amendment.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I won't keep you long but inasmuch as I come from a town that was one of the first, if not the first, in the State of Maine to adopt fluoridation, I feel that I should say a few words. In spite of the fact that I am going to vote for indefinite postponement, nevertheless I cannot agree with my friend, Mr. Carrier, on the dire results of fluoridation. I don't believe we have so many decrepit people in my town. I am a little bit worried. I think perhaps I better go right home and discover. We have been using it for a long time.

I do know—and it is a positive fact, that it has been a very great aid to the teeth of children. If it has injured in some way the older people it has yet to be discovered. We have no knowledge that it has

done any harm to the water systems, and it has been somewhere up in the teen years that we have used fluoridation. If I had expected to speak on it I would have found out just how long.

But be that as it may, we do have some elderly citizens that have been using that. We have several people in their nineties and they are quite healthy and walking the streets and they have been using this water for umpteen years—I don't know how many. But I am opposed to any more mandatory medication or anything that can be settled at the local level. I am for very much allowing these things to be handled at the local level. They have been handled at the local level. Several communities have voted for it. I fail to see why the proponents of this bill should fight for it so strongly even to the extent of offering amendments which would practically tear the bill all apart. If it is not mandatory because of their amendments, why bother with it?

Why should we spend so much time legislating bills that have no teeth in it? I am very much against mandatory fluoridation, and if it isn't going to be mandatory, why bother with it? So I shall vote for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would concur with the gentleman from Norway, Mr. Henley. I feel that at least before mandatory application of this was put on, it could very well be that at least one-go-around on the voting in the Committee could have been entertained. I, my own self, as the gentleman from Norway, Mr. Henley, am a friend of fluoridation. I feel, however, that the remarks as made here concerning the viciousness, so they would say, of fluoridation are not necessarily at least my own beliefs. And I would also like to state that where the Department of Health and Welfare was bartered about that this was not a bill sponsored directly by the Department of Health and Welfare.

In that I am a friend of fluoridation, I feel that some area within a small town might accept it while another wouldn't, and in this particular instance I would go along with the home-rule concept.

The SPEAKER: The 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 vote, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that both Reports and Bill, "An Act to Require Fluoridation of Water Supplies Used for Public Purposes," Senate Paper 134, L. D. 418, be indefinitely postponed in concurrence. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Barnes, Bedard, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Curran, Curtis, Cushing, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Eustis, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Foster, Giroux, Good, Hall, Harriman, Haskell, Hawkins, Henley, Heselton, Hichens, Huber, Hunter, Immonen, Jalbert, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Lawry, Lebel, Lee, LePage, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marsteller, Martin, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Nadeau, Ouellette, Page, Porter, Quimby, Rand, Richardson, H. L.; Rideout, Rocheleau, Santoro, Scott, G. W.; Shaw, Sheltra, Starbird, Stillings, Temple, Thompson, Trask, Tyndale, Watson, Wheeler, White, Wight, Williams, Wood.

NAY — Allen, Baker, Brennan, Brown, Chandler, Farnham, Fraser, Gauthier, Hardy, Hewes, Lund, Norris, Noyes, Payson,

Pratt, Richardson, G. A.; Scott, C. F.; Snow, Soulas, Susi, Vincent, Waxman.

ABSENT — Bragdon, Cummings, Danton, Evans, Gilbert, Hanson, Jameson, Kilroy, Leibowitz, McKinnon, Moreshead, Ricker, Ross, Sahagian, Tanguay.

Yes, 113; No, 22; Absent, 15.

The SPEAKER: One hundred and thirteen having voted in the affirmative and twenty-two in the negative, the motion does prevail.

The Chair laid before the House the fourteenth 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, recommended to the Committee on Judiciary) (In Senate, Report accepted)

Tabled — May 29, by Mrs. Payson of Falmouth.

Pending — Further consideration.

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

The Chair laid before the House the fifteenth 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 29, by Mr. Birt of East Millinocket.

Pending — Acceptance in concurrence.

On motion of Mr. Birt of East Millinocket, retabled pending acceptance of Report in concurrence and specially assigned for tomorrow.

The Chair laid before the House the sixteenth 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) re-

porting "Ought to pass" as amended by Committee Amendment "A" (H-406).

Tabled — May 29, by Mr. Scott of Presque Isle.

Pending — Acceptance.

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

Committee Amendment "A" (H-406) was read by the Clerk and adopted, and the Bill assigned for third reading tomorrow.

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

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

Tabled — May 29, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Richardson of Cumberland to reconsider adoption of House Amendment "A" (H-424).

On motion of Mr. Finemore of Bridgewater, retabled pending the motion of Mr. Richardson of Cumberland to reconsider adoption of House Amendment "A" and specially assigned for tomorrow.

The Chair laid before the House the eighteenth 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 29, by Mrs. Payson of Falmouth.

Pending — Acceptance.

On motion of Mrs. Payson of Falmouth, retabled pending acceptance of the "Ought not to pass" Report and specially assigned for tomorrow.

The Chair laid before the House the nineteenth 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 29, by Mr. Sheltra of Biddeford.

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

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

Mr. SHELTRA: Mr. Speaker, I now move that this Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman that the only matter before the House at this time is House Amendment "A".

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

Mr. JALBERT: Mr. Speaker, I move that House Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that House Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Mr. JALBERT: Mr. Speaker, I now move this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that Bill "An Act Prohibiting the Conducting of Contests and Games by Retail Sellers" be indefinitely postponed. Is this the pleasure of the House?

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I introduced this bill because of the plight that many many gasoline dealers tell me that they have found themselves in; namely, the burdensome cost of having to participate in so-called "gimmicks and games" that they are almost forced to join in.

I refer particularly to company-leased station operators. Much against their will, these games are foisted on them with the thinly veiled threat that you had better or else something might happen to your lease when it comes up for renewal.

I have been told that depending on the gallons sold these games cost the dealer anywhere from \$25 to \$400 a month and accomplish nothing in the way of increasing their sales. In fact, more than one dealer has found just enough financial harassment to make him throw in the sponge. Proof of this statement, I am sure, is evident to all by the number of vacant

gasoline stations on most every street in any sizeable community.

I also think that most everyone will bear me out when I say that for all the gimmicks and games that the gasoline buyers have participated in, there have been darn few winners of any consequence.

I read here in the Gasoline Retailer, dated May 21, 1969, that the New Jersey Assembly has passed a bill making it illegal for station dealers to give both trading stamps as well as give-away games. This bill of mine here, as I present it, does not affect the trading stamps.

I will also read in the same article the following, and this is also from the Gasoline Retailer, May 21, 1969.

"Testimony in favor of the bill from state assemblymen was specific in charging oil companies with coercion of dealers in the conduct of the games."

"I know of one dealer who tripled his gasoline sales but was refused renewal of the lease because he refused to participate (in a game), Assemblyman Thomas J. Costa, the bill's sponsor, claimed."

Another assemblyman emptied out a tin can containing more than 700 coins. "I got \$3 in winnings out of that," he told the assembly.

Ladies and gentlemen, I move that we do not accept the motion for the indefinite postponement of this bill.

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

Mr. MACPHAIL: Mr. Speaker and Members of the House: I believe without this House Amendment "A" that this would not only apply to retail gasoline dealers but retail dealers of every description, whether it be a drug store, grocery store, haberdasher or what not, and this would eliminate any promotional ideas that Chambers of Commerce, Boards of Trade, have promoted for the last hundred years. I would therefore concur with the gentleman from Lewiston, Mr. Jalbert, in indefinite postponement of the bill and all its accompanying papers.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: Who wins marketing promotion games? Nobody, really, but the promoters themselves.

Who are the promoters? Henry Reichman, who in 1961 has earned \$10 million in a single year by selling promotional games in supermarkets.

2. Stephen Freidman, age 32, he is President of The Plaza Group, the number two man in marketing game business.

3. Multimillionaire Howard Brown, 35 years of age, his psychologist and partner and who plays on the psychological principle of the desire to re-experience instant gratification as we had as infants.

4. Cy Drodody, a New York University student, the world's most knowledgeable man in the contest in 1960.

5. Joseph Segel, the man with the idea of minting commemorative coins for Shell Oil Company and this has become one of the oil industry's most powerful promotions.

Shell and Sun Oil seem to have a lock on the coin games and the coin games are the wave of the future in games where the odds of winning a cash prize are 15,373 to 1.

The oil industry is simply selling gasoline and the public does not think that there is much difference in the various brands of gasoline. Yet why, through the dealers, do they force so many independent dealers to pony up in their games while they simply treat the gasoline dealers like raw recruits in the military services? Whenever the First Sergeant desires a dirty job to be accomplished, he calls for three volunteers, possibly you, you and you.

As I have said on Monday, May 26, there is in Sanford, Maine, a typical case of many a dealer who has to buy a box of a thousand chances for \$20 from his oil company, and as a result had to close shop last month because it was costing him \$50 to \$75 and sometimes \$100 a week to pay for the privilege to be in business of selling gasoline.

These games do not constitute a condition "sine qua non" because Texaco and Gulf, without the bene-

fit of games did not suffer any serious sales erosion. Deception and rigging are widespread in this game.

And in conclusion, Robert G. Reed, vice president of Cities Service Oil Company, has this to say: "I have never been in favor of the use of games in our over-all marketing program."

I sincerely hope that members of the House of this 104th session of the Legislature share in this opinion and vote to abolish and outlaw these deceptive practices in more than a million stores and service stations in our great country and especially in our State of Maine. I move that we do not indefinitely postpone this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have been around these pastures long enough to know when someone is thinking in their minds — how is he going to get out of this? I got conned into something by a couple of rank amateurs which I will take care of later. I wanted to kill the amendment and the only way I can get out of this is that I am afraid the gentleman from Owls Head, Mr. MacPhail will have to find somebody else to support, because I withdraw my indefinite postponement motion. I intend to support the gentleman from Auburn very completely on this measure.

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

Mr. GAUTHIER: Mr. Speaker, I would like to inform the members of this House that a similar bill was passed in the State of New Hampshire last week.

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

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

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, withdraws his motion to indefinitely postpone. The Chair now understands that the gentleman from Lewiston, Mr. Cote moves that this bill be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: This is a bill that I think the statement could be heard on the Floor of the House from an experienced member within the last two weeks applies, and his statement went something like this. If you want to kill a bill, first get it in the form where it applies to everybody, whether or not it should apply or not. Then second, find someone who will say it is unconstitutional and he mentioned some other things that I don't recall.

I remember that we have had the opinion, if I am recalling correctly, that there were constitutional problems on this bill, although that hasn't been mentioned yet today. We have had an amendment to apply to gas stations where I think we all know from our own experience that that is where the problem is. And we have expanded it out and we have got the Chamber of Commerce and civic pride involved.

My only information and my only contact with any legislative representative on this bill is with the fellows that I buy gas from at home, four or five service stations. They sell different brands of gasoline. I know them, know them well to be honest and worthwhile independent businessmen in the community. They are uniformly opposed to this. And these are the reasons they give.

I work on my station about sixty hours a week and if it is a good station — I am in a good location — perhaps I net \$7500 a year, but I pay out \$5,000 or \$6,000 a year for these prizes, these trinkets, these shams. The fellow that comes by to sell them to me drives a Lincoln Continental; I drive a Ford. I work sixty hours a week; I don't know how many hours a week he works. The money that goes to support these games is our money and the money of the service station operators of this state. It goes through their hands into the hands of the big operators out of state. It does no one here any good.

The question of applying the bill or the concepts to the Chamber of Commerce in the promotions for sales on certain days in various communities seems to me not to be a worthwhile idea and I would think that it might possibly be an attempt to kill the bill.

It seems to me that there is no problem of merchants offering bargain days to attract people into town on particular days or particular nights, but if we are honest we know there is a problem here. There have been cases as has been mentioned in debate of sham and outright fraud and there are no safeguards against those. This is a form of gambling and like all gambling it plays on the foolish hope of getting something for nothing which of course is impossible. Witness Mr. Jutras' statement regarding the vast profits made by the originators of these games. These things are worthless. I don't think any of us are aware of anyone in this state not financially connected with these games who is in favor of them. It is time we got rid of them.

They may have some effect because some people are so foolish as to be influenced by them in redistributing the sales of gasoline within a town but you are not going to sell any more gasoline in all the stations in a town with these things and they certainly are part of the reason if not all, at least part of the reason that the cost is going up.

I am very much opposed to the motion to indefinitely postpone and I would hope that if that motion is defeated there will be a motion to reconsider Amendment "A" which gets back to the problem which is at gas stations.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not interested in this bill one way or the other but I move indefinite postponement because I feel it is class legislation. If you start outlawing the prizes given at gasoline stations, you might as well get rid of the green stamps, the yellow stamps or any other kind of

stamps that they have. You might as well get rid of all the games that we have in all of our stores. You might as well stop your Dollar Day sales that they have downtown once or twice a year. They are all gimmicks; we all enjoy them; the housewife loves them and I don't see why we should outlaw them because they claim there's a problem in one section of an industry which I don't believe exists.

I was very fortunate recently. I won one dollar at the Shell filling station where I buy my gas. I have been buying Shell for years and I always buy Shell gasoline and whether they give me a prize or whether they don't I still stop at the Shell. Not only do I get the coin but I get the green stamps also. But if we are going to outlaw something, let's do it generally and not for just one industry.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: Being a salesman I believe in free enterprise and I think such is the case in this instance here. Actually if a man has the ingenuity that comes up with the right idea or some promotion that he can sell, I believe that he is entitled to sell it because for the few that actually succeed in this type of enterprise there are thousands that fail. I think this is our free democracy actually in action. These games like any other games that we have had in the past are a temporary fad. As a matter of fact, according to Fortune Magazine, they are on their way out presently. I feel that this country was created and pushed forward because of the inventive genius of our citizens and I feel that this bill should definitely be indefinitely postponed.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: If according to what Mr. Sheltra has just said, "they are on the way out," why don't we take care of it immediately?

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

Mr. VINCENT: Mr. Speaker and Members of the House: The Shell Oil Company seems to have received a good plug here on the Floor. S & H green stamps and other stamp type things, you receive stamps. You can save these stamps and you can turn them in towards purchases. You are receiving something. In most of these gasoline games all you receive is a plastic coin which isn't worth the plastic it was printed on. If this legislative body has any serious intentions of putting a dent in the cost of living, this is an excellent opportunity. We can cut down the cost at the retail level — gasoline games, grocery stores or what have you. We can start cutting the cost of living right here in the Legislature.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Lewiston, Mr. Cote that this bill be indefinitely postponed. The Chair will order a vote.

Whereupon, Mr. McTeague of Brunswick requested the yeas and nays.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. Those members desiring a roll call vote will vote yes and those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote that Bill "An Act Prohibiting the Conducting of Contests and Games by Retail Sellers," House Paper 1207, L. D. 1534, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Bedard, Binnette, Brown, Bunker, Carey, Clark, H. G.; Coffey, Cote, Couture, Cox, Eustis, Foster, Giroux, Harriman, Henley, Hewes, MacPhail, Marquis, Mills, Moreshead, Noyes, Ouellette, Rideout, Scott, C. F.; Scott, G. W.; Sheltra, Soulas, Wight, Williams.

NAY — Allen, Baker, Barnes, Berman, Bernier, Birt, Boudreau, Bourgoin, Brennan, Buckley, Burnham, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Corson, Cottrell, Crommett, Crosby, Croteau, Curran, Curtis, D'Alfonso, Dennett, Donaghy, Drigotas, Dyar, Erickson, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Good, Hall, Hardy, Haskell, Heselton, Hichens, Huber, Immonen, Jalbert, Johnston, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Lawry, Lebel, Lee, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, Marstaller, Martin, McNally, McTeague, Meisner, Millett, Mitchell, Morgan, Mosher, Nadeau, Norris, Page, Payson, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rocheleau, Santoro, Shaw, Snow, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Waxman, Wheeler, White, Wood.

ABSENT — Benson, Bragdon, Cummings, Cushing, Dam, Danton, Dudley, Durgin, Emery, Evans, Gilbert, Hanson, Hawken, Hunter, Jameson, Kilroy, Leibowitz, McKinnon, Porter, Ricker, Ross, Sahagian, Tanguay, Temple, Watson.

Yes, 29; No, 96; Absent, 25.

The **SPEAKER**: Twenty-nine having voted in the affirmative and ninety-six in the negative, the motion does not prevail.

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

Mr. **DRIGOTAS**: Mr. Speaker, I now move that we reconsider our action whereby House Amendment "A" was indefinitely postponed.

The **SPEAKER**: The gentleman from Auburn, Mr. Drigotas moves that the House reconsider its action whereby House Amendment

"A" was indefinitely postponed. Is this the pleasure of the House?

(Cries of "Yes" and "No")

The Chair will order a vote. All members desiring to reconsider 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 20 having voted in the negative, the motion prevailed.

The motion to indefinitely postpone House Amendment "A" was lost and the Amendment was adopted.

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

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

Mr. **BIRT**: Mr. Speaker, I would inquire if the House has in its possession House Paper 555, L. D. 736, Bill "An Act relating to Period of Real Estate Mortgage Foreclosure"?

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

Mr. **BIRT**: Mr. Speaker, I move that we reconsider our action on May 29 whereby the House accepted the "Ought not to pass" Report of the Committee on Judiciary.

Whereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending the motion to reconsider and assigned for later in today's session.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Molesting Game Animals by Snowmobiles" (H. P. 890) (L. D. 1149) the Speaker appointed the following Conferees on the part of the House: Messrs. DYAR of Strong, COX of Bangor, DAM of Skowhegan

On the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution to Provide for Temporary Assignments of Justices of the Superior Court to the Supreme Judicial Court (S. P. 171) (L. D. 545) the Speaker ap-

pointed the following Conferees
on the part of the House:

Messrs. DENNETT of Kittery
BERMAN of Houlton
HEWES of Cape Elizabeth

On motion of Mr. Richardson of
Cumberland,

Adjourned until nine o'clock in
the morning.