

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

**STATE OF MAINE**

**Volume II**

**May 9, 1969 to June 17, 1969**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Thursday, June 5, 1969

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

Prayer by Brig. Alfred C. Davey of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to conduct a comprehensive study of the Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education," H. P. 952, L. D. 1228, as introduced at the regular session of the 104th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with a ny necessary recommendations and implementing legislation, at the next regular session of the Legislature. (S. P. 483)

Came from the Senate read and passed.

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

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

Report of the Committee on Towns and Counties on Bill "An Act Increasing Salaries of County Officials of Hancock County" (S. P. 74) (L. D. 195) reporting Leave to Withdraw, as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Increasing Salaries of Judge of Probate and Register of Probate of Penobscot County" (S. P. 180) (L. D. 584)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of County Officials of Oxford County" (S. P. 230) (L. D. 670)

Came from the Senate read and accepted.

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

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Education on Bill "An Act relating to School Construction Aid" (S. P. 124) (L. D. 386) reporting "Ought to pass" as amended by Committee Amendment "A" (S-208) submitted therewith.

Report of the Committee on Highways on Bill "An Act relating to Town's Matching Funds for Reconstructing State Aid Highways" (S. P. 128) (L. D. 390) reporting "Ought to pass" as amended by Committee Amendment "A" (S-209) submitted therewith.

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

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

**Ought to Pass in New Draft  
Amended in Senate  
Tabled Until  
Later in Today's Session**

Report of the Committee on Taxation on Bill "An Act to Give Relief to Elderly Persons from the Increasing Property Tax" (S. P. 283) (L. D. 916) reporting same in a new draft (S. P. 474) (L. D. 1550) under same title and that it "Ought to pass"

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

In the House, the Report was read.

(On motion of Mr. Levesque of Madawaska, tabled pending acceptance of Report in concurrence and later today assigned.)

**Ought Not to Pass  
Bill Substituted for Report**

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act to

Revise the Credit Union Law" (S. P. 200) (L. D. 609)

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

In the House: Report was read and accepted in non-concurrence and sent up for concurrence. (Later Reconsidered)

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Comparative Negligence in Civil Actions" (S. P. 89) (L. D. 251)

Report was signed by the following members:

Messrs. QUINN of Penobscot  
MILLS of Franklin  
VIOLETTE of Aroostook  
— of the Senate.  
Messrs. BRENNAN of Portland  
DANTON  
of Old Orchard Beach  
MORESHEAD of Augusta  
FOSTER  
of Mechanic Falls  
BERMAN of Houlton  
— of the House.

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

Report was signed by the following members:

Messrs. HEWES of Cape Elizabeth  
HESELTON of Gardiner  
— of the House.

Came from the Senate with the Majority 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. Berman of Houlton, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was given its two several readings.

Senate Amendment "A" (S-217) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Time of Filing Security Inter-

ests under the Uniform Commercial Code" (S. P. 377) (L. D. 1287)

Report was signed by the following members:

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

Messrs. DANTON  
of Old Orchard Beach  
FOSTER

of Mechanic Falls  
BERMAN of Houlton  
— of the House.

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

Report was signed by the following members:

Messrs. MORESHEAD of Augusta  
HEWES of Cape Elizabeth  
BRENNAN of Portland  
HESELTON of Gardiner  
— of the House.

Came from the Senate with the Majority 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. Berman of Houlton, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was given its two several readings.

Senate Amendment "A" (S-205) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine" (S. P. 338) (L. D. 1136)

Report was signed by the following members:

Messrs. LETOURNEAU of York  
BELIVEAU of Oxford  
— of the Senate.

Messrs. DONAGHY of Lubec  
STARBIRD  
of Kingman Township  
RIDEOUT of Manchester  
D'ALFONSO of Portland  
— of the House.

Minority Report of same Committee on same Bill reporting

"Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. WYMAN of Washington  
— of the Senate.  
Mr. DENNETT of Kittery  
Miss WATSON of Bath  
Mr. MARSTALLER

of Freeport  
— of the House.

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

In the House: Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report in concurrence.

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

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House. I really don't want to go at this with Mr. Dennett this morning in the House, but we might just as well I suppose.

This L. D. 1136, I think it is undesirable and unnecessary and I signed the "ought not to pass" report as did the majority of the State Government Committee.

Now this legislative document is undesirable because it is designed to benefit a handful of local pilots. I asked the president of the Penobscot Bay Pilots Association just how many members they had in their Association and he astounded me, he said there were four members. Now this would require all vessels sailing in Penobscot Bay to hire them. In other words, it creates an artificial monopoly for the benefit of a few people, thereby restraining and reducing trade. The restrictive intent of this bill is underscored by Section 90(i) which would limit the number of

licensed pilots to and I quote "only such number of pilots as would be necessary to permit adequate pilotage in these waters."

Now I think this is unnecessary. The port of Searsport now receives about 150 vessels a year. Most already have coastal pilots who are qualified to navigate several ports along the Atlantic Coast, including all of those in Penobscot Bay. Those that do not, mostly large tankers, do hire local pilots. In over thirty years, during which time several thousand vessels have used Searsport, there has never been an accident attributable to lack of pilotage.

This bill will add from \$400 to \$2,000 to the cost of every vessel, and will have the effect of reducing use of the port. This is so mainly because many of the vessels using Searsport have small loads, and include Searsport as but one of several stops. If these unnecessary costs are added, many of these vessels will simply discontinue use of the port. This \$400 is the estimated cost of the additional pilotage. Also, if a pilot insists on it, the vessel would have to use a tug which is not now required, which could add as much as up to \$1,600 more to the cost, depending on the size of the vessel.

The ports of Bucksport and Bangor now receive fewer vessels than Searsport and they are mostly tankers. Those who do not have coastal pilots use the local pilots. The only significant accident in Penobscot Bay occurred about two years ago when a tanker pierced her bottom on the river. It was being piloted by one of the men there who would have to be hired if this bill passes.

Now I submit to you further that one of the provisions of this bill is that if a ship does not employ one of these four men then a fee will be paid to the pilots anyway. Also if for one reason or another, let's say weather for instance, that the pilot cannot be discharged for an outgoing ship then he the pilot will be paid \$75 a day until he is discharged and I will read to you in a minute the provisions that cover this.

Now it seems to me that this is a special piece of legislation de-

signed to benefit a very few persons. Now I don't blame them for wanting this passed. I would too if I were one of the four members of this organization.

Now think for a minute if you will what would happen if this is passed should these four gentlemen get unhappy with the terms of their employ. They could strike and tie up all the heavy shipping in the whole Penobscot Bay region and the way these sympathy strikes spread perhaps the actions of these four men could disrupt the whole east coast.

Now I am not going to make a federal case of this but I just ask you to read parts of this bill. On page 1, bottom of the page, "in case of refusal to take such pilot, the master, owner, agent or consignee of any such vessel shall pay the established pilot fee as if a pilot had been employed." That's a safety measure.

As I quoted before, on page 3, "Select only such number of pilots." The Commission shall "Select only such number of pilots as would be necessary to permit adequate pilotage in these waters"; and apparently that is four men.

On page 4, Liens, "Every licensed pilot shall have a lien for his pilotage fees upon the whole of any vessel liable to him therefor."

Now I don't know what these things cost but I am sure it must be considerable, and more than \$75 a day. Now the kicker in my mind is this: Carrying a pilot to sea against his wishes. Now I would just read this to you.

"If any master of any vessel shall carry any licensed pilot to sea under circumstances beyond the control of the said licensed pilot, the master of said vessel shall pay the said licensed pilot at the rate of \$75 per day until the said pilot's return or death; he shall provide first-class accommodations and maintenance and the said pilot shall be returned to his home port at the first opportunity by first-class passage; and for every day's detention at quarantine by order of the health officer, \$75 per day for every day of such detention and maintenance. Any

pilot being detained on board of any vessel for any reason whatsoever shall be allowed \$75 per day and maintenance for each day he may be so detained. The payments and expenses incident to this section shall be a liability of the master, agent, owner or consignee . . ."

Now I see that the Senate has amended it to make it a little better, I think. "Whenever a master of any vessel shall convey any licensed pilot to sea under circumstances beyond the control of the licensed pilot, the master of said vessel shall be punished by a fine of not more than \$1000 or by imprisonment for not more than six months."

Now this probably is a good concept. That I don't know. Mr. Dennett will tell you so anyhow, but I just think it is a ridiculous bill and I hope you agree with me.

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

Mr. DENNETT: Mr. Speaker, Members of the House: I will assure the members of this House that I have tried, I have tried almost without limit to convince the gentleman from Manchester, Mr. Rideout, that this is a good bill. I have attempted to explain and explain and explain and all my explanations have fallen upon deaf ears and he has been absolutely immovable. But be that as it may, I well understand the gentleman comes from the shores I believe of Lake Cobbosseecontee, whose waters are quite shallow and it does not have many dangers and I fear that he does not just quite understand the dangers that lurk in the perils of the sea.

However, let me explain what this bill is for and what it attempts to accomplish. To the best of my knowledge, and I think that I have pretty fair knowledge on the subject, the several ports of the Penobscot are the sole places that are left in this continent that do not have compulsory pilotage. All other ports, pilotage is compulsory. Pilotage is compulsory for the safety not only of the vessel but the safety of the various ports

and the waterways leading to them. It is quite necessary that men who are experienced, who have passed examinations given by the federal government to qualify them to act as pilots, take the vessels in and out of these ports.

There are three principal ports to the Penobscot, perhaps excluding Rockland which lies relatively near to the sea, and these are Searsport, Brewer and Bucksport. Brewer and Bucksport handle mostly tankers. Searsport handles not only tankers but both carriers and freighters and mixed cargo ships. Now generally speaking vessels bound into the Penobscot do pick up the Penobscot Bay pilots, but some of them don't. Now there is one thing that Mr. Rideout stated which should be corrected, and that is he has given you the impression that all vessels bound up the Penobscot would be required to take a pilot. Such is not the case. The bill provides only foreign vessels and United States vessels under registry shall be compelled to take a pilot.

Now what is a vessel under registry? A vessel under registry is a vessel that is plying between foreign ports. Vessels plying between ports in the United States are not under registry; they are under what is known as enrollment. It would not include a vessel under enrollment. A vessel under enrollment would not be compelled to take a pilot. It does not include yachts; it does not include fishing vessels; it does not include small craft of any type whatsoever.

This bill only applies to these larger vessels, the bulk of them under foreign flags and most of them flying what is known as flags of convenience. A flag of convenience is a flag of a country who registers vessels actually without any regard for ownership and the three principal countries that do this are Liberia, Panama and Honduras. There are many vessels registered under these flags that never see the country under the flag of whom they are registered. These are generally the worst offenders because they are registered under these flags mainly to avoid or evade the regulations of

the countries in which they are owned to hire crews at reduced rates and to eliminate safety features which are required by the United States and most large maritime nations. These vessels are the chief offenders.

In the past two months the vessels coming into the Penobscot, of which I have a list, only two of them attempted not to take a pilot and these were two Japanese vessels. Now of course the Japanese are inclined to save money where they can and they came up without taking a pilot.

Now what are the disadvantages to not taking a pilot and where might it be disastrous for the people of the State of Maine? Number one, you have ferries constantly plying across Penobscot Bay into Vinalhaven, North Haven and Islesboro. What do you think for instance the master of a Japanese vessel who comes up without a pilot knows about these ferry schedules and where they cross? He has no knowledge whatsoever. Say he is attempting to negotiate the waters of Penobscot Bay in a thick fog. One of these Vinalhaven, North Haven ferries could very well be cut in two with a great loss of life. The Penobscot pilots know the schedules, they know the waters, they are careful.

A further disaster that could happen — what if one of these large tankers loaded with Bunker "C" oil should come up and strike a rock and puncture a tank and spill 50,000 — 100,000 gallons of crude oil into Penobscot Bay, to kill all the marine life, to smear the shores with crude oil? Think of what a mess it would be, and this thing happens. Now I will agree there is no guarantee that even a Penobscot Bay Pilot won't have this happen but I assure you that his chances of hauling his vessel and spilling the oil or running down a ferry is far less than it would be with a vessel coming up without a pilot.

I don't want to belabor this thing and I don't want to be long-winded on the subject, but I would simply point out to you that this is a safety measure to take the pilots, that it is not a union of four men. Of course these four people who are

presently pilots are employed for perhaps their own livelihood but they are looking beyond their own livelihood; they are looking to the safety of the vessels, to the safety and well-being of the people of the State of Maine.

They go further in the bill, they offer to provide a pilot station, a pilot boat to be on duty at all times, to be on call at all times for the safe navigation of this river and bay. They go a little further than this. Not only do they seek the safety but they are willing to employ more pilots and not confine it to four as the business of the Penobscot increases, and it is increasing, and perhaps the Penobscot is on its way to be a great port. It is not beyond the realm of a possibility, and this too is for the benefit of the State of Maine.

I think that these various concerns that did offer objections in the first place have withdrawn them. They realize that this is not going to result in any great added cost and that actually this thing is for the benefit of the people of the State of Maine and I trust that you will accept this "ought to pass" report. When the vote is taken I ask that it be taken by division.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: After listening to my friend, Mr. Dennett, I don't think it would be safe for me to go up Penobscot Bay even in a super tanker. I don't know an awful lot about Penobscot Bay but I always understood it was more or less an arm of the sea.

Now I came here in '51. This same bill was before us in '51, the only difference being that the gentleman from Belfast, Harry Rollins had the bill. He gave as far as I can remember, just the same arguments that Mr. Dennett has just given us, but I would submit to you that that was approximately twenty years ago and the ships have been traveling Penobscot Bay ever since and all these dire consequences have never happened. Apparently there were four pilots then and there are still four

pilots now and they are available in case they are needed and if they aren't needed they don't get this \$400. If a few ships didn't go into Searsport for the lack of this \$400 the cost to the longshoremen there could be much more than this \$400.

So I would like to go along with my friend, Mr. Rideout, for the indefinite postponement of this bill.

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

Mr. BRAGDON: Mr. Speaker, as you ladies and gentlemen know I don't generally vote against the gentleman from Kittery, Mr. Dennett. However, one item in his remarks intrigued me very much when he commented that two Japanese vessels I believe were the only ones that didn't ask for a pilot and he commented further that the Japanese like to save money. I suggest that we follow their example in this case.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I made my first trip in the Penobscot in 1913. Almost every year I have been in there at least once and many times more often. This bay or river or river mouth, whatever you want to call it, is quite a tricky piece of water. I have run it in the winter in the snowstorms, I have run it in fog, I know something about the sets of tides over there. Lots of your foreign boats coming in do not realize this. There is little I can add to what Mr. Dennett has said except that there is one point. You want to try to raise one of those foreign boats on a radio and find out what his intentions are. They do not understand the tide sets and you want to try sometime like I have to be going up there with a long tow in back of you and you get crowded by one of these fellows that doesn't realize what the tide is doing.

We need an organized pilotage in that waters. We have it everywhere else up and down the coast. I have cruised—I have seen them in the St. John River, in Florida, I have seen them at the mouth of the Mississippi, New York Harbor,



Boston Harbor, Portland Harbor, Charleston, South Carolina. One of the advantages, these fellows know when the other boats are coming, know who is on them, they have communications and it is a great safety factor.

I too would hate to see a big oil spillage in Penobscot Bay and I really think that this is a worthwhile bill and deserves the support of the people that understand the problems of the sea.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I too would like to urge the House to support Mr. Dennett's motion to accept the Minority Report, and I would like to pose a question to the gentleman from Manchester, Mr. Rideout, because it seems to me that under the present law we are being a little bit restrictive on American shipping and giving the foreign shipping a little benefit. It is my understanding at the present time that every American vessel must carry a pilot going up the river, is this true or isn't it?

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

Mr. RIDEOUT: Mr. Speaker, in answer to the question from the gentleman, I don't think so. I don't know.

But further, if I may Mr. Speaker, I don't question the fact that probably some safety measure is in order for this sort of thing, but as the gentleman from Hodgdon, Mr. Williams pointed out we have been at this now for twenty years on this same type of bill and there hasn't been any great disasters.

The thing that bothers me is not particularly the fundamental concept of the bill, it is the bill itself. It just seems to me to be so restrictive and so much to the benefit of the pilot, not necessarily to the benefit of the safety features, but the bill itself is terrible. Mr. Dennett referred to those several countries—I submit there is another one, it is known as Aristotle Onassis.

Now if this bill passes the next time around I am going to demand that the pinks and the skiffs that ply the Cobbosseecontee Lake shall have a pilot for my family.

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

Mr. BENSON: Mr. Speaker and Members of the House: Several things that the gentleman from Manchester, Mr. Rideout said led me to believe that he didn't care for this bill. Now I know that he has read it very carefully and I think he is under a misapprehension, and that is that this pertains to oils trucks also. And it doesn't really.

I was out in our little harbor, Southwest Harbor, with a sea captain last year, a member that had been on the water all his life, and he was telling me about his many adventures. As a matter of fact, he said—"I know every rock in this harbor." It was about then there was a horrendous hump and he says "there's one now." (laughter)

Now many of these vessels that are coming in to the Penobscot Bay area are from foreign countries and the skippers are people who have never been to these shores before at all. And I just think that this is a step in the right direction; I do not look at it as the gentleman from Manchester, Mr. Rideout does as a special interest group. I look at it strictly from the point of view of safety. Enough has been said about the bill. I am sure that you thoroughly understand it and no votes are going to be changed. I think that it's a good bill, and I come from the coast and I am not too terribly concerned about the lake areas, but I do think that the protection should be extended through the passage of this bill.

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

Mr. MACPHAIL: Mr. Speaker and Ladies and Gentlemen of the House: Since 1936 I have lived on the shores of Penobscot Bay and I am somewhat familiar with the territory. The gentleman from Kittery, Mr. Dennett has given you

a very good idea on what this is all about and explained some things, but there are two of the things I would like to bring out in addition to this.

He mentioned the various problems of the State ferries. He didn't go into it quite deep enough because there are also boats plying between the mainland and Monhegan daily and the mainland to Matinicus and the other islands that he mentioned. These total about 40 transverse crossings per day in the summertime, and in the summertime that river and bay can be enshrouded in quite thick fog.

I think this is an excellent idea in precaution. It has been stated that we have never had an accident there. I don't think we should wait for an accident but take precaution to prevent one. We had a very good example of this down south recently, as you read in the papers, where an Australian ship cut one of our destroyers in two and resulted in the loss of 76 lives. This could very well happen in Penobscot Bay. We have a United States trial course out there. There are times when government ships are plying up and down those waters. The local boys that are pilots there are very familiar with these waters. They know where the lobstermen's gear are.

Now in the past some of these ships have cut through these with the resultant destruction of lobstermen's gear. They do, as has been stated, have their own radio communications. They can be in touch with any ship. They are familiar with the boat schedules. They know exactly where they are crossing and where they are and they can be in contact with them. I urge the acceptance of the Minority Report of this bill.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I enjoy as much as the rest of you folks speaking between Mr. Rideout and Mr. Dennett. I kind of feel that I would like to be on Mr. Dennett's side but here is once that I can't be. He comes from down around the New Hampshire line. It seems

to me that we have three thousand miles of coast and we are opening this up to nothing but a closed shop as far as union goes.

Now it hasn't been mentioned at all that we are talking about boats of a nine foot draft, which if we come to small freighters that we have along this coast it doesn't mean very much, and we must remember that we have a foreign country, as far as I am concerned what we call spitting distance down east. As a matter of fact, many of the goods that are packed in my area are shipped out of Canadian ports through the Canadian railways and back into the United States.

Here we are—this whole business is regulated by the United States Coast Guard, and they have done a pretty good job over the years. I think that I would take their abilities and thought far ahead of four special interest people that we heard down here in State Government Committee. And as far as this happening in the Pacific, it was tragic—I mean this recent one, but I can remember I had a brother aboard a boat during World War II and of course it was actual combat instead of convoy, instead of exercises, but they had a nine day wonder on the bridge and they zigged when they should have zagged in convoy. And it was after dark and these things happen.

But we are talking here about commerce, things—as I said we have three thousand miles of coast, we have had very little difficulty and if we are going to have human error it can happen tomorrow or it may never happen. I urge you to go along with my friend, Mr. Rideout.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen: I find myself somewhat in the same position as the man from Aroostook County. I have listened to this many times and it has been very eloquently presented this morning and it has been in years past by some other very eloquent speakers.

I just wanted to point out a few things that leads me to believe that

there is no hurry about this. First of all the gentleman, Mr. Dennett says that the crude oil might damage our shoreline. I hope I live to see the day when we do have crude oil coming up there, we have Bunker "C" occasionally now but crude oil is coming to a manufacturer to be manufactured and at the present time we don't have a refinery in the Penobscot area, which I hope some day we will have.

And I might point out that the bad accidents that I have read about in the sea, in the Mississippi and the mouth of the river there, at the Hudson River in New York, the ships in all cases were piloted by a harbor pilot so to speak. In all cases they were. And like he has already so eloquently said, we have had twenty years and this has got along very nicely and I don't think there is a great many more ships now than there has been in the past. There again I hope some day there will be more and there will be a need for this law, possibly when the shipping gets so there is some congestion in the area, that we will need a law of this type, but it has gone on for many years and we don't seem to.

And I might point out that your charts, your sea going charts do show these ferries where they run; it is marked on the sea charts I am pretty sure, any ferry that is run regularly is shown on the sea charts. And this can be seen by even me if I was to run a ship up and down the Penobscot. And I have also run up and down the Penobscot from Bucksport on down through. So at the present time I don't see a need for this. During my time in this House I have always been quite reluctant to vote for any special legislation whether it be sea pilots or plumbers or carpenters or what have you. I dislike very much special legislation. Thank you.

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

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I too live on the shores of Penobscot Bay. I would submit that there has been an increase in traffic since 1951, boat traffic,

and there has been an increase in people who make their livelihood and their living from the sea. I also would remind you that there are quite a few people sitting in the House this morning who rode the Governor Curtis after it was christened last summer, the new Vinalhaven ferry. While some of us tried to take credit for the fact that the weather was good that day, I do remind you however that we have a lot of weather that is not like that day. That one was ordered specifically.

The traffic in Penobscot Bay is not all in one direction, it is not all north and south, primarily north and south. There is a tremendous amount of cross traffic to all of the islands, not only the ferry service but the lobstermen use the area, there are small boats and small craft. I submit to you that this bill is a—no it may not be absolutely necessary now, but I don't know that I am exactly willing to sit around here for another twenty years and take the chance, because I think that this particular piece of legislation represents just a good old-fashioned ounce of prevention.

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

Mr. McNALLY: Mr. Speaker, I would like to ask a question from the Committee or somebody that could answer. Mr. Dennett said that some ships didn't have to have pilots, if I understood him like he said, it only applied from say Boston into Maine ports or perhaps any United States coastal port to another one and didn't go outside in foreign waters, and I am wondering. And the other question is, who are these other pilots that they call them local pilots that are aboard these ships when they come in?

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

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

Mr. KELLEY: Mr. Speaker, as far as pilotage is concerned, you have two types of things. The Coast Guard will issue to officers on vessels after they have run into

ports various numbers of times and can draw a map or chart from memory showing all the buoys and hazards, and there are many people on coastal shipping that do have pilotage into these ports and they would not need to pick up a local pilot. Now these are the American vessels that are licensed to operate coastwise but not into international trade. So there is your difference between having pilotage and being a pilot.

The other problem that I would like to mention to you people is the use of radar. A few years ago vessels anchored when it was thick fog. Today they run. I have run many hundreds of hours on radar. I have run mostly in waters with which I am familiar and to take a chart and try to compare it to the radar picture is not easy. Local knowledge is very desirable to know which objects you are seeing, and this is another thing that our local pilots there have a very intimate knowledge of is the use of radar running in thick weather and I really hope that this House will support the Minority Report and give this bill passage.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I was very much interested in my good friend, Mr. Donaghy's reference to the Coast Guard because about six or seven years ago a Coast Guard vessel with two radars, which they necessarily use when they have foggy weather and it is required on a Coast Guard vessel, ran into the side of a yacht shortly outside of Rockland Harbor. Within two weeks of that time we lost a sardine boat because there is a dead spot as far as radar is concerned in Penobscot Bay. Now this is something which our skipper was very familiar with but the radar picture kept coming and then all at once disappeared. In simply trying to adjust the set, which he thought had gone out, he ran face first into one of the trial course buoys out in Rockland Bay with a full load of sardines and the boat went to the bottom.

So I would submit that even though these vessels do have radar

that unless you have a local person, as my good friend Mr. Kelley has pointed out, that in case of the radar flicking off which it can do, it can create an extremely bad situation. I know many in this House probably have been driving along the highway, following the white line and come to a spot where the tar truck has been along and has covered the white line, and if it's in a fog you can very easily take a head first right off a curve without even knowing you are going off the road because you have been depending upon that white line. And this is what a radar is; it just gives you something to depend upon but you have to have intimate knowledge of the area in which you are operating.

I certainly feel that this is a safety factor for shipping.

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

Mr. TEMPLE: Mr. Speaker, I would like to ask that this be tabled for one legislative day.

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

The SPEAKER: The gentleman from Portland, Mr. Temple moves that item 11, L. D. 1136, be tabled pending the motion of the gentleman from Kittery, Mr. Dennett to accept Minority "Ought to pass" Report in concurrence. A vote has been requested on the tabling motion. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

13 having voted in the affirmative and 112 having voted in the negative, the motion did not prevail.

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

Mr. TEMPLE: Mr. Speaker and Members of the House: I am a little at sea this morning on this thing. Number one, to begin with I am a licensed U.S. Coast Guard first-class pilot, I have been for 25 years. I am very much concerned with this bill in regard to its superseding the Coast Guard

law in regard to pilotage. One thing in here that concerns me very much is the fact that there will be a commission that will examine and license these pilots. That is why I asked that this be tabled to give me a chance to go into this thing more thoroughly.

I do know of our other organizations in regard to pilots along our coast. I am very familiar with the one in Portland. I know it is a closed corporation. I know what it costs to try to buy into this corporation and there are so many unanswered factors in here that is why I asked that this would be tabled.

I cannot go along with this bill this morning, neither can I oppose it, but I just wanted to explain why I asked for the tabling motion.

The SPEAKER: The Chair will order a vote. All in favor of accepting the Minority "Ought to pass" Report in concurrence on Bill "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine," Senate Paper 338, L. D. 1136, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

80 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

The Bill was given its two several readings.

Committee Amendment "A" (S-199) was read by the Clerk and adopted in concurrence.

Senate Amendment "A" (S-221) was read by the Clerk and adopted in concurrence and the Bill was assigned for third reading tomorrow.

### Divided Report

Majority Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act Creating Oxford County Commissioner Districts" (S. P. 462) (L. D. 1525)

Report was signed by the following members:

Messrs. PEABODY of Aroostook  
MARTIN of Piscataquis  
— of the Senate.  
Messrs. WIGHT of Presque Isle  
DYAR of Strong

HAWKENS of Farmington  
LABERGE of Auburn

— of the House.

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

Report was signed by the following members:

Mr. MILLS of Franklin  
— of the Senate.

Messrs. HANSON of Vassalboro  
CROMMETT

of Millinocket  
FORTIER of Waterville

— of the House.

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

In the House: Reports were read.

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

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

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln moves that the House accept the Majority "Ought to pass" Report in concurrence.

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

Mrs. COFFEY: Mr. Speaker, could I ask for a division on that motion?

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would beg your indulgence this morning for a few moments, knowing that on a few pages hence on today's advance journal and calendar there is a message from the Governor regarding one of these County Commissioner Districts and I think rightly so that the position that the Governor has taken regarding these County Commissioner Districts should very well be good for us to look at this district this morning, of Oxford County.

Knowing and remembering what has happened this winter regarding the county budget in the County of Oxford, and knowing very well that the home rule provisions for the districting of county commissioners

is very prevalent in the Governor's mind, and knowing very well that the home rule when it came to the application to the county budget in the County of Oxford was less than unanimous, and if I remember correctly it was divided 50-50. Being that as it may, I am not going to make a motion in objecting to the committee report, although I would like the members of the House to know very well that unless there is unanimity in the county delegation and in the county commissioner delegation this will create only a monstrosity; and as I indicated previously on some of these county districts these will turn out to be absolutely political harassment within the county commissioner districts, and in one section of the county you will have one factor and in another section of the county you will have another factor.

This I don't believe will be to the help of the counties themselves, because if you divide it into districts then you will have three different areas that you are going to go to your county commissioner in your district and he is going to say — well the other two county commissioners are going to go against it. Or if you go to the other area in your representative district, as far as the county commissioner is concerned, he is going to say — well the other two are against it. Or therefore another something else. So you are going to create something within the county commissioner districts that is going to be hard to let down after awhile, because this is going to be purely and simply political harassment on the county commissioner districts. So this is why I feel that these county districts, unless there is complete unanimity of the delegation that these are going to be dividing lines where the county commissioners and their operation and they will do it.

With the basic philosophy in mind of applying home rule for the benefit of the entire county, and not limited to a local district commissioner, which might very well be the chairman prevailing or it could be in any other area, creating a very very serious problem for the future. Thank you.

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

Mr. FRASER: Mr. Speaker and Members of the House: As a member of this County, I think I ought to say a few words on this issue. We don't like to say that these are political, and yet when these districts were divided up none of the Democrats on the delegation were consulted. They were just brought to us and this is it and we are going to present it. It just so happens that as it is divided up now they have practically assured two Republicans and one Democrat. The district where the Democrat comes from pays about 65% of the county tax. In other words, two members will decide where they contributed 35% what the 100% will do. I don't think this is fair. I hope you won't vote for this bill.

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

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: First of all, this bill was originated by a member of Oxford County for statewide districts and it did not pass. This was two years ago and it was in again this year and it did not pass for the statewide to go.

Waldo County has been signed already by the Governor and as we know, there is a — as Representative Levesque has said — there is a veto in today for Aroostook County.

I disagree with my good friend from Mexico. I think the way it would stand now, with the districting the way it would be, there would be one Republican and one Democrat and one a toss up. And the strange thing is, the way the county commissioners are right now, one is in each one of these districts.

I would also like to say that Oxford County is a very small county. We come away from each session with nothing from the Legislature. The big counties get everything, and it would seem to me that we are asking something for within our own county, no money involved, that we might take home something this time. And I hope

you go along to take the Majority "Ought to pass" Report.

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

Mr. FORTIER: Mr. Speaker and Members of the House: Being from the county involved and having been affiliated very closely with both the county government as well as some municipal governments within the county, I feel that I should at least express my opinion. I feel quite sure this morning that the great majority of present county officials would not favor this bill. I have talked to quite a number of them and I have still to find one that would go along with it.

Furthermore, we feel quite proud of the fact that the budget for Oxford County which was presented to this Legislature, I believe was the only county budget in the entire state that called for less money than the previous biennial. This was purely a bipartisan budget which proves, I think, that under the present setup of our county commissioners and county officials that we can work together, that it has not been an out and out political affair. I see no need of this. I am totally in accord with what Mr. Fraser from Mexico said, that we had not even been consulted in the breakdown of these districts and in view of these facts I move indefinite postponement of this bill.

The SPEAKER: The gentleman from Rumford, Mr. Fortier, now moves indefinite postponement of both Reports and Bill.

The Chair recognizes the gentleman from Fryeburg, Mr. Page.

Mr. PAGE: Mr. Speaker and Members of the House: I was a county commissioner for six years in Oxford County. I have been out now, I think, three years. During that three year period we have had three county commissioners from the Rumford area. In my opinion, politics do not enter into this. It is entirely a question of the same thinking from the same area. We are not represented in the rest of the county. This districting bill would give it to us. I hope you will support it.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: I would just like to say that I wasn't considered either when they did the appropriating of the districts. It was in the bill which was for statewide and everybody thought we got it early in the session and probably none of us were consulted. It was just that the sponsor of the bill had it in and he thought if we disagreed we would go to see him, and I hope you will not vote to indefinitely postpone this bill.

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

Mr. HENLEY: Mr. Speaker and Members of the House: This must be Oxford County morning. My friend the gentleman from Madawaska accuses this thing in being crudely political. I feel that it is political to object to it. It so happens that the center of population and industry happens to be, as my friend Mr. Fortier states, Rumford. But need that be a criterion for where all of our county government should come from?

We realize that they are a huge percent of the tax, well and good. But by the same reasoning, if any other county had a city in it whose population was more than all the rest of the county put together, wouldn't some of the rest of the county feel that they should have representation among their county commissioners?

Our county is not large compared to some of the other counties, but it is extensive north and south. We have in the southern and western part of the county a rural people who in their smaller villages perhaps have a little bit more relationship with a lot of the other counties and a lot of the other people than they do in the industrial area of Rumford, Mexico and Dixfield. Consequently, we have variances of opinion. It might well be that if we had this districting set up, there could very well be two Republicans and one Democrat as county commissioners. Is that so terrible?

I feel as Mrs. Lincoln states, the way this districting is set up, there would be one very definite Democratic county commissioner. There would be one very definite area that would be Republican as it now stands, of course subject to change. There would be another district which would be a swing district which could be very well won by a Democrat or a Republican.

I would feel that in districting that it would be very fair. It always seems to me that pure politics are what is doing it right now and fortunately we do have one Republican, and he must be a pretty wonderful person to have got elected because all three of our county commissioners live within an area of ten or fifteen miles in a county which is nearly 150 miles long.

Now I also compliment my friend, Mr. Fortier, that the county delegation on the budget worked very good and our budget was trimmed tremendously to the wailings of a lot of county officials, but I maintain that the budget was trimmed mostly not because of the county commissioners but in spite of them. We did agree as a delegation group on that budget, but I think that especially on the part of the majority of the county commissioners, they certainly did not go along with us on it. So that one point I will not agree with my friend Mr. Fortier.

But I don't feel that Oxford County should be specifically picked on in this particular case. I feel that districting should be a good point in practically every county. Some of the counties are so situated geographically, they are small, they are compact, their county seat is possibly right in the middle of them like Androscoggin County and several of the other small ones. There is no great problem there, perhaps, because everyone lives within fifteen or twenty miles of everyone else.

It seems to me, in these counties that are stretched out, where we have a preponderance of rural areas in small towns, that there definitely should be representation diversified and districted all over the county, and I feel that it

is politically and geographically the only fair way to get representation. Certainly the people will go to a minority county commissioner and they will say, well, what chance have I got with the other two of the opposite party? They say that now. That wouldn't change one iota, but nevertheless that commissioner in that area would at least be one of them. He would be in that area, he would understand their needs. As it is now, he can very well be all from the same village and it can be true of any county in the state.

I have nothing further on this subject. I think the bill is fair. This particular bill, as Mrs. Lincoln states, is just a part of a bill which was previously submitted. Anyone had availability to the bill, had knowledge of the type of distribution that it gave, and if there had been objections they could have made them. Again, I see nothing wrong with the way this is set up, and I urge everyone to let this bill go through, to accept the Majority Report, to vote against indefinite postponement and see what will happen to it at a later date. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Eustis.

Mr. EUSTIS: Mr. Speaker and Members of the House: Just very briefly, I stand simply as a member of this group, the Oxford County group, and the only thing I have to say is this. As far as our relationship went, political chicanery of any kind did not take place to my knowledge, and I don't believe, I think we approached the situation in a logical and reasonable manner, thinking that when it was possible to cut we did cut, sometimes by majority, sometimes unanimously. Thank you.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker and Members of the House: I think we get involved in reforms in certain levels of government and then we do not in others. The Federal Courts rendered a decision on the principle of one man — one vote for voting for representatives. Apparently even the Governor be-



lieves that in certain counties we can follow the principle of one man — one vote, but the gentleman from Madawaska, Mr. Levesque has mentioned the veto in a later page of today's journal on an Aroostook County Commissioner District is not consistent. I feel that consistency is a jewel and we should adopt the Oxford County Commissioner District bill.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Fortier that both Reports and Bill be indefinitely postponed. Those members who are in favor of the indefinite postponement motion will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 60 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence, the Bill given its two several readings and tomorrow assigned.

#### Non-Concurrent Matter

Bill "An Act relating to Neglect of Official Duty by Municipal Officers" (H. P. 528) (L. D. 699) on which the House accepted the Majority Report of the Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Bill to be engrossed as amended by Committee Amendment "A" on June 3.

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

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

#### Non-Concurrent Matter

Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 694) (L. D. 894) which was passed to be engrossed in the House on May 16.

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

In the House: On motion of Mr. Tyndale of Kennebunkport, the

House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act Increasing Compensation of Councilmen and Mayor of City of Augusta" (H. P. 1205) (L. D. 1532) which was passed to be engrossed in the House on May 22.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Lund of Augusta, the House voted to insist.

#### Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act relating to the Taxation of Farm Machinery" (H. P. 1216) (L. D. 1548) which was passed to be engrossed as amended by House Amendment "A" in the House on May 26.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves that the House recede from its former action and concur with the Senate.

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

Mr. BRAGDON: Mr. Speaker, I move that we insist.

The SPEAKER: The motion of priority is recede and concur. Does the gentleman wish to debate the motion?

Whereupon, on motion of Mr. Bragdon of Perham, tabled pending the motion of Mr. Susi of Pittsfield to recede and concur and tabled until later in today's session.

#### Non-Concurrent Matter

Bill "An Act relating to Inspection and Advertising of Farm Products" (H. P. 1219) (L. D. 1552) which was passed to be engrossed in the House on May 27.

Came from the Senate passed to be engrossed as amended by Sen-

ate Amendment "A" in non-concurrence.

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

#### Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development (S. P. 390) (L. D. 1315) on which the House accepted the Majority "Ought not to pass" Report of the Committee on State Government in non-concurrence on May 29.

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

In the House:

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

Mr. RIDEOUT: Mr. Speaker, 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 and request a Committee of Conference.

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

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

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird moves that the House recede from its former action and concur with the Senate.

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

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

Mr. DENNETT: Mr. Speaker and Members of the House: In view of the fact that this body accepted the report as it did and it has come back to us in another way, I think that there are several things in this bill that perhaps could be best decided and ironed out by a Committee of Conference, and I would hope that you would reject the motion made by the gentleman from Kingman Town-

ship, Mr. Starbird to recede and let us take this to a Committee of Conference to see if we cannot iron some matters out.

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

Mr. STARBIRD: Mr. Speaker, on thinking it over I will withdraw my motion.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird withdraws his motion to recede and concur.

The pending motion is the motion of the gentleman from Manchester, Mr. Rideout that the House insist on its former action and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

#### Non-Concurrent Matter

An Act relating to the Statute of Limitations for the Malpractice of Physicians (S. P. 85) (L. D. 279) which was passed to be enacted in the House on June 3 and passed to be engrossed as amended by Committee Amendment "A" on May 22.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

On motion of Mr. Berman of Houlton, the House voted to recede from passage to be enacted and from passage to be engrossed.

On further motion of the same gentleman, the House voted to recede from adoption of Committee Amendment "A".

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

House Amendment "A" to Committee Amendment "A" (H-368) was read by the Clerk and adopted.

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

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

Mr. GAUTHIER: Mr. Speaker, I would like to ask for reconsideration of item 8 on page two, where

the bill was passed "ought not to pass."

The SPEAKER: The gentleman from Sanford, Mr. Gauthier moves that the House reconsider its action on item 8, Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act to Revise the Credit Union Law," Senate Paper 200, L. D. 609, whereby the House accepted the Committee Report in non-concurrence. Is it the pleasure of the House to reconsider its action? It's a vote.

On further motion of the same gentleman, the Bill was substituted for the "Ought not to pass" Report in concurrence.

The Bill was given its two several readings.

Senate Amendment "A" (S-210) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

#### Messages and Documents

The following Communication:

THE SENATE OF MAINE  
Augusta

June 4, 1969

Honorable Bertha W. Johnson  
Clerk of the House  
of Representatives  
104th Legislature  
Dear Madam Clerk:

The Senate has voted to adhere to its former action whereby it accepted the Majority Ought Not to Pass report on Bill, An Act Relating to Definition of Retail Sale Under Sales and Use Tax Law. (H. P. 102) (L. D. 110).

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to Damage to Private Water Supplies Resulting from Alteration of Highways. (H. P. 445) (L. D. 569).

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Closing the Military and Naval Children's Home and Disposing of the Property. (H. P. 757) (L. D. 977).

Respectfully,

(Signed)

JERROLD B. SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE  
Augusta

June 4, 1969

Honorable Bertha W. Johnson  
Clerk of the House  
of Representatives  
104th Legislature

Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve, Relating to Retirement Allowance for Hal G. Hoyt of Augusta. (H. P. 868) (L. D. 1110)

Respectfully,

(Signed)

JERROLD B. SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

June 4, 1969

Members of the Senate  
and House of Representatives  
of the 104th Legislature

I have considered House Paper 49, Legislative Document 50, An Act Creating Aroostook County Commissioner Districts, and have decided to return it to the Legislature without my signature.

This bill is one of several County Commissioner District proposals which the Legislature has been considering. Since the Legislature has adopted this County by County approach to the problem of electing County Commissioners, apparently reflecting its judgment that the issue in each County requires separate evaluation, I have decided to respond with a similar evaluation of the situation in each County.

In making these evaluations I have relied heavily on consultations with the County Commissioners and Legislative delegations of the affected Counties. I have attempted, at the conclusion of

these consultations, to determine if there is a real consensus among the Counties' elected officials either for or against the particular County Commissioner District proposal, or if feelings are divided. Basing my decisions on this approach, I have signed County Commissioner District bills for Waldo and Somerset Counties.

With respect to L. D. 50, the County Commissioners of Aroostook County have gone on record as unanimously opposing it. A portion of the County's Legislative delegation, although a minority, is opposed to it. I have found, in short, evidence that the elected officials of Aroostook County are sincerely and clearly divided on the issue of whether or not this proposal would serve the interests of more effective and representative government. Under these circumstances I have strong doubts about its value to Aroostook County government. Consequently, I do not feel that I should sign L. D. 50 into law.

Ordinarily, when the Governor considers the signing of Legislation, he must evaluate its effect throughout the State. In such a situation the objections of any particular section of the State must be subordinate to the general welfare. But L. D. 50 represents a different type of legislation. The only people directly affected by this proposal are the citizens of Aroostook County and their elected officials. Their County government has an immediate impact on their lives.

In these circumstances it is only just that the State consider the opinions of the County's elected officials and representatives before ordering changes in the voting practices of the County.

Moreover, we in State government have become increasingly alert to the need for greater local control over the structure of local government. The proposal now before the Legislature to provide increased home rule for our municipalities reflects this awareness. I believe that our approach to County government should reflect a similar degree of confidence in the ability of our people to deter-

mine at the County level the type of representation that is best suited to their needs. In my judgment, at this time, the officials of Aroostook County, elected by the people of Aroostook County, do not feel with sufficient unity that L. D. 50 best serves those needs.

An alternative to L. D. 50 was discussed which would have provided for the selection of County Commissioner candidates on a district basis with the election-at-large of one Commissioner each two years. To allow the Legislature to consider this alternative a joint order to recall L. D. 50 was approved in the House of Representatives. However, on June 4 this order was tabled in the Senate, preventing any reconsideration.

I therefore request that my action disapproving L. D. 50 be sustained.

Respectfully submitted,

(Signed)

KENNETH M. CURTIS  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: Shall this bill become law notwithstanding the objections of the Governor?

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Under the circumstances if the other counties have received the Governor's signature no doubt I shouldn't debate the veto, but as the recall for this bill was tabled at the request of one of the members of the other body from our own Aroostook County and therefore killed the recall from the Governor's desk, I reluctantly suggest that the House sustain the vote. Thank you all for the support you have given me on this bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the remarks made by the gentleman from Aroostook County, Mr. Finemore and in view of the action taken by a member of the other branch regarding a Joint Order that was

placed before the House to recall this bill, if you for one minute don't think that there are political implications behind the districting of County Commissioners, you had better just have a look at just what transpired between one of the counties.

We had met the county delegation and considered the County Commissioners, their reasoning, and took that under consideration and what we thought was an agreement that could be worked out, that had been worked out between the county delegations and the County Commissioners, only to find out that because it didn't suit somebody from the other branch although he had never said anything while the delegation was together, in order to have this bill before us as a reconsidered Joint Order yesterday, tabled the Joint Order so that it was impossible, it was the last day yesterday, knowing full well that by tabling the Joint Order that this bill had to be vetoed.

So this is some of the implications that I have tried to exemplify to the members of the House, a few members might not look at it with the real political implications behind it, but there is definitely and absolutely political implications in these adjoining districts. So therefore I hope this morning that you feel the same as the gentleman Mr. Finemore feels that the members of this House should sustain the Governor's veto on this item this morning.

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

#### ROLL CALL

YEA — Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Crosby, Curtis, Cushing, Dennett, Donaghy, Durgin, Dyar, Evans, Farnham, Fine-

more, Foster, Hall, Hanson, Harri- man, Haskell, Hawkins, Henley, Hichens, Huber, Immonen, Kelley, K. F.; Lee, Lewin, Lewis, Lincoln, Marsteller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Noyes, Page, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Tyndale, White, Wight, Williams, Wood.

NAY — Allen, Bedard, Bernier, Binnette, Boudreau, Bourgoin, Burnham, Carey, Carrier, Carter, Casey, Clark, H. G.; Coffey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curran, Dam, Drigotas, Dudley, Emery, Erickson, Eustis, Faucher, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Heselton, Hewes, Jalbert, Jameson, Johnston, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lund, MacPhail, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Quimby, Ricker, Rocheleau, Ross, Starbird, Tangway, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT — Brennan, Corson, Cummings, D'Alfonso, Danton, Fecteau, Good, Hardy, Hunter, Kelley, R. P.; Payson, Santoro, Sheltra, Trask.

Yes, 66; No, 70; Absent, 14.

The SPEAKER: Sixty-six having voted in the affirmative and seventy in the negative, it is the judgment of the House that the Governor's veto be sustained.

#### Orders

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

WHEREAS, marriage is love's souvenir, the sanctity of which and perpetuation thereof is the true cornerstone of our society; and

WHEREAS, Herman Sahagian and Stella Derderian entered the solemn bonds of holy matrimony within the Commonwealth of Massachusetts fifty years ago; and

WHEREAS, beginning as a child of two continents who later united with a woman who dignified the title of homemaker, their happiness has become a continuous harvest

of untiring efforts to build upon this relationship; and

WHEREAS, the Sahagians will celebrate these happy years and special family relations on the Golden Anniversary of their wedding; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the One Hundred and Fourth Legislature of the State of Maine now assembled, join the Golden Wedding Anniversary celebration of our friend and colleague and his dear bride by extending our warmest congratulations on this memorable occasion, along with our very best wishes for the years to come; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be immediately transmitted to the Honorable Herman D. Sahagian of Belgrade and his devoted wife, as a small memento of our esteem. (H. P. 1250)

The Joint Resolution was adopted and sent up for concurrence.

THE SPEAKER: The Chair and the Members offer their congratulations to Representative Herman Sahagian of Belgrade. (Applause, Members rising)

Mr. Sahagian of Belgrade was granted unanimous consent to address the House.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I want to thank the gentleman from Kittery, Mr. Dennett for presenting this order. I only wish that I could be here to celebrate my seventy-fifth anniversary. Although it sounds like a surprise, it was until about five minutes ago. Then my seatmate over here let the cat out of the bag. I have got a little note from one of my friends on the other side of the aisle and I couldn't understand how he knew that this was our anniversary. Then I asked my seatmate here, I said how come, how did he know? And then I went out and I came back and he said to me, there it is right here. I said I don't have it in mine. Well, he says, maybe they didn't give one on yours.

So this wasn't really a surprise, but thanks a lot. I appreciate this very much and I hope I can be

here as I said earlier, to celebrate my seventy-fifth anniversary. Thank you all very much.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Possibly the reasons for my remarks are the fact that everyone knows my feelings concerning this body and the people within this body and probably a little mileage that I have had and accumulated while a member of this body.

Yesterday afternoon on two different occasions we witnessed the Speaker immediately gavel with a comment that the rules of the House were being violated. This procedure is absolutely proper. I think that in times of the waning days of the Legislature when the pressure is really on, I think that we must also realize that if it's on us, just how it is to the gentleman who wields the gavel—I speak of the Speaker, the Honorable David Kennedy.

I think my own self I have been guilty at times of violating House rules in a minor manner, such as probably laughing a little louder than I should, such as probably cajoling around the area of my seat. However, anybody who has ever attempted to come down to my seat from outside of the aisle, whether he be a member or not, I have immediately told him that that was an infringement upon our rules and could not be tolerated and would not be tolerated.

It is to be reminded that I first learned about the rules of the House by the gentleman who was here since time immemorial, the Honorable Harvey R. Pease, who told me what rules meant; and I have never forgotten it. Proudly I say—and probably we all should be made aware of the fact, that Maine enjoys as good if not the best decorum of any House in the Nation, and I am sure that we want to keep it and I am sure that we want to cooperate with the Speaker and so that there won't be any more recurrence on his part of having to say that the rules of the House are being infringed upon.

Mr. Dennett of Kittery was granted unanimous consent to address the House.

Mr. DENNETT: Mr. Speaker, to get in line with the remarks made by the gentleman from Lewiston, Mr. Jalbert, I wish to state at this moment that I am very much in accord. I have had, in my short lifetime, the opportunity to visit several legislatures of several states and I too will state that in the State of Maine I believe we hold the best decorum and we hold dignity unexcelled in any other state. We have a fine mark to keep up to and I hope that over the years it will continue. Thank you.

Mr. Jutras of Sanford was granted unanimous consent to address the House.

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: It is my belief that the significance of this day, June 5 and June 6, 1969 should not be overlooked, for this is the 25th anniversary of the greatest military operation in history, and it was done primarily by civilian soldiers of the United States of America in liberating from the Nazi Regime a regional town of the Cotentin Peninsula in the Manche Region of France, Ste. Mere Eglise—the first American bridgehead on the Continent in France, on the 6th of June, 1944.

Today, at Ste. Mere Eglise, there is a man from Sanford, Maine who is the official representative of the 12th Regiment, 4th Division, attending the dedication of a memorial to fallen comrades at Utah Beach on June 6, 1944.

He is Sergeant Edgar C. Roy, Company G, 12th Infantry, 4th Division, who holds a bronze star with Oak Leaf cluster for heroic achievement in military operations against an enemy of the United States. And the purpose of making this significant date of singling out this date and this man is not to eulogize an individual for the sake of an individual.

Sergeant Roy is typical of the hundreds of thousands who have served their country selflessly during periods of war, conflict, national and international emergencies. We salute these men and

pause to recognize their efforts and courage and self discipline, hoping thereby to remind the succeeding generations that in the final analysis we were not what some have the temerity to call us —no, we did not let you down, and neither will you let your succeeding generations down.

We have faith in you, Youth of America. We know that you will pick up the torch of enlightenment and freedom and hold it high and steadfast in all climates and storms and that you will suffer through in order to show the way to a better life to your sons and daughters.

Mr. Speaker, if it is possible I respectfully request that a copy of this salutation be directed to the General Services Administration, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, Missouri, and a copy for the Personnel Officer, Records Administration Center, for inclusion in the 201 file of World War II Veteran Edgar Roy (Sgt.) Company "G" 12th Infantry Regiment, 4th Division.

I also request that a copy be sent to Mr. and Mrs. Edgar Roy, 88 High Street, Sanford, Maine.

Mrs. White of Guilford presented the following Joint Order and moved its passage:

WHEREAS, Squaw Mountain Corporation has recently announced the expansion of its facilities by the addition of two trails; and

WHEREAS, said trails will permit the skiers to take full advantage of the available vertical drop and will provide trails two miles in length; and

WHEREAS, the cost of said expansion made possible by a substantial investment by Scott Paper Company in the stock of Squaw Mountain Corporation; and

WHEREAS, earlier this year, in order to provide an area for still more expansion the Scott Paper Company agreed to swap a sizable parcel of its land with the State of Maine, which land Scott Paper Company will make available to Squaw Mountain Corporation; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Legislature duly recognize the initiative and imagination of the officers and directors of Squaw Mountain Corporation in constructing and expanding a major ski resort where only seven years ago it was nonexistent and also note the public spirited cooperation, encouragement and financial contribution of Scott Paper Company in this worthy project; and be it further

ORDERED, that suitable copies of this Joint Order be immediately transmitted to the Squaw Mountain Corporation and the Scott Paper Company in recognition of their outstanding achievement. (H. P. 1251)

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

On motion of Mr. Cox of Bangor, it was

ORDERED, that Cindy Norris and John G. Norris of Brewer be appointed to serve as Honorary Pages for today.

Mr. Huber of Rockland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill, "AN ACT Creating the Maine Labor Relations Act, House Paper No. 567, Legislative Document No. 748, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the State Department of Labor and Industry is requested to provide the Committee with information, technical advice and such other needed assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular or special session of the Legislature. (H. P. 1252)

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

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

Mr. EMERY: Mr. Speaker, is the House in possession of House Paper 963, L. D. 1243?

The SPEAKER: The answer is in the affirmative—Bill "An Act relating to Bids for Contractual Services Under the Auburn City Charter."

Mr. EMERY: I move that we reconsider our action of yesterday whereby we adhered to the action of the other body and passed this bill for engrossment in concurrence.

The SPEAKER: The gentleman from Auburn, Mr. Emery moves that the House reconsider its action of yesterday whereby it receded and concurred in accepting the "Ought not to pass" Report. Is this the pleasure of the House?

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I oppose the motion for reconsideration and I would ask for a division.

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

Mr. EMERY: Mr. Speaker, I request permission to speak on this motion.

The SPEAKER: The matter is before the House. The motion to reconsider is debatable and the gentleman may proceed.

Mr. EMERY: Mr. Speaker and Members of the House: This bill is strictly local in nature. It gives the elected Councilmen of our City powers to confirm bids for many thousands of dollars of equipment and contracts.

This bill was opposed by our Manager and Mayor with others in attendance at the Committee hearing. Now when certain people get in power in a municipality sometimes it is to their advantage to have bid powers concentrated in the hands of one individual. Naturally certain interests oppose this bill.



It was stated that this power can be enacted by City ordinance. I believe there exists a question on this. One certainly has to have an awful lot of support to fight City Hall as we all know when one group is in power.

I certainly believe that when the Legislature has powers over city charters, I believe that the Legislature is the place for charter revision. It is a certainty that this House is impartial, and therefore I beg for the favorable passage of the bill. I believe that we could do better with a Committee of Conference and straighten out this matter. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: This bill was heard before Legal Affairs. It had six or seven opponents, had one proponent. Opposed to the bill were the legal Council of Auburn, the Mayor, members of the Council, members of the Charter Committee. According to the testimony this could be done by ordinance or it could be done by order and I don't believe that this change should go into the charter.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Auburn, Mr. Emery that the House reconsider its action of yesterday whereby it receded and concurred with the Senate in accepting the "Ought not to pass" Report. If you are in favor of reconsidering you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 44 having voted in the negative, the motion to reconsider prevailed.

The SPEAKER: The pending question now is receding and concurring.

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

Mr. EMERY: Mr. Speaker, I move that we insist on our former action and ask for a Committee of Conference.

The SPEAKER: The Chair would advise the gentleman that the pending question is receding and concurring.

All in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

29 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

#### House Reports of Committees Leave to Withdraw

Mr. Susi from the Committee on Taxation on Bill "An Act Providing for the Taxation of Forests" (H. P. 876) (L. D. 1119) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

#### Referred to Next Legislature

Mr. Huber from the Committee on Labor on Bill "An Act Creating the Maine Labor Relations Act" (H. P. 567) (L. D. 748) reported that it be referred to the next legislature.

Report was read and accepted, the Bill referred to the next legislature, and sent up for concurrence.

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

Mr. Heselton from the Committee on Judiciary on Bill "An Act relating to Hospitalization for Mental Illness of Inmates of County Jails and During the Pendency of Criminal Proceedings" (H. P. 600) (L. D. 781) reported same in a new draft (H. P. 1239) (L. D. 1574) under same title and that it "Ought to pass"

Mr. Moreshead from same Committee on Resolve Reimbursing Louis Nadeau, formerly of Biddeford, for Violation of his Constitutional Rights (H. P. 923) (L. D. 1184) reported same in a new draft (H. P. 1240) (L. D. 1575) under title of "Resolve Authorizing Louis Nadeau to Bring Civil Action Against the State of Maine" and that it "Ought to pass"

Mr. Norris from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Flagstaff" (H. P. 413) (L. D. 524) which was recommitted, reported same in a new draft (H. P. 1241) (L. D. 1576) under same title and that it "Ought to pass"

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

#### Tabled Until Later in Today's Session

Mr. Dennett from the Committee on State Government on Bill "An Act Establishing a Full-time Administrative Hearing Commissioner" (H. P. 1010) (L. D. 1312) reported same in a new draft (H. P. 1242) (L. D. 1577) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Rideout of Manchester, tabled pending acceptance of Report and assigned for later in today's session.)

Miss Watson from same Committee on Bill "An Act Placing All State Forestry Department Employees on the Merit Service Step System" (H. P. 301) (L. D. 377) which was recommitted, reported same in a new draft (H. P. 1243) (L. D. 1578) under title of "An Act Placing All Unclassified State Forestry Department Employees in the Classified System" and that it "Ought to pass"

Report was read and accepted, the Bill read twice and tomorrow assigned.

#### Ought to Pass with Committee Amendment

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act to Permit Savings Banks to Engage in Debtor Counseling Services" (H. P. 1076) (L. D. 1399) reported "Ought to pass" as amended by Committee Amendment "A" (H-464) submitted therewith.

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Establishing the Boundary Line Between the City of Bath and the Town of Woolwich" (H. P. 1079) (L. D. 1402) reported "Ought to pass" as amended by Committee

Amendment "A" (H-465) submitted therewith.

Mr. Dennett from the Committee on State Government on Bill "An Act relating to Expenses of the Clerk of the House of Representatives" (H. P. 44) (L. D. 45) reported "Ought to pass" as amended by Committee Amendment "A" (H-466) 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 tomorrow assigned for third reading of the Bills.

#### Divided Report

Majority Report of the Committee on Highways on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (H. P. 231) (L. D. 287) reporting same in a new draft (H. P. 1244) (L. D. 1579) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. GREELEY	of Waldo
	CIANCHETTE of Somerset
	PEABODY of Aroostook
	— of the Senate.
Messrs. BURNHAM	of Naples
	NADEAU of Biddeford
	McNALLY of Ellsworth
	LEE of Albion
	WOOD of Brooks
	HALL of Windham
	— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1245) (L. D. 1580) under same title and that it "Ought to pass"

Report was signed by the following member:

Mr. DUDLEY	of Enfield
	— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Brooks, Mr. Wood, moves the acceptance of the Majority "Ought to pass" Report in new draft.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel as though I should say a few words in relation to the Minority Report, of which I am the only signer. There were others that felt the same as I did but they had made prior commitments. And so I am the lone signer.

So I must tell you that what you have before you this morning was put on your desks, both of these reports, and there is no basic difference I suspect, and I will point them out to you. On the very top of the very first item is "Administration". In the last biennium they had for administration \$1,364,446. The department request was for \$1,900,000. I felt as though I would go along for this year 1969-70; in other words, for the year 1970-71, \$1,781,767, which is an increase of \$440,314. Of course this allows all the increases but doesn't make room for another five or six employees in administration. I couldn't see the necessity for more in administration. This is one basic difference.

The next one is snow removal. I felt, after taking a very close look at snow removal, it could be cut some. The rest of the committee thought it could be cut \$1 million each year and being from northern Penobscot, and I know there is quite a delegation here from Aroostook and Northern Piscataquis, and we have a lot of snow, I felt as though we may be penalized some buried in snow. However, in my report I felt as though we could take from the salt account or snow removal \$500,000 each year, which is one half of that amount, and this is my second change in the Minority Report.

The third one is, I believe that we are going to be able to get along in this Legislature with a one cent increase in the gas tax, and in order to do that we cannot give these departments everything that they request. And I am well aware of where some of the cuts should be made. I didn't make them here. It is up to the individual members. I have got some other things I will point out later when the tax is before you so that I will not bore you too long at any one time.

In my particular area the third item I asked to take out was a bridge being constructed across the Penobscot River, which the approaches are now being built at the cost of about \$600,000. Now all the surveys show that they may need a bridge there but the projection of the figures show that they will need this bridge approximately ten years hence if you use traffic count or any projected figures that you can use. So the people where I live don't like to be bypassed, the towns of Enfield and Howland will be bypassed by this new bridge. It will not make the people of Lincoln any shorter route to Bangor or going south; as a matter of fact it will be further.

As a matter of fact Lincoln does have a bridge across the Penobscot River only approximately three miles from the present site where they intended to build another one and this bridge was only built a few years ago. As a matter of fact, just prior to my coming to the House, it was built the year before that. And so there is a bridge there and there is another one at Howland, which is down the river 11 miles or 12 miles. So we do have two bridges across the river now.

The population of Lincoln is less than 5,000 at the present time and I don't anticipate it will be 10,000 in the next ten years and neither do the people of Enfield and Howland. The people of Enfield and Howland feel very seriously that this bridge is being built because it takes all the traffic away from their little stores and filling stations and so forth, and I might confess that I do have one of these filling stations that will be bypassed, but there are others and there are many little stores, and it just puts two towns practically out of business, and we don't feel that it will help the town of Lincoln that much because the traffic that gets off at Howland now still has to go through Lincoln. So I suggested that this be removed from this year's budget, and this is the three major changes. However, there is many more that could be made.

Now if you believe that we should have a one cent gas tax I should

suggest that you take a look at what I am saying and maybe listen carefully because I intend to have a lot more to say. I have before me, and I intend to have on your desk soon before we discuss these tax measures and how much bond indebtedness we have, a copy of the estimates of the Highway Department. Let me say that in the years 1964-65 we underestimated the revenue of 1,226,000 some odd dollars. In 1965-66 we again underestimated it by 1,263,000. 1966-67 we underestimated the revenue by 1,467,000, and in 1967-68, which has just past we underestimated it 1,900,000 some odd change.

Now at the close of business of 1968 the Highway Department had 44,156,000 some odd dollars in surplus. Now when it comes time to talk about bond issues and the two cent gas tax, this will be distributed on your desk and I am going to have some proposals, and one of them is going to be a House order by me upping the estimates about a million two hundred thousand. This should give them in my opinion some seven to nine hundred thousand surplus still to the winter surplus. And it is through this surplus account that they are able to do a lot of things that members of this House do not approve of.

Now these are some of the proposals that I make and I am sure that there is other projects that could be detained. I don't say that this bridge shouldn't be built ten years from now, maybe twenty years from now, when the need exists, and in many other places in the state there is projects going on that could be detained, and there is many other places like in the City of Waterville needing a bridge and there are many other places where congestion and deaths are being caused for lack of highway funds. And this I have discussed with the Highway Department and I will have some comments on that later but just so that I will not bore you too long this is a start for these people like myself that believe that a one cent gas tax will be sufficient for this department for the next biennium.

I would say this in closing, that if we give the Department one cent raise in gas tax, we are giving them approximately \$4,500,000 in extra revenue. Then if we upped the estimates which I am sure is going to happen because it has happened over the past ten years, this will be another million and a half dollars, about six million dollars. I say to you as members of this House if we could do this much for every department down here, give them an extra six million dollars, we should go home feeling that they could keep house until we get back in the next regular session. If they can't there is something drastically wrong, there is lots of holes in the sieve of that department.

So this morning I hope that you will consider my request, that you will go along with me in this Minority Report, especially if you live in a county that wants to be plowed out this winter, and in the meantime you start looking in your own area and you will find places where money needs to be spent that is not being spent, and you will find projects that you probably don't approve of and your people would agree with you, and this is the case in my area and this about all I have to say and I hope that you will accept the Minority Report eventually and thank you.

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

Mr. PORTER: Mr. Speaker and Members of the House: I suppose it will come as no great surprise to anybody in this House that I am going to oppose the gentleman from Enfield, Mr. Dudley, in trying to eliminate our bridge. We definitely need a bridge.

Interstate 95 bypassed my town by four miles. We were told by the Highway Commission at that time that we could expect there would be 1500 cars fewer every day going through our town. Our merchants tried to make adjustments for the loss of that much traffic and when the count was made of the traffic on Interstate 95 it was found that the count was not 1500 but over 2300.

Now taking 2300 cars a day out of Main Street in Lincoln certainly solved our traffic problem but it did nothing to help our merchants. We feel that we need help and we think that bridge will help us.

As I said the Town of Lincoln is only four miles from Interstate 95 but would you believe the way that we have to go to get to Interstate. Leaving the center of Lincoln we go five miles and seven tenths north, then five tenths of a mile west, then seven miles south. Finally two miles and four tenths east, and lo and behold we are on 95, some 15.6 miles to go a distance of four miles in a straight line.

Last fall the Highway Commission let contract for the construction of the approaches to the bridge. They cut the right-of-way through the woods six tenths of a mile down to the edge of the river and a half a mile on the east side of the river and opened up a road through a field. They worked on the thing until the snows came on the 8th of November and had to cease work. Then early this spring they went in there with large bulldozers, they bulldozed the snow away and started construction, and they have been working on it since. The road is there, the approaches are almost completed, the road has not had its final coat because it doesn't need the final coat until the traffic begins using the road. But it is about ready to start construction of the bridge.

In the Highway allocation bill there is \$1,200,000 to build that bridge. We need it. Now the gentleman from Enfield gave you two reasons, at least two, why we shouldn't have the bridge. I maintain those two reasons are in direct conflict with one another. First he said it wouldn't be used. Secondly he said it would hurt Howland and West Enfield. Now both of those statements can't be correct. If it is going to be used it may hurt the merchants in Howland and Enfield. If it isn't going to be used, it would not make a particle of difference to the business in Howland.

Ladies and gentlemen, the Town of Lincoln is being hurt by 95 by-passing. We need that bridge to connect our town to 95. We urge you to support us in building that bridge.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I concur with almost everything that the gentleman from Lincoln has said about the bridge except there are a few points that I want to make very clear. Now the people going up the turnpike are not going to Lincoln, an awful lot of them. But you can build a bridge there in Lincoln, you can build two or three bridges. If they are going to Houlton, Presque Isle, Madawaska, Van Buren and so forth, they are still going there, they are still not going to get off at Lincoln. And for some of the merchants in Lincoln I have talked to they feel that if it did make easy access onto the bridge, it would just help the shopping center in Bangor, the Mart and so forth, because if you think you are making it easier for them, which I don't think you are and most people do not because it is going to be further to go to Bangor via the new bridge.

But now assuming for a minute that you was going north up the turnpike and assuming you was going to Millinocket or any place north, or East Millinocket, or Van Buren, Fort Kent, Madawaska, or any other place in Aroostook County, I can't visualize you driving five or six miles into the Town of Lincoln. There is nothing there for you that you would want except a lot of smell from the paper mill, unless you want to smell what a paper mill smells like, and drive five or six miles more to get back on to it again.

Now I concede this much what he said is true, the traffic count has dropped in both Enfield, Howland and Lincoln by virtue of the turnpike. This is true, but by building a bridge you are not going to put that traffic back in Lincoln because these people going north are still going north; they are not going to go in there just to smell

the paper mill. And so I think it is a useless cause to spend when it is done, the approaches and everything, \$2,000,000 and if the time ever comes when they do need a bridge I will be the first one to stand here and tell this House let's spend a couple of million dollars to build these poor people a bridge.

At the present time no matter where the traffic, if the traffic gets off at Howland and goes north they have got to go through Enfield. They see the same traffic in Howland as Enfield does. They are going to continue to seeing this same traffic, and building a new bridge, they still are going to see the same traffic only it is going to be split between three bridges instead of two.

And I hope you will consider that I know what I am talking about. I have lived there all my life and I know something about the shortness of money in the Highway and you have got to start somewhere if you are going to get the house in order and put these departments in a place where we can go home and say to the people, we didn't have to raise the two cent gas tax and raise the registration to pay for projects that may be needed twenty years from now. And this is one place where we can start, I know about it.

There are others that I am not sure of but this one is right in my doorsteps. I do know about it and I know there are lots of others and I would be willing to sit down and point out plenty of other places in this budget where in my opinion it could be cut, but if I had cut it in a half a dozen other places that would have meant I would have to stand here before you for two hours and explain instead of three places where I made changes I would have to explain the others and believe me there are plenty of other chances where it could be pared down and we could very well say, cut the cloth to fit the pattern for all these departments and the Highway is only one of them. Thank you.

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

Mr. PORTER: Mr. Speaker and Members of the House: With reference to the smell at Lincoln, we sometimes call our town, Lincoln, the smell of Lincoln. We lost that bridge a year ago March, that mill a year ago March 4 and we were without it until August. There was a lot of opposition to the mill and the smell before that but since that mill has come back the saying around town, is that smell smells like money.

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

Mr. WOOD: Mr. Speaker and Members of the House: I explained this Highway budget very thoroughly a few days ago and I am not going to take time to now, but this Report "B" that's come out has changed things very little except to cut out the construction of this bridge. It does remove a little money from administration of the Highway Department. We as a Committee did remove money at first and after thoroughly studying the requests of the administration we found that bills that had been passed that are laying on the table in the other branch would make enough difference, if they do happen to be finally passed, to make this difference to put back into the administration so that they needed this amount of money. And to take it out now will jeopardize many of these L. D.'s and other things that we hope will be passed finally.

On the winter maintenance of winter roads we hear a lot but in this budget, in the budget for '68 we had more money than we had been having and of course the kind of winter we had, this winter of '68-69 it cost the State a whole lot more money to remove the snow and ice. But we had a little surplus and we went to the Governor and Council and were able to get the money and pay that bill. We have given them more in Part I budget than they had in '68. We have given them a little less than they asked for for the simple reason that we feel that there will be a small surplus and they can always go to the Governor and Council if we have a bad winter

again and get the money to pay for this with.

That is the reason of the good part of having a little surplus, of having money on hand to do these things with. Other than that this Part "B" Report will do nothing but cut out this bridge in the Town of Lincoln. We studied this bridge two years ago, decided to defer action on it for a time. When the mills went down in Lincoln the Governor and Council promised the people of Lincoln that they would build this bridge. So they started construction, they have built the approaches, the contracts have been let and they are nearly complete. It looks to me now to be, it seems to be a pretty foolish idea with all of that money spent for approaches to the bridge to just delay the building of the span across that river.

I hope you people will realize what it would do, what it would do to the Town of Lincoln. It may cost us half as much again five years from now as it does now to build it if we should delay it and try to build it then, and I believe that we should accept this Report as it is presented and vote on it.

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

Mr. DONAGHY: Mr. Speaker, I would like to ask a question of Mr. Wood if he would care to answer. I understood him to say that the House turned this bridge down two years ago and then the Governor and Council promised it would be built.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy poses a question through the Chair to the gentleman from Brooks, Mr. Wood who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. WOOD: Mr. Speaker, we didn't turn the bridge down. There was money available to build the bridge with but we delayed it for one or two reasons and the Governor and Council had the right at any time to go ahead and have that money used for the building of the bridge, and that it what they did because they saw the necessity for it and at this time after studying this all this winter the Com-

mittee sees that same necessity for the bridge and we hope that you will go along with it.

Mr. Dudley of Enfield was granted permission to speak a third time.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen: First let me say, item 1, Administration, the bills on the table in the other branch that's pending do not come out of Administration, they are in construction or in snowplow account or some other account, and at least one of the major ones is taken care of by taking away the nine months' provision in the truck registration law so that is one of the bigger ones that is taken care of there.

Any other bills that I know of or can think of are taken out of some other part of the budget but not out of Administration, so I want to correct that point. And I want to say that it is true we felt as though the bridge wasn't necessary two years ago because they couldn't substantiate any traffic count or they had no way of saying that you could, that a man going to Houlton or Van Buren was going to drive over there in Lincoln and stay.

But when the mill went down and there was no smell there, they said well maybe they would come over there and stay in a hotel now and so maybe we should build the bridge and the Governor went along with it because he thought it would make some work. He was so concerned with the poor people out of a job that he wanted to make some jobs in Lincoln and the Council went along with him and then the mill shortly started up and they are talking about expansion now. So there was no chance to hire anyone in Lincoln so they then let the contracts to a contractor that brought in outside labor, so the need even for labor doesn't exist there any more.

And two years ago there was no traffic count or no congestion or no need for the bridge. The same thing exists today and the same thing will exist two years from now, and I can't go beyond that but I would say it would be ten to twenty years before the people of Houlton and Madawaska and those

people going north would want to go over and stay in Lincoln. Because now generally if you leave Augusta here today you would probably drive to Houlton before you felt like turning in for the night. I doubt if you would want to stop between here and there. That is generally the case today.

And those are two points I want to say. Now I very seldom come up and ask for your indulgence for the third time, but to me this is a very important issue and it is a very important expenditure that is not called for today no more than it was two years ago and it was only through making propositions and trades with different members of the Committee that you got this kind of report. Because there were several on the Committee said, well I am sorry Mr. Dudley, I think you are right but I have already committed myself. So this is where it stands in our Committee and I thought the House should know this. Thank you.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: As a freshman legislator I have tried not to have too much to say. Several of the matters that come up before me I am not familiar with but I wish to state now that over the past twenty years I have been in the highway construction field, for the last three years I haven't built any highways so I am not presently engaged in it. I have served as the President of the Maine Good Roads Association and in the chairs of the Associated Contractors of Maine. Presently I am a member of the National Committee of that organization, so I am fairly familiar with the highway program and I thought when I got assigned to the Highway Committee that was a great place for me. I guess it is because I do know something about it. But I am getting an education all alone here.

I think this House of Representatives is very fortunate to have a second Highway Committee and it was this morning when we got these two bills before I realized

there was a second report coming out on this.

Let me say just a few facts the way I see them. We received the Governor's and the Highway budget and as a committee we worked it down and reduced it some \$13,000,000. Each one of the items we went through carefully, we did it many times. In Mr. Dudley's Report "B" he has changed the allotment of the way we approached the money matters in such a manner that there is one thing it will do, it will change the amount of matching money for the federal road program by a million dollars over the two years, \$500,000 each year. This isn't good. This is the reason that the Committee took a million dollars from the Highway snow removal. Let me tell you that the increase in the budget asked for this year was \$3,000,000 more than it was last term. We thought that they could live within \$2,000,000.

Now he made a remark about not getting some roads plowed. Let me tell you something about, and it is right in the program you all have, the 55th report of the Highway Commission, 1968. The biggest item for snow removal, it isn't the snow removal itself as such, they do a wonderful job, but there are ice control \$5,000,000 — 59% of the whole budget; plowing \$1,468,238.17 — that is 17%. So it isn't the cost of plowing the snow that costs the money, it is the cost of running those trucks for moving the ice and something over a million tons of salt. We felt they could live within a budget that included \$2,000,000 more than they had last year.

Now when it gets down to the money matters, subtracted off \$829,000, there is only \$118,000 of this money being subtracted in the second year and \$711,000 in the first year. \$500,000 is this bridge. Let me remind you that the \$500,000 of this bridge is matching money and \$500,000 comes from the U. S. Government.

I am not getting into an argument about the bridge. I don't know if it is good business or poor business to build that bridge. I think from all the reports of Route 6 and everything that they will have to have the bridge and



it takes a couple of years to build a bridge. The program for the Highway Department is set up over a period of four, five or six years and it gets within two years before you can allot money for it. So the Highway program has got to be looked ahead to. Let me tell you folks that if we don't have a good Highway program the State of Maine is just as dead as can be.

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

Mr. McNALLY: Mr. Speaker and Members of the House: You know, there isn't a department in the State of Maine but we could all get up and find fault with. We could all second-guess the whole bunch of departments put together.

Now all my life I have been connected with building and I worked nine years for the Bridge Department of the Highway Commission and I have seen many things happen in the course of that time. I also was fortunate enough to be President of the Association for General Contractors one year and I have been to several national conventions. And I want this House to know that we have a Highway Commission that is thought of as being as good any of the fifty states.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Brooks, Mr. Wood, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971," House Paper 1244, L. D. 1579. The Chair will order a vote. All in favor of accepting the Majority "Ought to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

103 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

Thereupon, the New Draft was given its two several readings and assigned for third reading tomorrow.

### Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to Minimum Hour and Wage Standards for Fire-fighting Personnel of the Auburn Fire Department" (H. P. 692) (L. D. 892) reporting same in a new draft (H. P. 1246) (L. D. 1581) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. COTE of Lewiston  
NORRIS of Brewer  
COX of Bangor

Mrs. WHEELER of Portland  
— of the House.

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

Report was signed by the following members:

Mr. TANOUS of Penobscot  
— of the Senate.

Mr. SHAW of Chelsea

Mrs. BAKER of Orrington

Mr. CUSHING of Bucksport  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move the acceptance of the Minority "Ought not to pass" Report and would speak to my motion.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves that the House accept the Minority "Ought not to pass" Report.

The gentlewoman may proceed.

Mrs. BAKER: Mr. Speaker and Members of the House: This is a bill having to do with the Auburn Fire Department. The original L. D. to which I refer is L. D. 892. At the hearing on this bill, there were four proponents including the sponsor of the bill who presented the bill by request, and three members of the Auburn Fire Department. There were seven opponents to the bill including the attorney for the city, the fire chief, one of three deputy chiefs, a former councillor, the city manager and the assistant city manager. We were told that when this

bill was filed in February, it was not known at that time how the negotiations for the new labor contract for the fire department would come out. So they filed this bill as a safety measure and the conditions of the bill were part of the basis for negotiations on the fire department contract. By the time the bill got through the processes of the Legislature, the fire department had signed the contract as of April 1 this year, and it is a one year contract. It runs until April 1 of 1970.

The attorney for the City pointed out that this was actually a breach of contract to bring this matter before the Legislature. In my opinion, it is something which should not be established in the Charter of the City of Auburn and it could not possibly take effect until the contract had expired. It infringes upon the rights of Home Rule. They can take care of this matter right in Auburn. It does not need to come before the Legislature or be a part of their Charter. Therefore, I hope you will go along with the "Ought not to pass" Report.

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

Mr. EMERY: Mr. Speaker and Members of the House: As a sponsor of this L. D. in the original state, I was opposed to it when the bill came before the Labor Committee. When the bill was transferred to the Legal Affairs Committee and redrafted, I agreed with it and I support it. This bill gives back to our firemen only what they had in their old Charter previous to the 1967 session of the Legislature.

I would also remind the members of the House that this bill has a referendum provision attached and it is up to the voters of my city to finally reject or approve this matter. I therefore ask that we vote in favor of the Majority Report. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Minority "Ought not to pass" Report. The Chair will order a vote. All in favor of ac-

cepting the Minority "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 58 voted in the affirmative and 57 voted in the negative.

Mr. Emery of Auburn then asked for a roll call vote on the motion.

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 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 gentlewoman from Orrington, Mrs. Baker, that the House accept the Minority "Ought not to pass" Report. If you are in favor of the "Ought not to pass" Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Birt, Boudreau, Bragdon, Brown, Buckley, Carey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cox, Crosby, Curran, Cushing, Dennett, Donaghy, Drigotas, Durgin, Erickson, Evans, Farnham, Finemore, Fortier, M.; Foster, Fraser, Gilbert, Hall, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jameson, Johnson, Kilroy, Leberge, Lee, Lewin, Lincoln, Lund, Marstaller, McNally, Millett, Mitchell, Morehead, Noyes, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Starbird, Susi, Thompson, Trask, Tyndale, White, Wood.

NAY—Bedard, Bernier, Bourgoin, Bunker, Burnham, Carter, Casey, Coffey, Cote, Cottrell, Crommett, Croteau, Curtis, Dam, Dudley, Dyar, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Gauthier, Giroux, Hanson, Hunter, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry,

Lebel, Leibowitz, LePage, Levesque, Lewis, MacPhail, Marquis, Martin, McTeague, Mills, Morgan, Nadeau, Norris, Ouellette, Rand, Ricker, Rideout, Rocheleau, Santoro, Sheltra, Stillings, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT—Benson, Berman, Binnette, Brennan, Carrier, Corson, Couture, Cummings, D'Alfonso, Danton, Good, Hardy, McKinnon, Meisner, Mosher, Ross, Soulas, Wight, Williams.

Yes, 72; No, 59; Absent, 19.

The SPEAKER: Seventy-two having voted in the affirmative and fifty-nine having voted in the negative, the motion to accept the "Ought not to pass" Report does prevail. It will be sent to the Senate.

The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I would ask for a reconsideration and I would hope that you will all vote against me.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves that the House reconsider its action.

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

Mr. DUDLEY: Mr. Speaker, I ask to table the reconsideration motion until tomorrow, please.

Mr. Richardson of Cumberland then asked for a vote on the tabling motion.

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

A vote of the House was taken. 52 having voted in the affirmative and 77 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The pending question is for reconsidering our action whereby we accepted the "Ought not to pass" Report.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: Formerly I did not rise to debate this bill because I felt

that it had a referendum clause on it and that the people of the City of Auburn should have the final say.

I was at that hearing. Yes, there was some opposition, but the opposition came from those who wrote up the Charter two years previously and they felt that the Charter should not be changed, that they had made no mistake. I know of no Charter adopted by any city or town that doesn't have to be changed in the future, because they are all making mistakes.

In my opinion, the firemen of the City of Auburn were discriminated against in this Charter inasmuch as they were included in the Charter for many years without any records of any kind, just because they were making certain demands to join the union and the writers of the Charter, which were former councilmen, objected to the firemen. They even went so far as to propose a call fire department which was just rejected about a week and a half ago if you read the newspapers from Lewiston.

Now I feel this is purely a matter for the City of Auburn to consider. I think an injustice was done two years ago and I feel that this House has a chance to correct this injustice. I hope when we vote to reconsider that you do reconsider the matter.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I hesitate to rise, I hesitate to have the people here in this House feel that there is discord between the members of the Auburn delegation. As I mentioned once before, the discord it is not between us but is between certain members of the delegation and by remarks made here it is very evident at whom they are directed. They are directed at the governing body of the City of Auburn.

I was the one that sponsored the Auburn City Charter. I was proud to do it because the people that drew up this Charter were representative citizens of the City of Auburn whom I highly respected. They came from many walks of life. There were attorneys, there

were farmers, there were people who were not college graduates, they were people with high school educations.

Two years were spent in drawing up this Charter, drawn up with the advice of a very competent city attorney. It was drawn up with the wise counsel also of the City Manager of Auburn, Mr. Woodbury Brackett, who has achieved the high honor of being President of the City Managers Association of the United States of America, who has spent perhaps thirty years in city managership and upon whom no reflection should be cast because there never has been in the past. And now that I have expressed my sentiments, I hope that you will go along with Mrs. Baker's wish to vote against her when she moves for reconsideration.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I personally sponsored L. D. 892, and as I stated before I didn't agree with the original form. This redraft would make sure that the City of Auburn would have a permanent fire department. I have always maintained that a permanent type of fire department is absolutely necessary for Auburn in this day and age. I believe that any city in the state should do away with the concept of call-force fire departments. In a day and age when we are having many types of industry move into our area, this is an absolute necessity. We are building a new fire station, a central station, to the tune of \$500,000 this year and I feel we should staff this with a permanent department.

Various statements have been made as to who conducted or asked for a study to be made of Auburn's present type of fire department and changing it to that of a call-force. It is my recollection that this proposal came from the manager's office. To clarify my position in respect to this proposal, I will state that I do not, have not, and will not consider this type of call-force feasible for Auburn.

As originally presented by me, 892 contained certain stipulations I could not agree with. Several issues were the prerogative of the council to decide, but I still believe that we should enact an amendment that would definitely give Auburn a permanent type of fire department.

If a call-force type of fire department were reinstalled in Auburn, there would arise serious repercussions, one, the effect upon the Lewiston-Auburn mutual aid agreement. Home fire rates would rise from 15% to 50% per year as a result of a lower insurance classification, and insult would be added to injury in the case of the manufacturer operating in Auburn.

When I think of fire, I cannot help but remember the fire in 1933 in a section of the City called New Auburn. There was \$3 million worth of damage, there were 2,500 people moved out of their homes as a result of this fire and the City in my estimation is just beginning to recover from that, and this was in the year 1933 in May. I move that we reconsider our action.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, the present Auburn Fire Department is rated the number two department in the State of Maine, which is quite an accomplishment in itself.

I don't know if you have looked at this new draft, but it specifies how many people will be in the department, exactly when they will work, when they will take their vacations. If we are going to put legislation like that into a Charter, we might as well put into the Constitution of the State of Maine how many window washers we are going to use here in the State House. And I support the motion of Mrs. Baker.

The SPEAKER: The pending question is the motion to reconsider. Is the House ready for the question? The Chair will order a vote. Those desirous of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

34 having voted in the affirmative and 86 having voted in the negative, the motion to reconsider did not prevail.

**Divided Report  
Tabled Until Later in Today's  
Session**

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to Civil Action for Negligent Misstatements" (H. P. 898) (L. D. 1159) reporting same in a new draft (H. P. 1247) (L. D. 1582) under title of "An Act relating to Credit Reports" and that it "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
KELLAM of Cumberland  
CONLEY of Cumberland  
—of the Senate.

Messrs. NORRIS of Brewer  
COTE of Lewiston  
COX of Bangor

Mrs. CUSHING of Bucksport  
WHEELER of Portland  
—of the House.

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

Report was signed by the following members:

Mrs. BAKER of Orrington  
Mr. SHAW of Chelsea  
—of the House.

Reports were read.

(On motion of Mrs. Boudreau of Portland, tabled until later in today's session pending acceptance of either Report.)

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Civil Service Commission in City of Auburn" (H. P. 1000) (L. D. 1302)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
KELLAM of Cumberland  
—of the Senate.

Messrs. COX of Bangor  
SHAW of Chelsea  
CUSHING of Bucksport

Mrs. BAKER of Orrington  
—of the House.

Minority Report of same Committee on same Bill reporting

same in a new draft (H. P. 1248) (L. D. 1583) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. CONLEY of Cumberland  
—of the Senate.

Mrs. WHEELER of Portland

Messrs. COTE of Lewiston

NORRIS of Brewer

—of the House.

Reports were read.

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

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

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

Mr. ROCHELEAU: Mr. Speaker, may I have this item tabled for one legislative day?

Thereupon, Mrs. Baker of Orrington requested a vote on the tabling motion.

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

A vote of the House was taken.

44 having voted in the affirmative and 76 having voted in the negative, the motion to table did not prevail.

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

**Divided Report**

Majority Report of the Committee on State Government on Bill "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts" (H. P. 258) (L. D. 334) reporting same in a new draft (H. P. 1249) (L. D. 1584) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington

BELIVEAU of Oxford

LETOURNEAU of York

—of the Senate.

Mr. MARSTALLER of

Freeport

Miss WATSON of Bath

Messrs. RIDEOUT of Manchester  
D'ALFONSO of Portland  
—of the House.

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

Report was signed by the following members:

Messrs. DENNETT of Kittery  
STARBIRD of Kingman  
Township  
DONAGHY of Lubec  
of the House.

Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Minority "Ought not to pass" Report of the Committee and would speak briefly to that motion.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Minority "Ought not to pass" Report.

The gentleman may proceed.

Mr. DENNETT: Mr. Speaker and Members of the House: This is a road that I have traveled many times. This is a road that in my opinion should at this time lead to no pay raises for particularly what I considered well-paid servants of the State of Maine. These are the judges of the supreme and the superior courts and the district courts. It would allow, in general, \$2,000 to \$2,500 in raises for these particular persons who are now getting I believe \$15,000 \$19,500 and \$20,000 per year respectively. These are not, at least in my opinion, peanuts in regards to salaries. There is quite a contrast between these gentlemen who are very efficient, who are very able, who are very capable persons, this I admit. But there is a vast difference between these people and the lowly paid employes of the state who I believe either got a meager \$7 or \$9 raise. This is truly a great contrast.

This whole thing would add roughly, in round numbers, \$80,000 in more appropriations to the state. It is very little—it is 8 cents for every man, woman and child in the State of Maine, but 8 cents here and 10 cents here and 50 cents here, and we build our-

selves up into an enormous amount of money.

I maintain that these justices of the court are not suffering with the money that they are getting and I would hope that in the interest of trying to keep things down a little in the State of Maine—I am only trying to be consistent—that I hope you would go along with the Minority "Ought not to pass" Report. When the vote is taken, I would ask for a division.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: In speaking of traveling the roads, I seem to be traveling a blind road today. I find myself again in opposition to Mr. Dennett.

We have heard testimony to the effect that impressed me that we should raise the pay of these gentlemen that are on the bench that we entrust implicitly with some of the most important decisions that are made in the state. Now I am in sympathy with Mr. Dennett on the lower paid people, I am in sympathy with giving them a raise too; but I do think that we owe these people the wages that are suggested in this bill and for that reason I hope you will vote against the motion to accept the Minority Report and accept the Majority Report.

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

Mr. HEWES: Mr. Speaker and Members of the House: I have been voting with the gentleman from Kittery all morning, but I am now switching my vote to support the position of Mr. Rideout, the gentleman from Manchester.

These judges, in my opinion, are extremely over-worked and dedicated. They could earn substantially more in private practice than they are being paid now. As a matter of fact, a referee in bankruptcy here in Maine receives more than the Chief Justice of the Maine Supreme Judicial Court. And in my experience with the superior court judges, one of them has to have an insulin injection periodically, a few weeks ago he had a 300 sugar blood count which

is extreme and would put many a man in the hospital. Another time, another judge, the Honorable Justice Charles A. Pomeroy, in the course of his charge to the jury in a case he was trying he had a mild heart attack and yet he came back after seeing the doctor and accepted the verdict of the jury an hour or two later.

In short I feel that the judges are grossly underpaid particularly when you consider they are the bulwark of our democratic system and I urge you vote against the motion of the gentleman from Kittery, Mr. Dennett.

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

Mr. LUND: Mr. Speaker and Members of the House: I feel I would not be living up to my responsibilities if I did not speak in opposition to the motion of the gentleman from Kittery, Mr. Dennett. This redraft is a redraft of the bill which I sponsored before the Committee and it represents a substantial reduction in the amount of pay increase that was provided in the original bill.

I would simply like to make a couple of points with respect to the court system that we have in the State of Maine. This is one of the three equal branches and they of course have no power to raise their own salary. They are dependent upon the Legislature to see that they are adequately provided for.

We have in the State of Maine I think what is generally considered an outstanding judiciary. Our bench is made up largely of attorneys who have been successful in their trial practice and able to earn annual incomes considerably, I hear someone say double, I would say double perhaps the amounts which we are paying members of the court. I am personally aware of individuals who have been considered for the court who have come from active trial practices, who have said they regret the circumstances but they are unable to serve on the bench because of their financial obligations in raising their families and putting their youngsters through college.

We are fortunate in having a large number of judges who have been able to accept the sacrifice and who are carrying out their duties.

I would also like to just point out that today people are interviewing graduates or persons who are to be graduating from our leading law schools in this country, and the top salaries being offered in our New York law firms are currently \$15,000 per year. Granted these are for the outstanding people of their class, but I suggest to you that these judges are outstanding men.

I would also like to point out that our cost of living in the State of Maine as in the rest of the country has been going up very rapidly. My recollection is that the cost of living since the first of the year has climbed 5%. I would suggest that the increases which are set forth in this bill here are reasonable and fair under all the circumstances and I hope you vote against the pending motion.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise in support of my Chairman, Mr. Dennett, this morning or this afternoon I should say. I personally at this time cannot see how we can afford these raises even if they are justified, and I have some doubts in regard to that. I, like Mr. Dennett, have every respect for the gentlemen that now occupy these positions but to plead that these gentlemen must need this raise to help put children through college or to pay their medical bills I think is somewhat far-fetched.

There are ordinary people, old people, sick people of younger ages that have to use insulin that are living in my district and I presume in all the districts here represented and there are people also that have heart trouble. Very few of these people are probably earning in the range of \$20,000 per year. Somehow they have to pay their own medical bills and probably these medical bills in many cases amount to as much as the

gentleman's that were referred to a few minutes ago.

Poor people also would like to educate their children. Many of these poor people have children that are just as well qualified to go to college, just as well qualified to occupy positions that require great ability as some of our people that earn more, but these people cannot put their children through college. These people cannot educate their children without help. We know \$80,000 doesn't amount to a drop in the bucket but referring back to Mr. Dennett's argument, a lot of drops together will fill that bucket and that is where these drops should go, to help help our poor people. I don't think \$20,000 a year puts the gentlemen in the poverty bracket by any means.

And speaking as a person who comes in that poor man's level, and since this 5% increase starting the first of the year my salary hasn't gone up either. It has dropped to zero.

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

Mr. HARRIMAN: Mr. Speaker and Members of the House: I have got to agree with my good friend, Mr. Dennett from Kittery, that if we can't do more than we are doing for the State employees I don't think we should give a higher percentage to the judges, and if my memory is correct—and if anybody in the House knows differently I would appreciate a correction, but if my memory is correct these same judges got \$2,000 more in the last special session.

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

Mr. HICHENS: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Kittery this morning although before the session started I told the Speaker that I didn't think I had anything to talk about today. I will have to apologize for having to change my mind. As the gentleman from Hollis has stated, we raised the pay of these judges two years ago and after

the House so voted I talked with one of these judges who happens to be a customer of mine and he thanked me for the raise. I said I will have to tell you that I voted against it. He said, well if I had been in the House as I formerly was I would have voted against it also, but I am not going to refuse the raise because it helps me to pad a little for the future. So you know these judgeships that we have now are almost a reward for faithful service as attorneys and lawyers throughout our time serving the State. He said I can use this raise along with the other gentlemen, but we really do not need it. I do not think they need it today either.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I rise in support of my good friend, Mr. Dennett. I feel that these people are well paid and I think that at the present time we should look in the direction of those people who work at Pineland who are looking to get an extra dollar in order to feed their families, never mind sending them to college.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: It is with a great deal of reluctance that I rise in opposition to the motion of my good friend, Mr. Dennett, to indefinitely postpone this bill. In view of the recent news concerning this problem it seems to me that it would be most beneficial if we kept the salary of our judges at a high level in order that we might bring to the bench the best talent in the legal profession.

Certainly it seems to me shortsighted economy to economize in an area that is so dreadfully concerned with the concept of sections 1 and 2 of our Constitution that the rights of the people be protected. Certainly we legislators should make this our first concern. I hope you certainly will vote against the motion to indefinitely postpone.



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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you are somewhat amused to see lawyers scrambling to their feet on this particular bill and you might I suppose erroneously draw the conclusion that some of us may have cases pending before these judges.

To his credit the Governor of this State appointed I believe two years ago the now junior member of the Superior Court of the State of Maine. I believe this judge at the time of his acceptance of this appointment was the youngest justice or the youngest man ever to have been appointed to the Superior Court. I know from personal experience, from knowing him and having dealt with him in the really pretty sometimes rough world of the trial practice, riding circuit as he does and as all our Superior Court judges do, he is required to be away from his home for weeks on end. He has many many small children, I forget the number but it is a good healthy family, and I have often wondered how we can expect to draw young, qualified, competent attorneys to the bench unless we can pay them a salary which is at least somewhere near, and it doesn't anywhere near fully meet, but somewhere near what they could make in private practice.

Now I know the judge or I believe I know the judge to whom the gentleman from Eliot, Mr. Hichens refers. As a matter of fact I am sure that I know him and I know that his view is that a lawyer after twenty-five, thirty or thirty-five years of practice on coming to the fall of this life looks on the judicial position as a pretty nice proposition. He gets a retirement which he has probably like most of us failed to provide for during his active years, and that he approaches this — or at least some of them do, and I don't mean to indict the particular judge involved who is not on the Superior Court incidentally, comes to look on this as sort of a way to live out his later years in relative comfort.

The real problem is attracting young men to what I believe is a real killer job and that is serving on the Superior Court and hopefully then being elevated to the Supreme Judicial Court of this State. It is young men such as these, it is men such as Mr. Justice Roberts that we need and must have on the bench if the people of this State are to receive the brand of justice worthy of the name.

It is for this reason, not because I am unconcerned about Pineland, not because I am unconcerned about secretarial staff, persons in the building next door, it is for these people for this reason that we must provide adequate salaries. I suggest to you that the amendment drastically reduces the amount requested and I think that you should vote against the motion pending and allow this bill to receive enactment in the House and take its place on the Appropriations table with the other measures that are already there.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Briefly and just one final word. As you well know I am not an attorney. I have no cases pending before the court, but I think I am taking a greater risk than perhaps any attorney who might be inclined to vote against this bill. Should I ever appear in any of these courts taking the stand I do, I am more or less certain to have the book thrown at me; but nevertheless I do. These judges are mostly older men. They have no children to educate. If they are sick, if they are ill, this is something that befalls us all in our declining years.

It is fine to say that we must pay these young men greater salaries. We do not have too many young men. Usually as formerly stated this is more or less a reward for service. These lawyers have built up excellent practices and I would presume too that they had a portfolio of pretty close to, when they go into the judgeship, close to \$100,000. And I don't think they are going to suffer any at all. Most judges really almost fight to

get on the bench. This is quite a lot of prestige. This is a high honor, and I don't think we should be constantly showering them with money and to the detriment of people who are receiving very very little.

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

Mr. TYNDALE: May we have the yeas and the nays?

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Minority "Ought not to pass" Report on Bill "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts," House Paper 258, L. D. 334. All in favor of accepting the Minority Report will vote yes; those opposed will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Binnette, Bourgoin, Bragdon, Buckley, Bunker, Burnham, Carey, Carrier, Casey, Chick, Clark, H. G.; Coffey, Cote, Crommett, Crosby, Curran, Curtis, Cushing, Dam, Dennett, Donaghy, Durgin, Dyar, Eustis, Evans, Finemore, Fortier, A. J.; Fortier, M.; Gauthier, Gilbert, Giroux, Hall, Hanson, Hardy, Harriman, Henley, Hichens, Huber, Hunter, Immonen, Jameson, Justras, Kelleher, Kelley, K. F.; Keyte, Laberge, Lawry, Lebel, Lee, Lewin, Lincoln, MacPhail, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Nadeau, Norris, Ouellette, Porter, Quimby, Rand, Sahagian, Scott, G. W.; Snow, Starbird, Tanguay, Thompson, Trask, Tyndale, Williams, Wood.

NAY — Birt, Boudreau, Carter, Chandler, Clark, C. H.; Cottrell, Cox, Croteau, Drigotas, Farnham, Faucher, Fecteau, Foster, Fraser, Haskell, Hawkens, Heselton, Hewes, Jalbert, Johnston, Kelley, R. P.; Kilroy, Leibowitz, LePage, Levesque, Lund, Marquis, Marstaller, Martin, McNally, McTeague, Moreshead, Page, Payson, Pratt, Richardson, H. L.; Ricker, Rideout, Santoro, Scott, C. F.; Shaw, Sheltra, Soulas, Stillings, Susi, Temple, Vincent, Watson, Wheeler, White.

ABSENT — Brennan, Brown, Corson, Couture, Cummings, D'Alfonso, Danton, Dudley, Emery, Erickson, Good, Lewis, McKinnon, Noyes, Richardson, G. A.; Rocheleau, Ross, Waxman, Wight.

Yes, 81; No, 50; Absent, 19.

The SPEAKER: Eighty-one having voted in the affirmative and fifty in the negative, the motion does prevail. It will be sent up for concurrence.

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

Mr. STARBIRD: Mr. Speaker, I now ask that we reconsider our vote on this measure and ask that you vote against me.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird moves that we reconsider our action whereby we accepted the Minority "Ought not to pass" Report. Is this the pleasure of the House? All those in favor of reconsidering say yes; those opposed say no.

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

#### Divided Report

Majority Report of the Committee on State Government on Bill "An Act Revising the Maine State Personnel Laws" (H. P. 1048) (L. D. 1376) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WYMAN of Washington  
BELIVEAU of Oxford  
LETOURNEAU of York  
— of the Senate.

Miss WATSON of Bath  
Messrs. MARSTALLER  
— of Freeport  
STARBIRD  
— of Kingman Township  
RIDEOUT of Manchester  
D'ALFONSO of Portland  
DENNETT of Kittery  
— of the House.

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

Report was signed by the following member:

Mr. DONAGHY of Lubec  
— of the House.

Reports were read.

On motion of Mr. Dennett of Kittery, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings.

Committee Amendment "A" (H-467) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

#### Divided Report

Report "A" of the Committee on Legal Affairs on Bill "An Act relating to Contracts for Class Pins, Emblems or Photographs" (H. P. 822) (L. D. 1061) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. TANOUS of Penobscot  
— of the Senate.

Messrs. COX of Bangor  
NORRIS of Brewer  
SHAW of Chelsea  
CUSHING of Bucksport  
— of the House.

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

Report was signed by the following members:

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

Mr. COTE of Lewiston  
Mrs. BAKER of Orrington  
Mrs. WHEELER of Portland  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move the acceptance of Report

"B" "Ought not to pass" and would speak to my motion.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves that the House accept Report "B" the "Ought not to pass" Report. The gentlewoman may proceed.

Mrs. BAKER: Mr. Speaker and Members of the House: This bill seeks to restrict severely the rights of schools and photographers throughout the state to do business with respect to yearbook photography in the manner in which the business has been conducted for years, not only in this state but throughout the United States.

At the committee hearing a handful of photographers coming mostly from the Bangor area were the only proponents and it was apparent that their support of the measure was based solely on competitive reasons. As a matter of fact, the bill stems directly from a controversy in Bangor arising out of the selection of an official photographer for Bangor High School, a matter which was straightened out to the satisfaction of all parties concerned by the school officials of the City of Bangor.

This whole area is purely a matter of local concern and the Bangor incident proves that it should be handled locally. The proponents of this bill used the word "kick-back" to substantiate their claims that legislation is necessary. This word is not only completely misleading but it is a reflection on all of the principals and students of the high schools in the state. The common practice throughout the country in selecting a yearbook photographer is to request any interested photographers to submit bids. Bids are usually submitted either to the principal or more frequently to a committee of students, and in some instances to the entire student class. The contract on which the bids are submitted requires the photographer to list his charges to the individual students in the event they wish to buy class pictures and the deadlines for completion of the work. In addition the photographer is usually asked to agree to furnish free of charge pictures of the faculty,

athletic teams, student groups, and student activities for inclusion in the yearbook and is asked to purchase an ad in the yearbook. This is the so-called kickback.

However, as you can see it is not a kickback but a part of a freely negotiated open bid contract and in effect helps subsidize the yearbook. L. D. 1061 would prohibit this practice and this means that the increased cost of the yearbook will either have to be paid by the students or the local taxpayers will have to add more money in the school budget to make up the difference. It certainly is hard to see how a law which can only cause an increased financial burden to the high school students and local school budgets is needed at this time.

As originally drafted, the bill placed similar restrictions on contracts for school emblems and rings, but this was amended out and now deals only with photographers, which I think clearly proves that it is purely spite legislation by one group of photographers against another. There is not one single state in the entire country which has such a law on the books and I submit that we don't need it here. I don't believe any widespread problem exists in the selection of school photographers in the first place but if any problems do exist, certainly our local school boards and superintendents of schools can adequately take care of them, and I would urge you to support the "Ought not to pass" Report of the Committee.

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

Mr. COTE: I rise to support the lady from Orrington, Mrs. Baker. I have been contacted by several schools in my area who are definitely opposed to L. D. 1061. The Executive Secretary of the Maine Principals Association expressed his strong opposition to the bill at the committee hearing. The school officials and the students like the way they produce their yearbooks now under the direction of local school authorities and they do not want to see it changed.

There is certainly nothing wrong with the present system. Anyone is free to bid for the business and the successful bidder is chosen by the school. Yearbooks have been an accepted part of school life for many many years and the advantages of having an official photographer do the work are obvious. It provides uniformity of the pictures and the purchase of an ad and the furnishing of free activity photos obviously helps to finance the entire project. In addition, the people specializing in this field are of tremendous help to the students in producing the yearbook.

It is my understanding that one of the photographers who appeared in opposition to the bill is from Bangor and it probably is his studio against whom this legislation is principally directed. He has built a highly successful business to the point where he employs some fifty-five people and is the official photographer for over a hundred and twenty-five schools in Maine, New Hampshire, and Vermont. In addition he is the yearbook photographer for such institutions as the University of Maine, Maine Maritime Academy, Gorham State, Phillips Exeter, Dartmouth, Brown, Columbia, Yale, Wheaton, Duke, the University of Michigan, the University of Akron, North Carolina State, and many other colleges throughout the country. Certainly, if something was wrong with their method of doing business they could not have developed such an impressive list of clients. I certainly agree that there is no need for this legislation and I hope you will not go along with it.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: You all know the area I come from and it is a very destitute area. Over the weekend while I was home I had twelve letters in opposition to this bill. I won't digress on it. I simply support Mrs. Baker from Orrington.

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

Mr. MARQUIS: Mr. Speaker, earlier this morning Mr. Dudley

of Enfield said that he disliked special legislation. Ladies and gentlemen, I submit to you that this is about as special legislation as I have seen as a freshman legislator this year. This is the most particular class of legislation seen before this House. I would like to ask a question to any member of the committee, why is it that they have only the photography business in the L. D. and not the following items, as was previously submitted, class pins, rings, emblems, award letters, diplomas, graduation invitations, caps and gowns, athletic equipment and also the school milk program? I further ask if this bill was not submitted because of a personal local situation in the Bangor area, which they can't seem to rectify and therefore want a legislative situation that should be resolved on the local level and not here in this Legislature.

I know of no other area in the state that seems to have this problem. And since when are we to get involved in purely local matters? I therefore ask you ladies and gentlemen, to reject the Committee "A" Report and accept the Committee "B" Report and let us move on to legislation that truly deserves our full attention and let the local matter resolve itself as all local matters should be resolved.

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

Mr. CHANDLER: Mr. Speaker and Members of the House: I am going to make the classic statement, I did not intend to rise and speak on this matter. However, the battery of proponents in aid to Mrs. Baker's motion is a little disturbing. Let me take just a moment and tell you what my knowledge of yearbook matters is. I was managing editor of my high school yearbook and managing editor of my college year book, and I can tell you ladies and gentlemen of the House right now that there is hanky panky in these yearbook contracts.

One of the areas that the educational authorities all over the nation most closely guard is their somewhat dubious right to enter

into private enterprise in order to provide profit for their schools. This particular piece of legislation as far as I am concerned is a step in the right direction toward putting an end to that hanky panky. There is a large and powerful lobby of very wealthy photographers opposed to this piece of legislation.

I submit to you that the speakers this morning have acted in very good faith, that they feel that it is class legislation in order to protect a minority. You know, I think we have passed a lot of class legislation in this session in order to protect minorities and I for one am very proud of it.

I would ask your serious consideration toward the passage of this bill and I would ask that you vote against Mrs. Baker's motion.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I am a little confused at this point. I have only heard from one side of this argument. I would hope that somebody would get up on the other side of the defending motion and can maybe enlighten me on what is going on. I didn't attend the hearing and I have only heard the side of the Report "B". I would like to hear from someone on Report "A".

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

Mr. COX: Mr. Speaker and Members of the House: I am the sponsor of this legislation and remarks have been made that this was a local problem in Bangor. At the hearing we had photographers who were proponents of the bill from all over the state. We also had opponents from all over the state. But it is very true that if you could have heard the presentation of the representative of the photographer from Bangor, who is a very industrious man, and you could have compared them with the speeches that we have had on the Floor this morning, you would think you were hearing a replay.

There is a very serious problem in this area. One photographer even came in and proposed an amendment whereby he would keep his business in the grammar schools where he frankly admitted paying the teachers to administer. There are kickbacks, as I call them. These people are going in and negotiating with young students, or they are negotiating with advisers or principals and they are buying \$1,500 ads or \$2,000 ads that cost anybody else \$30 to \$50, and they say they are doing the students a favor by keeping the cost of their yearbook down. Well let's not be that naive. These photographers aren't going into these schools and losing money. Of course the local photographer in most of these towns can't compete with this. They don't have the finances to put \$1,500 or \$2,000 on the line and wait until the pictures are purchased.

I hope you will support this piece of legislation and vote against the gentlewoman from Orrington, Mrs. Baker.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I arise in support of the motion made by the gentlewoman from Orrington, Mrs. Baker. I arise principally on a matter that actually I know too little about, but on the advice and perhaps the counsel of the faculty of the local high school in the Town of Kittery, which is Robert W. Traip Academy.

I have quite a lengthy letter from them. I will not attempt to read it all, but I would read a paragraph which I think might be quite enlightening, and they go on to say that, "Pragmatically I believe the result of this bill as law would mean the end of the yearbooks for Traip and most schools. These books provide a valuable training experience for the staff, pleasant reminders to the students later as alumni, and the only practical record of the school's extra-curricular activities. I would appreciate you opposing this bill." I also understand from my seatmate, Mr. Hichens, that

the school in his SAD, which is known as Marshwood High, is of the same opinion. I hope that you might support the gentlewoman from Orrington, Mrs. Baker.

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

Mr. CHANDLER: Mr. Speaker and Members of the House: Let's get down to hard, cold, clear-cut facts for just a moment. The yearbook photographer takes the job for one primary reason: so he can sell graduation photos, portraits if you will, to each individual graduate. Ladies and gentlemen, I submit to you that in a poverty stricken state such as the State of Maine, when parents by virtue of the cries of their children are asked to purchase from fifty to one hundred dollars worth of portraits so that these photos may be passed among their classmates to remain in some dusty trunk for years and years thereafter, that we are encouraging a system which is an extreme hardship on the poor people of the State of Maine.

The yearbook photographer, primarily, once again, takes this contract so that he may sell portraits to each individual student. This is the very lucrative, and as far as I am concerned, great hardship created by him.

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

Mr. COTE: Mr. Speaker and Members of the House: In answer to the gentleman from Orono, Mr. Chandler, it was brought out in testimony that these people could take pictures for about \$3 or \$4 a sitting while the private photographers charge between \$5 and \$7. So if that is not a saving to the student, I would like to know what is. It has also been brought to the attention of the Committee that nobody was pressured to buy pictures. If they so wished, they did. As far as buying some fifty to a hundred pictures is concerned, that depends on the popularity of the individual. When I went to high school I remember buying five dozen, I think I have got three dozen left over. Something like my horoscope of today. But

sometimes we think we are popular and we buy quite a few and sometimes we are not that popular, we get left with some in our hands. But that is not here nor there except that we found out it was cheaper to buy from a large outfit than it is to buy from an individual photographer.

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

Mr. MILLS: Mr. Speaker and Members of the House: I just want to remark, I had a committee of three seniors wait on me last weekend in opposition to this bill. Their estimated cost increase to them this year is 25% to 30% if this bill is effective.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support this bill, not from the point whether it would be cheaper for the children to have their pictures taken by a private photographer or from a photographer that was going around to the schools making this a business. What I am opposed to is the same situation that we had, that we still have in my district, that of the photographers sending in their letters to the school board saying we will take these pictures for such and such a price. Our percentage of return, or kickback, which I call it, to the teachers will be 15%. The next week in comes a letter from another group saying that they can do a little better. They can give 18 or 20% kickback to the teachers. My position I took on this on my board was that if anybody was going to get the kickback, let's reduce the price of the pictures to the children and not let the kickback go to the teachers.

Now the teachers say they are doing this, and this is extracurricular work, that they are handling this on the side. This is not an extracurricular activity as far as the teachers in the school system are concerned, this is something that goes with the school system just as much as anything else. I mean, when a kid is graduating from school he has his picture

taken; it has been done for years. So why should the teacher get any kickback on this? I am definitely opposed to the kickback business in any type of work.

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

Miss WATSON: Mr. Speaker and Members of the House: I would just like to say in answer to the charge of the kickback to the teachers, my father has been a class advisor at Morse High School to the seniors for many many years and has dealt with year-books and he has never received one penny on a kickback.

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

Mr. DAM: Mr. Speaker and Members of the House: The statement I made of kickback, I made it very clear that I referred to my own district of SAD 54. Now this is a matter of public record. It is entered in the minutes of the meeting of the discussion we had on the kickback and when you start giving teachers 15%, 18% or 20% to handle a job they should be handling for nothing, this is definitely kickback and it is a matter of public record, it is not an idle statement.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker that the House accept Report "B" "Ought not to pass". The Chair will order a vote. All in favor of accepting the "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

78 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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.

**Passed to Be Engrossed**

Bill "An Act Appropriating Moneys for a State Vocational and Technical Institute in Waterville" (S. P. 477) (L. D. 1554)

Bill "An Act Altering Formula for Retirement under State Retirement System" (S. P. 480) (L. D. 1558)

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 Until Later in  
Today's Session**

Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003)

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

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

**Third Reader  
Tabled Until Later in  
Today's Session**

Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program" (H. P. 1174) (L. D. 1498)

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

Mr. Snow of Caribou offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-450) was read by the Clerk and adopted.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a question to the sponsor of this legislation and ask whether or not the grant of monies by the State to the various towns and municipal governments is to be based upon the population factor described to us the day before, and if this is true is this going to be based on the Federal Decennial Census each time around?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson

directs a question to the gentleman from Caribou, Mr. Snow, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. SNOW: Mr. Speaker, I don't have the information with me right now.

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

**Third Reader  
Tabled and Assigned**

Bill "An Act to Extend Registration Coverage and to Provide Increased Fees in Lieu of Personal Property Tax on Certain Watercraft" (H. P. 1236) (L. D. 1569)

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

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

**Amended Bills**

Bill "An Act to Authorize Bond Issue in the Amount of \$2,515,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded, and the Youthful and Adult Offender at our Mental Health and Corrections Institutions" (H. P. 311) (L. D. 398)

Bill "An Act to Authorize Bond Issue in the Amount of \$770,000 for the Construction and Improvement of Vocational Education Facilities at Northern, Southern, Eastern and Central Maine Vocational-Technical Institutes, and for the Construction and Improvement of Education Facilities at Maine Maritime Academy and the Unorganized Territory Schools and Indian Schools" (H. P. 317) (L. D. 404)

Bill "An Act Revising the Savings Banks Laws" (H. P. 1021) (L. D. 1360)

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



**Third Reader  
Tabled Until Later in  
Today's Session**

Bill "An Act relating to the Water and Air Environmental Improvement Commission" (S. P. 322) (L. D. 1084)

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

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

**Third Reader  
Tabled and Assigned**

Bill "An Act relating to Small Loan Company Licensees" (S. P. 396) (L. D. 1352)

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

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

**Constitutional Amendment  
Tabled Until Later in Today's  
Session**

Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary (H. P. 21) (L. D. 24)

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

(On motion of Mr. Levesque of Madawaska, tabled pending final passage and assigned for later in today's session.)

**Constitutional Amendment  
Tabled and Assigned**

Resolve Proposing an Amendment to the Constitution to Provide for Municipal Home Rule (H. P. 343) (L. D. 451)

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

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Due to the actions taken here this morning by killing bills with referendum clauses on them, which

in effect is home rule, it seems to me that this body is not ready to accept the concept of municipal home rule. Therefore I move indefinite postponement of Resolve Proposing an Amendment to the Constitution to Provide for Municipal Home Rule, which is House Paper 343, L. D. 451.

Whereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Cote of Lewiston to indefinitely postpone and specially assigned for tomorrow.

**Passed to Be Enacted  
Bond Issue**

An Act to Authorize Bond Issues in the Amount of \$50,000,000 to Provide Funds for School Building Construction (H. P. 158) (L. D. 197)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 102 voted in favor of same and 19 against. and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor  
Tabled Until Later in Today's  
Session**

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

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

(On motion of Mr. Benson of Southwest Harbor, tabled pending passage to be enacted and assigned for later in today's session.

**Passed to Be Enacted**

An Act to Permit the Payment of School Construction Aid Upon the Completion of a Project (H. P. 376) (L. D. 485)

An Act Amending the Sanford Sewerage District (H. P. 706) (L. D. 920)

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

**Finally Passed**

Resolve in Favor of Matinicus Isle Plantation (H. P. 1213) (L. D. 1545)

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

**Orders of the Day**

Mr. Hunter of Durham was granted unanimous consent to address the House.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: Often in comin' down here mornings I ride with my leader, the gentleman from Lewiston, Mr. Jalbert, and we part in the rotunda — our compatibility stops right there — and I noticed that he goes to the Research office and then he goes into the Speaker's office and other offices of the hierarchy. But me, I go in and see Frank Wood and Charlie Hammond in the document room and then I step across the hallway into the pages' office and that's where I learn a lot of things from them. These page boys — if there is any reason that I don't come back here another year, these pages will be the ones that I miss. They're quite knowledgeable kind of people. You see my policy is never be out after dark at night and these page boys they tell me about the various things and how people live after darkness comes on.

The other day one of them here was telling me that when you go to one of these drive-in theaters you don't drive head on, you back in so that the light of the screen adon't botha' ya. I also have a — I have also got these boys so that they talk more like me than I do myself, I noticed.

But all of it is coming to a pass. One of our pages is going to get married this comin' Saturday and he's gonna march down the aisle with the woman of his choice and be united in holy matrimony. Now I don't know the girl at all, but I do know that she's a awful lucky girl and I wish Bill Dowling here the most luck that anyone ever could have in bein' married. (Applause)

The SPEAKER: Thank you, George, I am sure that the members of the House join you in their best wishes to young Bill.

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

Bill "An Act Regulating Snowmobiles" (S. P. 455) (L. D. 1501) consideration of which the House was engaged in at the time of adjournment yesterday, the pending question being passage to be engrossed.

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

Mr. CROMMETT: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

(Cries of "Yes")

Suspension of the rules requires a two-thirds vote. Are you ready to vote? The pending question is suspension of the rules. All in favor of the rules being suspended will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 69 having voted in the affirmative and 52 having voted in the negative, the motion did not prevail.

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

Mr. LEBEL: Mr. Speaker, am I in order to present an amendment?

The SPEAKER: The Chair would advise the gentleman that amendments are in order.

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

House Amendment "F" (H-463) was read by the Clerk and adopted.

Mr. Dyar of Strong then offered House Amendment "C" and moved its adoption.

Thereupon, House Amendment "C" (H-434) was read by the Clerk.

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

Mr. FINEMORE: Mr. Speaker, am I in order to ask a question?

The SPEAKER: The gentleman may pose his question.

Mr. FINEMORE: Mr. Speaker and Members of the House: I notice they have got an amendment on here that is raising that fee to \$13, one of those Senate Amendments, and I notice this Amendment "F" is coming back to the \$10 fee again. Does that make a conflict? One place it mentions \$13, the other \$10.

The SPEAKER: The Chair would advise the gentleman that the Chair is not in a position to make a declaratory judgment.

Mr. FINEMORE: Mr. Speaker, would this be corrected in engrossment? Would it be noticed or picked up?

The SPEAKER: The Chair is not in a position to determine that.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: As I understand it, House Amendment "C" would be in conflict with Senate "C" which is already on the bill and as to which the House refused the suspension of the rules for reconsideration and the possible indefinite postponement. I oppose House Amendment "C" and I would request a division on its adoption.

The SPEAKER: Does the gentleman move indefinite postponement?

Mr. RICHARDSON: Yes sir, I move indefinite postponement and request a division on the motion.

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

Mr. DYAR: Mr. Speaker and Members of the House: House Amendment "C", to those who haven't read it, merely changes it and takes out the right to use an unregistered machine on lands which he has contractual right. The amendment would change it so you would have to have a machine licensed to go onto this contracted land and the only place you could use an unlicensed machine would be on lands where you are domiciled which would be con-

current with hunting and fishing licenses and other things of that nature.

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

Mr. CROMMETT: Mr. Speaker and Members of the House: I oppose the motion to indefinitely postpone House Amendment "C". This, as explained by Representative Dyar, this would on land to which he has a contractual right, applies to landowners. Now the landowners should not expect both ends and the middle. They have already passed a liability bill, sponsored by the gentleman from Freedom, Mr. Evans, and it would seem to me that this is a fair amendment.

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

A vote of the House was taken.

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

Thereupon, House Amendment "C" was adopted.

Mr. Williams of Hodgdon offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-435) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WILLIAMS: Mr. Speaker and Members of the House: All this does is bring a couple of dates into line with the previous measure in one part and in the second part says that these hearings shall be published in a statewide paper, a paper of statewide circulation. At the present time they have been published in the K. J. and up in our neck of the woods we never see the K. J.

Thereupon, House Amendment "D" was adopted.

Mr. Fortier of Rumford offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-438) was read by the Clerk and adopted.

Mr. Crommett of Millinocket offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-333) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "C" and House Amendments "A", "B", "C", "D", "E" and "F" in non-concurrence and sent up for concurrence.

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

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 — June 3, by Mrs. Payson of Falmouth.

Pending — Acceptance.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I move that the bill be substituted for the committee report and request permission to speak to my motion.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson moves that the House substitute the bill for the "Ought not to pass" Report, and the gentlewoman may proceed.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I am in favor of law enforcement and I am happy therefore to sponsor this bill. It protects your telephone credit cards so that others cannot use it illegally, thereby putting you in the position of paying their telephone bills.

If you are careless about where you put down your wallet — as some of us are sometimes — your credit cards can be extracted even in your own home. Some time ago a college student entertained some of his fraternity brothers at his parents' home. One of the boys stole daddy's telephone credit card and passed it around to his friends at college. The result, before it could be stopped, daddy had bills in the thousands of dollars for calls that went out all over the United States to the girl friends.

It is not necessary to steal a card. Your number alone may be stolen. Anyone can lounge outside a public telephone booth. It's a snap to overhear a person's credit card number being given to the operator and then you are free and clear. Then there is the unauthorized person using your credit card. During the 103rd Legislature several telephone credit cards were used illegally through the lending to other people. It cost the State a couple of thousand dollars.

In Maine the telephone credit card problem is more common than the second category, which involves organized criminals in gambling operations. Gamblers depend more on the spoken word than on the written word. They prefer a telephone call to a letter. I would, too, if I were in their business. This bill has been introduced to reach these illegally operating people quickly. L. D. 496 allows the Attorney General when he has complaint to write to a telephone company to request records of where calls originated and where they went to, their destination. A study of the calls can reveal a so-called pattern of calls from which it is possible to track down the individual making the calls. This bill does not allow anyone to learn the contents of a call. Let me emphasize: anything said on the phone cannot be obtained.

Because the request of the Attorney General must be in writing there is a record of his action which is the public's protection against misuse by the Attorney General.

At the public hearing before the Judiciary Committee, the largest telephone company in Maine testified in favor of this bill. No opposition was expressed. This bill merely speeds up the process of pinning down the punk. The illegal operator can be pursued now through the time consuming subpoena process, but that can take up to two months.

I hope that you too are in favor of law enforcement and urge you to vote in favor of the bill and kill the committee report.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Pay-

son, moves that the House substitute the Bill for the Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I hope you won't substitute the bill for the report. I will try to tell you why quite briefly.

When the lady from Falmouth came down before the Committee on Judiciary, very frankly she charmed us with her presentation and we allowed the bill to get out of committee with some mixed emotions. But on second thought we started doing some serious thinking and when it came back to the committee, we were more alert. This actually is one of the two "Peeping Tom" bills with which our committee has been confronted this rather hectic session. And when I give a good hard look at L. D. 496 today I would paraphrase the memorable gentleman from Auburn some years ago, the Honorable Benjamin Turner, when he said of one of my respected colleagues, "How could such a lovely lady have such a distasteful bill?"

Now each member of this Legislature has a credit card and I think, for the most part, they are in good hands. I personally seldom use mine and I myself would not be greatly concerned if the good lady from Falmouth or someone else would check up on whom-ever I called. I was a little surprised last session to learn that someone, apparently in the Legislature, had charged some of their calls to my credit card because I had actually no calls out of session after our adjournment, but I myself really would prefer that someone use my calls if they thought that they were necessary, but I don't think that we should have this type of snooping legislation. I don't think it really would accomplish the purpose for which it was set forth.

Now I would like each of you to read the bill which is quite brief, and it says: "Whenever the Attorney General has reasonable grounds to believe that the services of a public utility, subject to the jurisdiction of the Maine Public Utilities Commission as defined in

Title 35, section 15, subsections 17 and 19"—which I won't read to you but which you can find in your Revised Statutes—"is being used or may be used for an unlawful purpose, he may demand, in writing, all the records in the possession of such public utility relating to such service. Such public utility shall forthwith deliver to the Attorney General all the records or information in compliance with said demand."

Now there is absolutely no protection to the public under such a bill. The state's attorney doesn't have to go to a judge and justify getting the telephone records. If we have people that we want to trace their telephone calls and create dossiers on, this would be a very logical way of doing it and none of us would know what would be happening, the public wouldn't be protected by any sort of a court order and for that reason I hope that you will not substitute the bill for the report and when the vote is taken I would request a division.

The SPEAKER: Is the House ready for the question? The pending question is the substitution of the bill for the report. The Chair will order a vote. All in favor of substituting the Bill for the "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

51 having voted in the affirmative and 75 in the negative, the motion did not prevail.

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

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

Bill "An Act relating to Contracts of Loans under Small Loan Agency Law" (H. P. 622) (L. D. 810)

Tabled—June 4 by Mr. Rideout of Manchester.

Pending — Passage to be engrossed as amended by Committee Amendment "A" (H-406)

On motion of Mr. Gauthier of Sanford, retabled pending passage to be engrossed as amended and specially assigned for tomorrow.

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

Bill "An Act Establishing the Municipal Public Employees Labor Relations Law" (H. P. 636) (L. D. 824)

Tabled—June 4, by Mr. Cote of Lewiston.

Pending — Passage to be engrossed as amended by Committee Amendment "A" (H-431) and House Amendment "A" (H-447)

On motion of Mr. Farnham of Hampden, the House reconsidered its action of yesterday whereby House Amendment "A" was adopted.

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

Mrs. COFFEY: Mr. Speaker could I have that motion tabled? Representative Ross can't be here this afternoon and I would like to table this for one legislative day.

Whereupon, on motion of Mr. Rideout of Manchester, retabled pending adoption of House Amendment "A" and specially assigned for tomorrow.

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

An Act to Correct Errors and Inconsistencies in the Fish and Game Laws (S. P. 464) (L. D. 1543)

Tabled—June 4, by Mr. Finemore of Bridgewater.

Pending—Passage to be enacted.

On motion of Mr. Porter of Lincoln, retabled pending passage to be enacted and specially assigned for tomorrow.

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

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

Tabled—June 4, by Mr. Marquis of Lewiston.

Pending — Passage to be enacted.

On motion of Mr. Jalbert of Lewiston, tabled pending passage to be enacted and later today assigned. (Later Reconsidered)

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

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

Tabled—June 4, by Mr. Benson of Southwest Harbor.

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

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

Mr. RICHARDSON: Mr. Speaker, in order to put an amendment before the House for reconsideration I would ask the tolerance of the members of the House, we have to put it in a parliamentary posture to present the amendment. First of all, Mr. Speaker, I move the pending question which is to reconsider.

The pending motion prevailed.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 23 whereby House Amendment "B" as amended by House Amendment "A" thereto was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 23 whereby House Amendment "A" to House Amendment "B" was adopted, and the Amendment was indefinitely postponed.

Mr. RICHARDSON: Mr. Speaker, I offer House Amendment "D" to Senate Paper 449, L. D. 1483, which is printed and appears on the members desks as L. D. 1568 and move its adoption, and I would speak briefly to that motion.

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

House Amendment "D", being L. D. 1568, was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, and Ladies and Gentlemen of the House: I hope that today we can accept the amendment and give the bill its first two readings in the amended form in order that we can debate at a later time and in more detail the gist of the amendment which is presented. I do want to say very briefly, however, that the amendment which you have before you is the product of compromise and in my dictionary compromise is not a dirty word. Politics is defined by Webster in two senses: "Politics is the art of state government," and the second and less flattering definition of course brings to mind visions of clouds of smoke in a very small room and politicians in the narrow sense trading away the public interest.

In this instance, the Democratic and Republican leadership of the House and Senate met time and again in order to attempt to work out a program which would solve the very real problem that faces this Legislature, I think the most serious, most challenging, most agonizing financing problem that we have ever had. And in doing so, we had to rule out certain alternatives. We had to rule out a number of alternatives, so-called patchwork tax programs which we felt were unacceptable. And in order to put together a program that would fund the Part II Budget at a level which we think is responsible, yet very substantially below the recommendations and requests of the Governor, we have to be able to generate something in the area of \$42 million worth of revenue.

Now it is therefore my job today to offer to the members of the House in good conscience an amendment with which at the same time I am not completely pleased. I have told many of you individually and I state to you now publicly that there are many things in the amendment which I don't care for. There are logical inconsistencies in the imposition

of a tax on income from so-called intangibles while not at the same time placing a tax on other income. There are inconsistencies in placing a tax on corporate earnings, profit, and at the same time not placing a tax on the earnings of unincorporated businesses, associations and partnerships. There is a basic inconsistency in imposing a tax on corporations and not on individuals. Yet we face a profound and profoundly disturbing funding dilemma.

It is for this reason that I would hope that we can somehow find our way through this thicket and pass this program which is a compromise in the finest sense of the word — a compromise of conflicting views, both as to the scope of our effort and the type of taxes we need to pay for them, a compromise which hopefully can allow us to meet our obligations to the people of the state, to feel that we have done the job that has to be done, as we see the job.

I, therefore, Mr. Speaker, hope that we can adopt today as a preliminary matter, House Amendment "D".

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman from Cumberland, Mr. Richardson, has indicated, we have reached that stage of the game where we must either agree on a compromise or go home and do nothing. Now the word compromise might have some connotations as far as some members of the House are concerned or even some members of the general public. I would like to express my feeling in this compromise package as really collective bargaining in the best interests of the people of our state.

Certainly the gentleman from Cumberland, Mr. Richardson, has indicated that he is not all happy with the collective agreement, and I may express the same feeling that I am not always happy with this kind of settlement. But this, ladies and gentlemen of the House, in all sincerity, is truly an agreement that I feel is absolute neces-

sity for the betterment of state government in this state.

I say this because failure to do this at this time, at least give it its preliminary introductions so that those of you who might have some reservations might have a chance to have a look at it, examine your conscience, and what better can be done with it. We are no perfect, so that is why I say what better can be done with it?

I would hope that the members of this House, the Democratic members of this House especially that I am concerned with, that you examine your conscience and find out if this piece of legislation does not become a part of our laws this year at this regular session of the Legislature, what more irresponsible act would be for us to do is not to enact a supplemental budget and go home and wait for the turmoil to stir up amongst the people of our population only to stir us into action in trying to resolve the problems at a later date, which the areas that are having problems would even be magnified and multiplied to a point of almost complete misunderstanding.

I would ask and urge every member of the House today to give us the sincere support that we think between the leadership of both parties that we have bargained in good faith, and this is not the end to all the solution, but I have yet to find a session of the legislature that has been able to produce the answer to all the problems in one legislative session.

So therefore I would urge that every member of this House will give this its most serious consideration and help support the passage of this document. Thank you.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: I am not rising here today as a maverick of my party, and I am not arising to speak in non-cooperation with the leadership of the other side of the aisle. I am simply stating today that I think something that we should be very careful to—yes,

I will agree with the Minority Leader, this is the time to examine our consciences, and I think we have so much on our conscience right now that it will probably take a little more time. I think it would be wise for us to cool it a little bit and possibly go home and come back when it is a little cooler in the season in October and pass the Part II Budget.

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

Mr. RICHARDSON: Predictably, I asked you to bear with me suggesting or implying that I would be brief and I now find of course that I can't be.

I want to indicate to several people, I had discussed this both today in the terms of I think something along the line of going along with us in the first two readings—and I had somehow mentally turned off the current and I did not realize of course that the bill today before you, the question, is passage to be engrossed as amended by House Amendment "D"; and therefore I want to release any of you who made a commitment to go along with me today on the grounds that you are going to vote against it on third reading because there won't be a third reading, it is engrossment today. And it was a very tempting thought to allow that to happen and then apologize later, but I don't want to do it that way.

The bill, if it is passed to be engrossed today, will go to the Senate where a number of amendments will be necessary to put in the additional portions of the program that the Republican and Democratic leadership feel is necessary. It will then come back to us and at that time we can make any further amendments in the basic package that we want to. Let me say this finally, and I know you have perhaps read it in the papers somewhere, but I think that the legislative record of this session should contain this statement.

In the last session of the Legislature, plagued by dissent and shot through with bitterness, when I went home on July 7, I carried



away some very unhappy feelings, unhappy memories, about some of the association that I had had with the members of the leadership of the other party. This session, the one thing that I know I am going to take away from this session is a feeling of real respect and real genuine friendship for those of the opposite number who have worked with us to try to work this program out.

If you reject the program I am sure that I won't take it as a personal affront and neither will the gentleman from Madawaska, Mr. Levesque. The program does represent though, in the sincerest terms I can possibly express, it does represent a conscientious best effort to answer an agonizing problem. For that reason I ask you to vote for the engrossment of this bill in this amended form.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The measure that is before us today, if one would understand the explanation of it, calls for the original \$34,129,000 in Part II. It would give the \$900,000 necessary for the interest on the \$22,000,000 bond issue, which is the money we owe the towns and cities and must pay them by law. It also concerns itself with the bond interest and retirement. It would keep the sanatorium in Fairfield open for the commitment we have made for at least one year. It gives to the state employees from \$7 to \$9. It gives \$300,000 for some overtime pay — time and a half pay — and it gives \$367,000 to reduce the working program at our correctional institutions from 48 hours to 44 hours. It also gives us an opportunity to better meet from the \$7 to \$9 the request of the state employees.

And skipping, it also gives raise changes to the Mental Health and Correctional institutions who work directly with the mentally ill and retarded.

In a Democratic caucus, which is open to the public anyway, and open to the press, I asked those who would work at the Mentally

Retarded institutions for double the salary that was presently given them to raise their hand and not one hand rose. It would give grade changes to psychologists and physiotherapists, which means continuation of accreditation. It means naturally more money for L.D.'s which can be brought down in future amendments, it means educational subsidy rises to the cities and towns. It means also a tax package.

Now my very good friend from Sanford, Mr. Jutras mentions that we could cool off and then come back later on and do our job. The state employees are not waiting that long. The state employees in our mental institutions are not waiting that long. And I don't blame them.

The reliefs that we are giving to our poor, to our handicapped, to our dependents, cannot wait that long; specifically the ADC Program. By Federal law we could stand to lose federal funds. The programs that we have instituted in other departments cannot wait that long. Certainly all of the students cannot be turned away from our Orono campus and also our Portland and also our Augusta campus. And I could go on and on for what cannot wait that long.

But that is not my real purpose for opposing the thinking of going home and coming back. Because I know it has been a long trial with me, of two years ago, when I stood here with a few stalwarts begging the leadership of both parties to go along with the one-half cent package, telling them that they would come back and do the very same thing that I was asking them to do in June—exactly what happened seven months later, it cost the State \$9 million in revenue, a great percentage of it from out-of-state because we did not take advantage of that year's tourist season and certainly the season of our ski problem during the program in the summer.

We did come back, dusted off the half cent bill that I had, put another name on it without a word of debate, enacted it, having lost all of that money. And as far as I am concerned I shall vote—I

shall stay here and I shall vote for a package along this line. If we come back I shall vote for no package and when I am going to consider voting for another package when we leave here, will be at the 105th Legislature if God permits me—and naturally the ballot box has a little something to do with it, permits me to be back here. I don't threaten that—I promise that.

Way back January 4, 1969, immediately after the Governor's message, I predicted this very situation. I then asked the leaders to get together. The leaders have gotten together, both leaders have said this will be amended anyway and will come back to us, because I know and you all know that somewhere along the line there will be changes made. But certainly I for one, in this present form here, who has hollered loud and long for the leadership of both parties to get together, I am going to indicate something and the leader of my own party naturally and the leadership of the opposition party as well, because of the job they have done. And I think certainly here when these people, the leadership of both parties, of both branches of the Legislature, get together and come up with a package that they themselves admit to be engrossed here and probably touched elsewhere, certainly I am going to give them a vote of confidence today. I am going to vote yes and when the vote is taken I ask that it be done by the yeas and nays.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentleman of the House: There was a great statement once said—"I'm from Missouri. I can't see the compromise, show me."

I just want to read a little article from the Bangor Daily News, which goes way back to February. "How to reduce State budget. The 104th Legislature has been presented by Governor Curtis with a biennial budget totalling \$365 million. This is not just a record budget — it's a whopping budget, an increase of more than

one third the previous budget of 240 millions, more than one half is earmarked for the spiralling demands of education. The legislators, elected representatives of the people and holders of the purse strings, are duty bound to trim down the budget to reasonable size. It won't be easy and there will be an anguished howl from special interest groups, but it must and can be done.

"We recommend the Legislature extend a freeze for the next two years. It would bring about a lump sum savings of 18.3 millions. This would be greater than receipt from the half cent increase in the sales tax. There won't be any hardship involved, no reduction in public services. The department heads can save money when they have to, it has been demonstrated time and time again."

And I am going to skip a little bit and get down to the end. We realize it is easier to say yes than no, especially when persuasive and pressurizing lobbyists are at your side. But legislators wanting an easy time of it in Augusta had no business being candidates in the first place. We will guarantee dismayed and indignant constituents won't go easy on legislators who fail to substantially cut back the fantastic spending program."

I personally cannot vote for a tax that discriminates against a few. I feel it is everybody's problem — everybody receives; everybody should pay.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise only to make one comment on my good friend Mr. Jalbert's statement. To set the record straight, when he made that statement — when he asked the question of were there any members at the Democratic caucus that wouldn't take the job at twice the price, and he said no one raised their hands. Well this was one caucus that I attended and I want to set the record straight, that there were two members that raised their hand.

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

Mr. BENSON: Mr. Speaker and Members of the House: I would just like to comment on some of the remarks made by the gentleman from Bangor, Mr. Soulas, and that is on the cutting of the budgets.

We have I feel, as a member of the Appropriations Committee, done what we had to do to meet with the approval of the several philosophies represented there. We had people, extremely conservative people, sign the document that is presently before you and we had some people I consider to be reasonably liberal sign that same document.

We talked about these programs day after day, week after week, and we compromised as has the leadership of both of those parties compromised on a revenue measure to pay for it. We compromised to the point that we felt was a middle of the road between two philosophies, and we have presented, just yesterday at a Republican caucus, item by item the Part II budget and we asked for questions. There were questions and answers of clarification given. As yet we have not received any new budget proposal with any considerable cuts in it.

I feel that the budget that we are considering is one that can be voted on with good conscience by both parties and I hope that we will have that vote here today and continue on with our important business.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In truly apologizing to the gentleman, my friend Mr. Dam, I would like to state that I really didn't see the two people and if he will acquaint them to me I think two out of sixty-four is a very low average; however, if he will acquaint them to me Kupalian Hall has some forty vacancies of vegetable people who can't help themselves in any direction whatever, if he will acquaint them to me I will okay their application.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: There are three items in the tax package excluding the raise in ten cents a gallon on the beer tax; the major items in the tax package constituting about 92% of it are the corporate income tax and the intangibles tax. It has been said that there is some discrimination in each of these taxes. I guess people that are taxed always feel in a sense that they are being discriminated against. I feel both of these are very equitable taxes. They could use some adjustments but the ideas behind them are very good.

Too much of our current state and local revenue comes from the sales tax, the real estate tax, and other forms of taxation which are characterized as regressive, because they bear down hardest on the lower and middle income people. I think at least, generally speaking, the corporate income tax and the intangibles tax will cause at least some equitable readjustment in having the upper income people pay their fair share of the cost of government.

One great advantage of the corporate income tax is the fact that it is to the corporation, the state corporate income tax is a deduction from their federal corporate income tax. The federal rate is 48%, so that roughly speaking each two dollars of revenue we bring into the state by the corporate income tax will only cost our corporations one dollar. I think that's a very good deal and good sense.

In regard to the intangibles tax, assuming a 5% rate of return on investments in stocks, which is perhaps a bit high—I think the average is about 4½% of all the stocks listed on the New York Exchange; so assuming a 5% return a man and a wife could have \$40,000 in taxable stocks, \$40,000 in savings accounts which are not taxable—and part of that 40,000 perhaps in United States defense bonds, which are not taxable, and a \$20,000 home, for a net worth of \$100,000, before they would pay one penny under the intangibles tax.

For these reasons, although personally I would like to see some

adjustments in both the intangibles and the corporate income tax, and recognizing that taxes are always disliked, I think of all the forms of taxation that have been proposed these two are the most equitable, because they tax those people that are able to pay.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: A few short and final words I hope this afternoon regarding this document. I think every member of this House will very well recognize the fact that no human being can be perfect one hundred per cent of the time, and we don't at least in the leadership claim that we've got a perfect document. We are only trying to assume the responsibility of giving to the people of the State of Maine what we think is responsible under all the circumstances, errors included. And certainly the Appropriations Committee that made some adjustment in the Current Services budget and also in the Supplemental budget that is presently before us, they might have felt urged to add more than they did, or might have had an urge to stop the elimination of some of the state employees in certain areas, or the increasing of state employees in the Supplemental budget.

But ladies and gentlemen, let me remind you that when the entire Appropriations Committee is able to understand and agree one hundred percent and are in accord of reporting out a package, plus the fact that the leadership of both political parties after ironing out their differences are also able to agree on a collective agreement that this is what we think we should do before we go home, then I think this Legislature has accomplished an almost overbearing burden and I hope that you will continue your support for good government in the State of Maine and support this document this afternoon so that we can go home with the reasonable satisfaction that we have at least accomplished a reasonable agreement for the people of Maine.

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

Cr. COTE: Mr. Speaker, I am going to move for indefinite postponement of House Amendment "D" and the reason I am voting for indefinite postponement is not because I am against the tax package, but I am against the continuous reckless spending that this Legislature or the so-called leadership has gone into.

Assuming that we have problems with the State employees, I think they should have been taken care of in the first budget. If we had done that at the outset then whatever new taxation we would have needed we could have used this type of taxation if it doesn't touch the little fellow — but no. What did we do? We passed a \$277,000,000 budget that hits the little person all over the place. We have got all kinds of bills now pending in this House and in the other body, again taxing the same pocketbook, and that is what I am against. And I don't feel that we should go into the second budget of \$42½ million when we have already raised the spending in this state some 35% over and above two years ago when we were here. And that is the reason why I move indefinite postponement of House Amendment "D".

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Earlier you heard the gentleman from Southwest Harbor, Mr. Benson indicate that there are more liberal factions on the Appropriations Committee. The only thing he didn't do was name them. There is no question to whom he was referring. There is no question that I was not satisfied with the Part II as it came out, but there is one thing that I have learned in the three terms that I have been here, that if you are not willing to compromise and not willing to arrive at a final solution which may not be totally acceptable to you, then probably you should never have been here in the first place. At least this is what people kept telling me after

the end of the first session that I was here, and perhaps they were right.

Yesterday in caucus the gentleman from Madawaska, Mr. Levesque indicated that if he ran for Governor on the program of cutting State employees in half that it is quite possible that he could be elected Governor on that basis alone. Unfortunately this is true because the bulk of the people of this state—or perhaps I should not say the bulk but I should say a portion of the people, do not clearly understand what they are saying when they say this. It is very nice to say that you can cut State employees; it is very easy to say it, but it is another thing when you have to sit on the Appropriations Committee and you have to try to find people to remove.

Now I believe that this is the first time in the history of the state that an Appropriations Committee has actually removed positions from a Part I budget like we did. I can't remember the exact figure but it seems to me around 200 positions that were eliminated. The majority of these of course were not filled, but approximately 20 of these positions that will be eliminated come July 1 are actually positions that are filled today. This is the first time that this has ever been done because the Appropriations Committee clearly scrutinized every area.

When the gentleman from Bangor, Mr. Soulas indicated that there had been no compromise, let me point out this to you. That the Governor's budget in the Part II alone was \$83 million; the budget which came out of Appropriations Committee was \$34 million. That is quite a compromise. And today we are talking of a total budget of approximately \$41 million. Even that is a little bit less than half of what was recommended by the Governor.

Now the gentleman from Lewiston, Mr. Cote indicates to you that we should go home and do nothing. There should be no increased costs in government. We can't kid ourselves that inflation hits government just as much as it hits us, and if you take a look at the Part II budget you will find that the two

major areas where the major increases are, are in, one, Education and two, Mental Health and Correction. Now for those people who have not been to every State institution — every mental institution like the Appropriations Committee went to this year, I invite you to go to visit the wards of Bangor State, of Augusta State, the Boys' Training Center, the Women's Correctional Center, Stevens and in particular Pineland, and then you ask yourself, how can we even ask people at times to do the jobs that they are doing, much less for the pay that they are getting? And then you realize that the monies in the Part II budget should have been there a long time ago, and I don't dispute that, but they haven't been and now is the time to do it.

Let us not go home and then realize that we have made a very serious mistake.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: After the motion that was made by the gentleman from Lewiston, Mr. Cote, every session of the legislature you find something that kind of shakes you, not on the face of the earth but almost in the earth. I find this motion this afternoon very disturbing, very disturbing for these matters that we are seriously considering this afternoon. When a person or a member of this House feels that the operation of government, as we have tried to agree to, is in a position that he feels it should be indefinitely postponed, yet only by his own legislative record up to this day, if my memory serves me correct, has voted purely and simply for his own selfish and parochial benefits. I find this almost unbelievable to understand that a person that is not willing to vote for a package would try to impose his own individual feelings of expression to the entire members of this House.

His indication that this is completely too much and foolish spending is only because he doesn't feel that he wishes to look be-

yond the realm of the horizon where the rest of the people may be. And although a person might have his own personal opinions, as well he should have, I don't feel that this is a motion that would be proper at this stage of the game when we are trying to arrive at a settlement. A person may give his opinions as to what may be wrong or give his opinion on how it can be corrected, but to try to impose his own personal feelings by the motion to indefinitely postpone on the entire membership of this House is totally uncalled for. So I will hope that every member of this House will vote against the motion to indefinitely postpone House Amendment "D".

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Lewiston, Mr. Cote. I know he has been a long time around here the same as myself and we are not going to be told something that is in our opinion not true. The gentleman from Eagle Lake, Mr. Martin has told you how many men they have cut off. Now just so that you will know that I am not entirely stupid, it may be my clothes or something make me look that way, but I know that if we pass this budget, this Supplement budget, we are putting to work some 281 people. Now this morning on the budget nobody cared to listen to me — at least they didn't heed what I said, in the Highway budget we put come 20 odd people to work in the administration. If we accept this budget we put another 281, if you want to be exact, on the payroll.

Now my people are opposed to increasing government and this is increasing government, there is no other way out of it, and if these people that support this certainly haven't had their — at least even one ear turned to the cries of the public. If they had they would know better than even talk about something like this.

Now someone mentioned coming back here in the fall. You can

come back in the fall if you want to and I will still be here and I will still be against it. You come back two years from now and if I want to I will still be here because the people that I represent support what I am telling you and I will still be back here and I will still be against expanding state government by 300 people. Now this has gone year after year until we have built monstrosities of buildings on the left of us; on the right of us we are building one now. We bought one across the street; I don't know where we will go next, but if we keep hiring 300 people you have got to build buildings to put them in; you can't put them working in the street. So this is just the beginning of it.

I certainly support that motion. I would say a lot more but you wouldn't go along with what I am telling you anyway, but I want to be on the record so the people where I come from know where I stand in relation to expanding state government. And I will be back next fall and if I want to be I will be back two years from now or four years from now and I will still feel the same way.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I have been here since January 1 and it has been a long session and I don't think that we have heard too many times the word "economy". All we have heard is taxes, taxes and taxes. I would like to read to you an article in Readers' Digest of June, this June. "Taxes Everybody's Headache — Taxpayers all over the United States are showing signs of revolt. More and more bond issues are being turned down, School Districts are having to pare budgets as voters get tough, an outcry against the constant rise in property tax is heard almost everywhere. State and local taxes more than doubled from 1957 to 1967 zooming from \$28 billion to \$61 billion, and particularly in view of rising prices generally voters are not in a mood to put up with heavier tax burdens."

In regard to the statement made a few minutes ago by Mr. Jalbert,

stating that we are going away without doing anything for ADC, before I leave ladies and gentlemen I would like to leave a few things that I have in mind for some time. I had people in my district call me up on this ADC. It is very good, there are a lot of children that need it; but I am going to tell you one thing right in here, that there is a lot of them that are playing a game with this ADC. Out of a half a dozen, I would like to tell you of one instance that happened not too long ago.

This lady called up my office; she couldn't reach me, I was here. She called me on Sunday; she finally reached me. She says, I have six children at home. My husband has left with a lady that is getting ADC from the State and she is also receiving at the present time \$20 a week from the ADC Department, Health and Welfare; and also she says, I called up the Social Worker to find out where my husband was because this lady that he is shacking with is receiving these checks, so apparently the Social Worker must have known where she was.

She called up this lady, the Social Worker, and she told her that this was secret information. This lady was trying to get back at her husband to support his six children because the State didn't want to do anything for her, but the one that was gone the State is backing her. So the Social Worker told her that was secret information, that she couldn't give her that information for her to go after her husband.

It is about time that we give second thoughts, ladies and gentlemen, to all these things that go on here.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Unfortunately there are abuses in every program. Let me point this out to you, that unfortunately there are abuses all over in every program that we can imagine. But that there are abuses in our own lives that we are not too happy about at times and maybe abuses among members of the House of

Representatives and among people from the other body. And so even though we hold one person up in ridicule from the ADC program it can also be pointed out that there are many people who use this money faithfully, who need it, and who would be starving if they didn't have it.

In reference to the remarks made by the gentleman from Enfield, Mr. Dudley, in terms of the number of new employees that are being added on as a result of this Part II budget, I thought I would just read off a few and where they are added on so that the gentleman would know where they are and if he would be willing to remove those additional employees that would be going there.

23 employees that are being added on the Part II budget will be going to Augusta State Hospital; 19 will be going to Bangor State Hospital; an additional 26 will be going to Pineland; an additional personnel at Governor Baxter School for the Deaf; an additional 16 to Baxter School besides the one I have already mentioned. Besides that there are 7 that are going to Stevens, an additional 27 that are going to the Men's Correctional Center in South Windham; an additional 25 at the State Prison in Thomaston. Now you add up these people and you will find that this accounts for perhaps 80% of the total number that the gentleman gave you.

In all the instances that I have related to you in terms of the centers at Bangor, Pineland, Augusta and Baxter School for the Deaf, these are employees that we have no choice about; we have to add them as a result of the Supreme Court decision in relationship to the 40-hour work week. In reference to the Correctional Centers let me point this out to you that when you go to the prison in Thomaston and you see 30 people, 30 people that have one person supervising them during the day, and that these very same inmates are in their cells for 16 hours of every 24 because there is no supervision, then someone is lacking in fulfilling the responsibility towards these people. And it is time that we did something about it.

And so I point out to you that 80% or so — and I haven't sat down and figured out the percentage, are going to these institutions that I have read off to you and they are greatly needed.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I guess this afternoon I have been called selfish. I am being spanked by my leader. Fortunately there is plenty of room. But I am here to represent the people of the State of Maine and the City of Lewiston and I travel this state quite a bit because I have several clubs all through the State which I do business with, socially. And every corner and nook of this state that I have been in to these clubs they have all told me — no more taxation.

If on the first package that we passed here that we had thought of this tax package that we have before us it probably would have been well and good, but no. As I said a few minutes ago we taxed the little people and don't you believe that this tax package here isn't going to hit the little people too, because if I owned a corporation that was being taxed I am certain that my employees would probably suffer a little bit by it in the long run.

And it is with the most sincerity that I can muster at this time, as 18 years as a member of this Legislature, 9 terms, I think I have learned something; and the word that was just mentioned a while ago, economy, I haven't heard too too often. I remember six or eight years ago when there was an economy bloc formed in this House and I think the people of Maine benefited under this economy bloc. Unfortunately we don't have this today. But we have got to take in consideration what the people of this state can pay.

I am one who is a friend of education. I may not have proven it by my votes in this House because I feel that every student that we educate should be well educated and we should pay for it. But I feel that there is a limit. I don't feel that we should educate 8,500 children in a state of less than a

million people at State expense. I feel that we can go between 4 or 5,000 and give them a good education and send them out in the world and let them be good State of Maine citizens to help us in the future.

But we are going over and beyond our means and in every department it is the same way, and I know we have pressing problems. I know the problems in the institutions are the State employees. But when we came here in January this is one of the first problems we should take care of and under the budget number one, that is where we should have taken care of them and not taken care of superfluous matters as far as I am concerned in that budget, and then come with the second budget and say that we have got to take care of the poor State employees. We have got to take care of the poor institutions. That should have been our primary purpose when we came here January 1, and not today.

In closing I hope that you understand that I am doing this not facetiously but with full sincerity and everything that I have at my command to help the taxpayer of the State of Maine.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the motion of Mr. Cote. I also rise especially to support the statements of Mr. Gauthier a few minutes ago in regard to the ADC program. There is no doubt in any of our minds that there are many people in this state that need this help, but there also should be no doubt in anyone's mind that there are many many people getting this help that do not need it.

Now I have had cases I have been involved in personally where an ADC recipient has been a tenant of mine. One specific case that I want to bring to the attention of the members of this House that this woman was receiving ADC. She had two children. She couldn't see fit to pay her rent. When I went to the local case worker and asked if there was anything that could be done. "Oh no, no, we can't do anything. We



don't have any law that allows this, nothing to govern this. This is their money. They can do anything they want." This same woman, even though she didn't pay her rent, it would be almost impossible under the law to get her out of the rent. She saw fit, that she didn't like the idea of hot water heat, so she had gas heat put in the apartment. She rode around all day in a new convertible that she had bought while she was receiving State money. She dressed like a queen while the taxpayer supported her.

Finally it got to be kind of a desperate situation, so I asked a local attorney could he help me. Well, yes, he thought he could. So he came down here to Augusta and he talked with them. He came back. He says there is nothing I can do. Well evidently he didn't do anything because she stayed there and finally she got tired of my hounding her for the rent and she moved, but in the meantime I did receive a bill from the lawyer for \$60 for services. But if this is the way that we are going to let this department run and continually increase their costs, then there is something wrong with every member in this House if they allow this to be done.

This is one department in the state right here that needs a general housecleaning and it has needed it for years and now is the time that it should be started and we should then go through this department and straighten it out and if we do straighten it out, and if we take these deadbeats that is receiving this help, if we take them off the rolls, if we take these people who are just like a bunch of leeches living off the taxpayers of this state, then we will have money, more than enough money to take care of everyone and I say everyone that deserves help and needs help in this state.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have listened intently to the arguments set forth by several of the people who have spoken because the last speaker's remarks are

the freshest in my memory. Certainly I would be one of those who would be the first one to expend more funds for more people investigators and Social Welfare workers to chase down legally those who are abusing the Aid to Dependent Children program, but I am sure that the gentleman from Skowhegan would join me in being the last one who would necessarily punish the children who are being fed through these dollars.

Also the gentleman from Skowhegan, Mr. Dam must recognize the fact that these are federal standards, and if we don't abide by them we lose federal dollars. In that the people would like to have home rule, Lord have mercy on all of our souls if we didn't have the federal dollars that we accept.

As to the remarks made about the additional employees of 281 it might be well to be remembered that 202 of them are required by federal law brought about by the federal mandate as given us wherein it concerns the mental institutions on the 40-hour week basis or else they are required by federal aid as we are required to hire extra Social Workers by federal aid mandate, by a federal aid regulation, and should we fail to do this we would put our federal aid monies which total millions and millions in jeopardy.

I also would make a statement, possibly facetiously, to the gentleman from Skowhegan, Mr. Dam and the good gentlemen, both Mr. Dam and the good gentleman from Bangor, Mr. Soulas, and my very dear friend of many many years' standing whom I might state in passing that I don't think this June in heaven package will affect too many of our employees, Representative Cote. In any event I might state that regardless of that fact, having the roll call on the closing of the Bath Naval and Military School; and we don't use wampum, we have to use money, I see on the roll call here that the three gentlemen voted to keep the school open. It is perfectly alright with me. I am willing by my vote to pay for their bills.

Mr. Dam of Skowhegan was granted permission to speak a third time.

Mr. DAM: Mr. Speaker and Members of the House: A very short reply to my good friend, Mr. Jalbert from Lewiston. If I thought for one minute that giving more money here today to the administration would make a better program I would be sure to vote for it. I do not feel this at all. I don't feel that by giving them more money it is going to be any better administration of the program.

This is my first session here, but I have no doubt in my mind that in previous sessions this same argument has been used before because I have heard this many times on the local level where if you give more money you can get better administration. I say if you give more money you can give more jobs to State workers, but it doesn't mean helping the poor people any more because you have still got just as many dead-beats on the rolls that you haven't taken off.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have the greatest respect for the knowledgeable people on our Appropriations Committee. I am most appreciative of the arduous work they have had this session. I respect greatly the abilities of the leaders of both parties. I can accept the budget as they have arrived at it because I know it is the result of great scrutiny. On the other hand, I think that before I can vote for a taxation package which to my perhaps slow temperament has been rather hastily scrambled together without any hearings and I know that hearings are not necessarily constitutional, we do not have to hold hearings, but before I can vote for this package I must insist, in my own mind at least, more scrutiny of our to me uninvestigated taxable resources.

I shall vote no against the indefinite postponement of this bill, but I shall not accept this bill today in my vote.

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

Mr. PORTER: Mr. Speaker and Members of the House: About an hour or two ago I learned with interest that my Majority leader was unhappy with this program, only to be followed by the Minority leader saying that he was unhappy with the program. I assure both gentlemen that they aren't alone. I am quite certain that if this package is passed there will be a great many people that will be unhappy.

Now let's look at that program. I have two objections to it. First, I object to the tax. Second, I object to the amount. Other than that I think it is a good document. Over in Penobscot County I have a little farm that is beckoning me and I am finding it very difficult to stay here. However, I am perfectly willing to stay here all summer and give up my farming if we can hammer out some sort of a program, but I have no intentions of voting for this one.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify one point. I have personally visited all of the institutions under my Committee. I have found 90% of them under excellent physical condition. Those needing closing because of deficiencies I can honestly say were taken care of by the Appropriations Committee. They should be commended for their work. But these institutions still remaining are in better than excellent condition. If you have ever seen the kitchen facilities at the Boys' Training Center, and I can speak well informed on this subject because my family has been in the restaurant business for over fifty years, the kitchen is capable of serving and taking care of over 4,000 people if it were established in any restaurant in Maine.

And to keep the record straight I voted for the Part I budget and also voted to fund it. This budget I don't feel is the type of tax to fund all the additional needs, should be the responsibility of a

few. It is the type of tax that I am against.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Very briefly I want to respond to the suggestion that this tax package has been put together in a hasty fashion. We have reviewed every conceivable type of tax necessary to pay for what we believe is a responsible program for the State. We have considered and rejected such things as a tax on domestic fuel, a tax on services and repairs to real property, a tax on many other areas. So it has not been hastily assembled.

Point number two, if you have an area, and I am speaking to those of you who on both sides of the political aisle say the budget is too much, you are spending too much money, you are pouring money down an administrative rat hole that will result in no net improvement of the lot of those whom we are trying to help. If you have cuts that you think can be responsibly made, then propose them. I suggest to you that it is nothing less than immoral to simply castigate the Part II budget, to say that it is just too much, that I can't vote for it, but then not come forward with a reasonable and responsible alternative.

Now if you think I am a little emotional about it, you are right, because this Part II budget that was cut from what I considered an absurd level of \$83 million is now down to an area where I think it gives us an opportunity to do the job which we are committed to do by the oath of office that we took when we came into this Hall. Now we can sit here until next July and we can sit here until next August and Mr. Porter's and my farms will be high in grass and very low in yield, and that is alright with me. But you are not going to avoid the day of reckoning by voting against this in the hope that something more palatable is going to come along, because the problem isn't going to go away. It isn't going to go away if you throw up your hands in despair and run

home and ask to come back in October. It is going to be here. It is here. You have seen these tax alternatives. We have had so many lists we are all getting sick of them and you go through these lists and come up with a program, and it is your leadership's judgement that this is the program.

Finally, I want to assure the gentleman from Lewiston, Mr. Cote, that even though he made this motion I am still going to buy his class picture.

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

Mr. COUTURE: Mr. Speaker and Members of the House: I am to support the motion of Mr. Cote also because I don't like the idea of voting a package. That I don't like. Now when we worked in the Part I budget there were no packages. We handled them one by one to increase them. When we increased the tax it was one debate; when we increased it on the cigarettes there was another one, and they were all taken one by one.

Now that the end of the session is coming everybody feels that everybody's tired and wants to go home, they worked on the package in there to be accepted. Now there might be some proposals in there that I would go along with but there are others that I will not. So that would only lead me to vote against the whole package and I certainly am going to support the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker, Ladies and Gentlemen of the House: I rise with some reluctance and yet I debated with myself for some time. Should I remain seated and take the attitude of the different person, and I don't think at this time it would be good for me to lack courage because I do have something to say and I am not particularly against the package and I am not particularly against the corporate income tax and I am not really against the intangi-

bles tax. I do not favor the beer tax.

We have talked about unhappy people. I would like to feel this afternoon at this late hour that I represent 47,000 unhappy children. These are hungry children. I introduced a bill to try to do something about these 47,000 children who in our Maine schools go to school hungry or unfed or un-nourished and they leave school the same way. That particular bill had a \$1.5 million price tag. That particular bill came out of the Appropriations Committee unanimous "ought not to pass." Now these are 47,000 children through no fault of their own and really through no fault of their parents, perhaps with the exception of a few cases, it almost grieves me to think that we could turn around and spend \$277 million in Current Services and \$42.5 million in Part II and not do one single thing for 47,000 hungry children.

Let me give you one example, and everything I say could very well be documented, I have a whole folder here full of information, but one example. The child who held the door as Miss Griney left was clad in little more than rags. "Did you enjoy the lunch?" the child asked. "Yes," Miss Griney replied, "didn't you?" "No," the child said. She hadn't taken part in the hot lunch program nor had she brought her lunch nor had she gone home for lunch. "It isn't my week to have lunch," the child explained.

I commend the leadership, I feel empathy with the leadership, I think they have done a splendid job. I don't want to go home without doing anything. I have visited Pineland. I have two close friends who have children at Pineland. The workers at Pineland deserve everything they've got coming to them — a raise in pay, better working conditions, you name it. It must be so for the Bangor State Hospital, for the Augusta State Hospital, for the Men's Correctional Institutions. Certainly they deserve everything. This is an affluent society. We have a gross national product of almost \$800 million. We have a gross

State product of \$3 billion. There is plenty of money here. We can afford it. And it is a difficult task to come up with the right answer.

And I am willing to admit that the leadership working hand in hand, having ascended the political strife which so often consumes them, has arrived at a reasonable solution. But in good conscience and for my own peace of mind, there are 47,000 children that deserve my consideration. Selfishly, yes, I have been a school teacher. I have seen the hungry child in school. I know what it means to come to school fed, to be able to eat a hot lunch and go home nourished.

Can you imagine spending over \$150 million within the biennium for facilities, personal services, books, papers, desks, typewriters, to nourish the minds of the children and not be willing to spend \$1.5 million to nourish the bodies of those same children? Where is the consistency, where is the compassion, where are we failing? Is there something wrong with the system? I suggest there is. There is something wrong because I suggest that there is an inequitable distribution of the wealth and the superabundance in the nation and in the state.

In the final analysis I will probably vote for the package as long as something is done for those parts of the package that doesn't hurt the low wage earner, namely the increase in the beer tax. But I wish that something could be done for these 47,000 children. They are hungry children.

The most important thing that education could ever do for any person is to be sure, as I told my children, upon entering school for the first day, my only desire is that when you come through that classroom door that you are a happy child, and when you leave this classroom door you are a happy child. But that is not so if you come to school hungry.

Is this an emotional appeal? It certainly is. Do I have any differences with the leadership? No I don't. Do I think they have done a good job? I certainly do. Do I think the members of this House do a good job? I certainly do. Our

problems today are complex, they are profound, but we in due time always overcome our complex and profound problems because we live in a nation where we are capable of doing that simply because of the affluence of the nation and the tremendous educational and social benefits that we can enjoy. But I only ask and leave one more thought, a reiterated thought, 47,000 hungry children.

Mr. Levesque of Madawaska requested the vote be taken by the yeas and nays on the motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote that House Amendment "D" be indefinitely postponed. The gentleman from Madawaska, Mr. Levesque moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes, those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 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 House Amendment "D" to L. D. 1483 be indefinitely postponed. All in favor of indefinite postponement of House Amendment "D" will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Berman, Bunker, Clark, H. G.; Cote, Couture, Cox, Crosby, Cushing, D'Alfonso, Dam, Donaghy, Dudley, Durgin, Emery, Erickson, Evans, Fecteau, Foster, Gauthier, Hall, Henley, Hewes, Huber, Jameson, Jutras, Kelleher, Leibowitz, Lincoln, Marstaller, Moreshead, Payson, Rand, Richardson, G. A.; Ricker, Sahagian, Santoro, Scott, G. W.; Shaw, Soulas, Tanguay, Temple, Thompson, Wight.

NAY—Allen, Baker, Barnes, Beard, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Buckley, Burnham, Carey, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cottrell, Crommett, Croteau, Curran, Curtis, Drigotas, Dyar, Eustis, Farnham, Faucher, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gilbert, Giroux, Hanson, Hardy, Harriman, Haskell, Hawken, Heselton, Hichens, Hunter, Jalbert, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, LePage, Levesque, Lund, MacPhail, Marquis, Martin, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Nadeau, Norris, Ouellette, Page, Porter, Pratt, Quimby, Richardson, H. L.; Rideout, Scott, C. F.; Sheltra, Snow, Starbird, Stillings, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Williams, Wood, The Speaker.

A B S E N T — Brennan, Brown, Cummings, Danton, Dennett, Good, Immonen, Lewin, Lewis, McKinon, Noyes, Rocheleau, Ross, Susi. Yes, 43; No, 94; Absent, 14.

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

Thereupon, House Amendment "D" was adopted.

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971," Senate Paper 449, L. D. 1483, was passed to be engrossed as amended by House Amendment "D" in non-concurrence and sent up for concurrence.

Mr. Richardson of Cumberland presented the following Order out of order and moved its passage:

WHEREAS, it appears to the House of Representatives of the 104th Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, there is pending before the 104th Legislature Legislative Document No. 1568 which proposes in section F thereof the enactment of a tax on income de-

rived from certain intangibles; and

WHEREAS, the constitutionality of the proposed tax on income derived from certain intangibles has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of Section F of Legislative Document No. 1568; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution, on its behalf, their opinion on the following questions, to wit:

1. Do the provisions of Legislative Document No. 1568 providing for a tax on income derived from certain intangibles violate the provisions of Article IX, Section 8 of the Constitution of Maine?

2. Do the provisions of Legislative Document No. 1568 providing for a tax on income derived from certain intangibles violate the provisions relating to equal protection contained in the Fourteenth Amendment to the Constitution of the United States and in the Constitution of Maine, Article I, Section 6-A?

3. Do the provisions of Legislative Document No. 1568 providing for a tax on income derived from certain intangibles violate the provisions relating to due process contained in the Fourteenth Amendment to the Constitution of the United States and in the Constitution of Maine, Article I, Section 6-A?

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

Mr. RICHARDSON: Mr. Speaker, I realize that under the rules this order must lie on the table for one legislative day, but before the Chair so orders I would like to indicate to the members of the House that some several days ago we requested an opinion from the Attorney General with respect to any legal infirmities or constitutional deficiencies in the so-called intangibles tax. The Attorney General has declined to give an opinion on this on the grounds, with which I agree, that there is insufficient

precedent for him to decide this issue.

It is for this reason that this order would direct the Supreme Judicial Court of Maine — or request rather, I think that is the appropriate phrase, the Supreme Judicial Court of Maine to render its opinion on whether or not the provisions of this legislative document, or particularly the amendment with which we are concerned, are legal and constitutional. Thank you.

Thereupon, the Order was tabled pending passage under the rules.

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

HOUSE REPORT — Committee on Judiciary on Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980) reporting "Ought to pass" as amended by Committee Amendment "A" H-365 (In House, Report and Bill indefinitely postponed) (In Senate, Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A")

Tabled — June 4, by Mr. Corson of Madison.

Pending — Motion of Mr. Berman of Houlton to recede and concur.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: An amendment is being prepared for this L. D. 980 and I would hope that someone might table this for one legislative day.

Whereupon, on motion of Mr. Berman of Houlton, retabled pending his motion to recede and concur and specially assigned for tomorrow.

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

HOUSE REPORT — Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Portland Relating to Recall" (H. P. 1040) (L. D. 1365) reporting "Ought to pass" as amended by Committee Amendment "A" (H-446).

Tabled — June 4, by Mr. Vincent of Portland.

Pending — Acceptance.

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

Committee Amendment "A" (H-446) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

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

MAJORITY REPORT (6) — "Ought not to pass" — Committee on State Government on Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and their Confirmation" (H. P. 1016) (L. D. 1324) and MINORITY REPORT (4) reporting "Ought to pass"

Tabled — June 4, by Mr. Rideout of Manchester.

Pending — Acceptance of either Report.

On motion of Mr. Rideout of Manchester, the Minority "Ought to pass" Report was accepted.

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

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

Bill "An Act Amending the Fictitious Grouping and Rate Filing Provisions of the Insurance Code" (H. P. 1227) (L. D. 1560)

Tabled—June 4, by Mr. Fraser of Mexico.

Pending — Passage to be engrossed.

Thereupon, on motion of Mr. Fraser of Mexico, passed to be engrossed and sent to the Senate.

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

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)

Tabled—June 4, by Mr. Bragdon of Perham.

Pending — Passage to be engrossed as amended by Committee Amendment "A" (H-429).

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

House Amendment "A" (H-480) was read by the Clerk and adopted.

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

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

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

Tabled—June 4, by Mr. Danton of Old Orchard Beach.

Pending — Motion of Mr. McTeague of Brunswick to reconsider passage to be engrossed.

Mr. McTeague of Brunswick asked consent to withdraw his motion to reconsider, which the House granted.

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

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

Tabled—June 4, by Mr. Snow of Caribou.

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

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

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

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

Tabled—June 4, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

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

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

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

Tabled—June 4, by Mr. Rideout of Manchester.

Pending—Final Passage.

On motion of Mr. Faucher of Solon, retabled pending final passage and specially assigned for tomorrow.

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

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

Tabled—June 4, by Mr. Berman of Houlton.

Pending—Acceptance of either Report.

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

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

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

Tabled—June 4, by Mr. Foster of Mechanic Falls.

Pending—Acceptance.

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

Mr. COX: Mr. Speaker, I move that we substitute the Bill for the Report.

The SPEAKER: The gentleman from Bangor, Mr. Cox moves that

the House substitute the Bill for the Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Our real estate expert of our Committee, Mr. Foster, has just come into the chamber, so I would hope that someone would give him an opportunity to speak on this matter.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Members of the House: This bill is one concerning itself of course with where a town or municipality has acquired title to real estate by reason of the redemption period of a tax lien having expired. This redemption period after a tax lien is put on runs for a period of 18 months, at which time the title in theory and in actuality invests in the town. Heretofore, the town of course has considered itself the owner but in no time in my experience—and they have been for many years with towns—has a town ever refused to reconvey to the owner or the estate or any assignee of the owner. Now apparently there must have been some isolated case which prompted this bill in the first case where a town failed or neglected or refused to reconvey to the owner or somebody or the heirs and so forth.

Now I am speaking now for small towns. It has been an accepted fact for many years that the simpler you get proceedings for towns to acquire title to property and put themselves in the position where it is of some value and they can dispose of it, either return it back to the owner or dispose of it by some other means, simplicity has been a watch word. I even remember back in the thirties when we had the old fashioned and long forgotten tax deed, so-called. They were so complicated that no town ever got a good tax deed and no town could ever sell one. It wasn't worth a cent a cartload.

But in the forties the legislature, in its wisdom and perhaps brought on by necessity, did a great review job in the way of simplifying this. Now over the years since



then a town hasn't found any difficulty in getting a good tax lien, something that would be saleable if the owner for any reason—sometimes they just abandon it and go to other parts unknown, or sometimes they think that perhaps the property tax isn't worth it and they don't do anything about it. I have never known of a case where a town ever sold property to a third person unless first having given an opportunity to the owner to first buy it back. In fact I have known situations where a town would even take small payments on account over a period of months or years in order for an owner to buy his property back.

Now there has been amendment prepared to this which doesn't correct it any. In many respects the amendment adds to its complexity. It provides that the tax has to be \$150. Now the original tax, the cost of the lien and the interest is figured as a part of the \$150. Well that would mean of course you have two classifications: anything under \$150 you would pursue the sale of property or disposing of it after the 18 month period elapsed, in the same old way that you did in former years or as you would today.

Then you would of course have a situation where you are one cent over the \$150, you have to give public notice by newspaper three consecutive weeks, you would have to post for sale in three public places before the time would eliminate or bar the original owner from his right of reconveyance. And now you could have a situation where one day it would be 149.99. If you proceed under the old way, the next day it would be \$150. If you proceed under the new way, nobody would ever know when they got a tax deed whether it was any good or not. There would be no way of knowing on the register of deeds—and I do many titles for various institutions—and I am sure we would find that a very complex thing and a very confusing thing to be confronted with.

You would know whether the town had followed all this prerequisite of a good deed, conveying a good title. You would never know if they had posted it in the

three public places. There is no way of showing that the three posters were in actual public places, and any one of those little things, any flaw, the deed would be declared null and void. I can see here a situation where nobody would know whether they had title or not. There would be no way of determining it. Nobody would know four years ago if you posted a sign on somebody's barn door in the country or somebody's kitchen door or what have you, and it would be impossible to establish the fact that all the prerequisites had been conformed with and complied with.

And so it seems to me that we have been getting along so well for so many years, after so many years of confusing and frustrating and complex methods that we lived under back in the thirties, when taxes would accumulate for many years and the town would be willing to take one tenth of them we will say and quit claim—but not now. It is a different situation. The town has something to sell. The town in my experience—and it has been quite broad in this field—have never refused to return that property to its owner, and it seems to me you are trying to correct one error or one fault or one wrong and you could be creating a hundred errors twice as bad.

So I just haven't been able to see it. I have tried to. Brother Cox and I have talked about this and I for one would like to see any improvement, but it doesn't seem like an improvement to me. Perhaps I may return to this mike after he has talked on it. I'd be glad to and perhaps between the both of us we can enlighten you. So at the moment, I will wait and see what my colleague has to say in this respect as far as it being an improvement over the present situation.

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

Mr. COX: Mr. Speaker and Ladies and Gentlemen of the House: I realize it is late in the afternoon and I won't take a great deal of your time. This bill was presented to the Judiciary Committee and I

was the sponsor and the only proponent, and there were no opponents. But of course the Judiciary, in their great wisdom, have decided that this is not so good a piece of legislation.

Now as to the title to real estate that Mr. Foster talks about. He knows as well as I, as well as most every person in this room, that a tax title isn't worth the paper it's written on anyway. There is not a bank in this state that I know of who will lend you money on a tax title or tax deed or a town deed, whatever you want to call them.

There is no great burden on the town as Mr. Foster would have you think. There was a provision in the bill whereby as soon as the town moves to clear the title, and there is a special inexpensive provision already in the statute, as soon as it moves to clear this title, then the notice of sale and the right of redemption is foreclosed.

Mr. Foster tells you that he knows of no abuses where the town has refused to sell back to the original owner. Ladies and gentlemen, I tell you as a fact, I know of at least three towns where the selectmen were selling all the tax acquired property to their relatives. I know of one situation where there was a contract for the sale of a piece of real estate and the amount was \$5,000. The taxes against the real estate were \$212. They went to the town in order to get a quit claim deed and pay the taxes, and they said, "No, we will sell you the property for \$5,000." Now if this had been the case, if they had had good title, it would have been one thing, but we would have had to go right back to the original owner and pay them \$5,000 also.

This I maintain is an abuse. There are other cases which any real estate broker or any attorney or anybody who has dealt extensively in property can tell you about. I urge you to substitute the bill for the report and the amendment which I will offer truly, as Mr. Foster says, does not cure the objections that he has to the bill. It is I think a technical matter that should be cleared up by an amendment. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: There is one thing that arouses me at the moment: if the tax title isn't any good, who in heaven's name can demand \$5,000 for it? If the tax title is no good, it will remain with the original owner.

I will suggest, however, what we do—he is correct in saying that the bank will not accept it but I know—and I was probably the first one in Androscoggin County to ever use the law on the books that we have—you can bring an action as simple as bringing an action on an auto accident to perfect the title on a tax deed. That is after it has been gotten. But there is always many flaws. You have got to prove every step of the way. For instance if one of the assessors, we will say—the title was three years ago—there wasn't any evidence that he had taken his oath of office, if you could show he didn't take an oath of office, every assessment is void. That is why the banks won't take title; because he might be buying a loss or buying a situation where they would have to go in and prove all these things, and they just don't have to do it.

But it doesn't change the situation one bit. To me, if any town official ever did that, I would discipline him at the ballot box, actually its a place where a gentleman like that can be treated. And they should be treated if this happened more than one time. But we never had it over in my area of the state. And actually we are getting into a situation where there is no end to the trouble that this could bring about.

Now I haven't any question but what my colleague represents perhaps bigger towns than I do where he comes from. But a small town, they don't hire a lawyer. The city has city solicitors. They hire them and pay them so much a year. Towns don't and these selectmen all throughout the State of Maine, they have been doing their own legal work for twenty years and will continue on doing it. They probably would never be

aware of any change in this law and will continue on doing it the way they did five years ago.

And then you can see that the number of little towns we have, all the trouble, all the legal involvements and the entanglements that they could get in innocently, and as I said, I can see nothing but chaos in the whole thing. And the more I think of it, the worse the bill becomes to me. So I hope, unless there is some proof, some compelling reason for a change — it has been working so well for so long — unless there is a compelling reason for a change, for heaven's sake, let's leave well enough alone instead of going out and borrowing trouble for all those poor—as has been said once before in this House within a couple of days—underpaid selectmen that are donating their time, let's not get them involved in new sets of laws that they don't know anything about at all.

So I hope you do not substitute the bill for the report. We went over it thoroughly. There wasn't any shallow thinking on my part, I assure you. Before this was done, I would like to have done and been friendly. As a matter of fact I have talked with my colleague about some other means of accomplishing what he would like to accomplish. But we didn't resolve anything. It certainly hasn't been shallow thinking. I am concerned deeply with it. I am involved deeply with it because I do have many towns over in my little area, and I just hope we don't have this added burden that this would throw and thrust upon us. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be very brief. When this matter came before our committee, I was really quite sympathetic to the problems posed by the gentleman from Bangor, Mr. Cox. This matter was assigned to our real estate expert, Mr. Foster, and he brought to our attention many of the problems that would be created if I or some of the other members of the committee would adopt Mr. Cox's point of view.

Now I would say to you very frankly that there is a very simple solution to this problem from a legal point of view. If you pay your taxes, you are not going to be involved.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: Being a member of a city council, a question has been raised here that I would like to have clarified and that is the fact that a quit claim deed, as I understand the phrasing, is not worth the paper it is written on.

I am wondering if there is any member of the Judiciary that would explain to me why it is not worth the paper it was written on, when a city or town has achieved this paper through the municipal procedure in our courts?

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: The statement just made couldn't be more wrong. A quit claim deed, the only difference between a quit claim deed and a warranty deed is that with a warranty deed you go back and warrant a title to every predecessor in title, everybody that ever owned it before you, you guarantee in warrant that he had good title.

Now if you do have good title, your quit claim deed warrants that there was no lien or incumbents put up on it during the time that you held it, so that there is a warranty. I can suggest that not but a few years ago a million and a half dollar transaction took place in my little town over the mill and we used a quit claim deed because we were satisfied, everybody was satisfied that the title was good. Many of our last transactions are quit claim deeds.

This is what I think Mr. Mills is talking about, is where you have acquired a tax title by virtue of a tax lien and that is in event, and what the town does then, they merely — we usually called them a release transfer, quit claim, or release usually written on it and they merely transfer to any buyer

what right if any they have. Now if there is a flaw in their title or if they didn't do something they should have, they haven't given any title at all. So you don't find too many people out rushing or running around trying to buy tax acquired property; at least I haven't seen it and I have been around quite awhile. I just haven't run up against that sort of thing at all. I hope I have answered the question.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I don't like to get in with the lawyers, but I would like to tell Mr. Cox that just a few short years ago I sold quite a junk of wild land to what then was the Penobscot Purchasing Company and six hundred and some acres that land was bought on a tax deed from the Town of Bridgewater and they had their best lawyers search it and they bought that land and paid me for it.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Bangor, Mr. Cox, that the House substitute Bill "An Act relating to Redemption by Owner and Sales of Tax Acquired Property," House Paper 816, L. D. 1055, 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.

38 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

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

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

Mr. JALBERT: Mr. Speaker, I would ask unanimous consent to take from the table a matter tabled earlier by me in the day, item 6 on page 13, An Act Providing for Androscoggin County Funds for

Child and Family Mental Health Services.

The SPEAKER: The Chair understands that the gentleman from Lewiston Mr. Jalbert, requests unanimous consent to take up out of order, item 6 on page 13 of your House Advance Calendar, which was tabled and later today assigned, An Act Providing for Androscoggin County Funds for Child and Family Mental Services, House Paper 1084, L. D. 1405, tabled June 4 by the gentleman from Lewiston, Mr. Marquis, pending passage to be engrossed. Is there objection to taking this up out of order? The Chair hears none. It is being considered.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 29 whereby it voted to recede and concur in passage to be engrossed and in adoption of Senate Amendment "A".

Mr. JALBERT: Mr. Speaker, I now move that we indefinitely postpone Senate Amendment "A" and I would like to speak in explanation very briefly to my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of Senate Amendment "A" and the gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: This amendment does not take the money out of the bill, giving funds to the Child and Family Services in Androscoggin County. It merely was an attempt to change, to put into the rules of the charter of the Child and Family Services, some stipulations. After discussing this with several more learned people, I checked and left it with the Attorney's General office, which is the reason why there has been a delay on this measure, and I got my reply this afternoon.

"Dear Representative Jalbert:

You have asked if Senate Amendment A, to L. D. 1405, An Act Providing for Androscoggin County Funds for Child and Family Services is permissible legislation.

The corporation affected is the Lewiston-Auburn Catholic Bureau of Social Service, Inc. It was incorporated in '51 under Chapter 50 of the Laws of Maine then in force.

Therefore, because the legislature may not by statute amend the structure or purposes of a private corporation, Senate Amendment A, above identified, constitutes an unconstitutional attempt to change the structure of the corporation.

Yours very truly,  
(Signed)

JAMES S. ERWIN  
Attorney General

Mr. Speaker, I now move the indefinite postponement of Senate Amendment "A".

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

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

Bill "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" (S. P. 478) (L. D. 1557) (In Senate, passed to be engrossed)

Tabled — June 4, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I now present House Amendment "A" to L. D. 1557 and wish to speak to my motion.

Thereupon, House Amendment "A" (H-472) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Members of the House: To my knowledge this bill, making allocations for the Department of Inland Fisheries and Game, marks the first time that the Legislature will make allocations with that particular dedicated revenue. I happen to be a believer that the Legislature itself should make allocations with dedicated revenue rather than let each department that has that revenue do as it so wished.

In looking over the bill, as a member of the Appropriations

Committee, I came upon a section 7 which dealt with additional federal funds and found that if Congress should act after we go home and this becomes law, that if Congress should appropriate or allocate more money to Maine, the Department of Inland Fish and Game would have to go find private funds to match federal funds. So what I have done is removed entirely section 7 and replaced it with another section which says in effect, "That if federal funds should be made available to the State of Maine over the next biennium, that funds could be allocated and expended upon the recommendation of the Commissioner, with the approval of the Governor and Council." I have spoken with members of the Committee on Inland Fish and Game and they concur with my amendment.

And so, Mr. Speaker, I would move for its passage.

Thereupon, House Amendment "A" was adopted. The Bill was 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:

SENATE REPORT —Committee on Labor on Bill "An Act Providing Notice or Severance Pay by Employers" (S. P. 156) (L. D. 474) reporting "Ought to pass" as amended by Committee Amendment "A" S-184. (In Senate, Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A")

Tabled — June 4, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Durgin of Raymond to indefinitely postpone Report and Bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I certainly hope that the members of this House will vote against the motion to indefinitely postpone as the majority of the members of the Labor Committee supported this document. I think that it is a very fine document and will serve well both the employer

and the employee under circumstances that are other than regular circumstances.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Yesterday on this bill we had a letter read to us that raised some question regarding the Committee Amendment to the bill, which makes it only apply to employers of one hundred or more.

I would like to describe in a short time to the House the considerations which led the Committee to put this amendment on. We have had one very bad experience in the Town of Lincoln with the closing of the major employer in the town. This affects, not only adversely the people directly affected, the employees and their dependents, but also the whole community.

The Committee felt that the situation was somewhat different when a major employer in a town closes than when a small employer closes. For example, in the City of Portland, if an employer that only employed ten or fifteen men closed, there would be no problem both because the number of people involved itself would be small and because due to the size of the city, the small number of men put out of work, they would readily be able to find other work. But there is a different problem when we deal with the closing of a major plant and this is particularly so in a town that is not so big as the City of Portland. It brings an example before us in recent times such as the Town of Lincoln. The situation there with which we are all familiar from this paper article, is indeed tragic, and as I understand it, there was absolutely no notice at all given by this employer to the employees or to the town's people to enable the employees perhaps to gather in some more savings, to begin thinking of what else they can do for work and to enable the town officials and the officials of the chamber of commerce and that type of body to plan for the tragedy that struck their town.

In the City of Bath we have had another tragedy. It was smaller, but the people affected were hurt just as bad. If I recall correctly, over 200 men were let out of work with no notice by the Hyde Windlass Division of the New Bath Industries Corporation.

The Committee was concerned, without imposing any undue burden on small employers, to do something about this when a tragedy strikes a town that is of large size. We set on a figure of 100, I guess it could have been 99, but there was a reason to use a figure around 100. We figured this was a pretty fair sized employer when you got to that size.

Last night I spent a little time seeing if the courts would uphold using a distinction of this kind as a distinction based on numbers. They will in some cases and won't in others. But it definitely is not a simple straightforward matter as presented in the letter read yesterday.

The Supreme Court of the United States has upheld differing regulations for hotels regarding safety, fire and sanitary regulations according to the number of rooms in a hotel. In that case, as the case of Miller vs. Stahl, 239 U.S. 426. It is late and I won't go into the other cases, but there are plenty of cases upholding this type of distinction.

The only ones who could oppose this law, which either requires four weeks notice or in lieu of notice severance pay according to a fixed schedule, are really those who are planning to either close their plants or to move them out of the state. The men who have worked long and hard for these companies and the communities that have supported these companies deserve this protection.

I therefore hope that you will vote against the motion to indefinitely postpone.

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

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: I hate to go back over this again, but on March 11, 1969 the Labor Committee let this bill out of committee with an 8 to 2

“ought not to pass.” I was one of the signers of “ought not to pass.” Subsequently this bill went back to the Committee, an amendment was placed on the bill by the Committee.

Now I am amazed to discover this afternoon again that we have two learned gentlemen in the profession of law who are in disagreement. The letter from the Attorney General's office, it was quite plain to me that the amendment was unconstitutional. It makes no real difference to me, if you feel this is right then you will vote against my motion for indefinite postponement; if you feel it is wrong, you will vote for indefinite postponement. I have always felt that maybe it would be interesting to see what would happen if we passed something that was unconstitutional.

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

Mr. RICHARDSON: Mr. Speaker, I support the motion of the gentleman from Raymond, Mr. Durgin to indefinitely postpone, because I believe that the amendment is an unreasonable, arbitrary and capricious selection of a certain class of employers for treatment under this perhaps desirable — I am not sure, perhaps desirable law.

And I say it is legally unreasonable, arbitrary and capricious, and I don't think that there is any other basis upon which you can say that you can make a logical distinction between this group of employers and employers of less than the required number.

When the vote is taken, Mr. Speaker, I would request a division.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would hope to stay out of this matter because we are dealing with a severance pay bill and not the qualifications or accuracy of any advice rendered by an agency outside the Legislature. Perhaps the bill will go down the drain today at any rate, but I think this needs to be said. In my opinion, and I

have read the letter, I had the courtesy of having received a copy yesterday, although it was not brought to the attention to my knowledge of any member of the Labor Committee over the four or five months that we considered this bill — but in my opinion this two page document, which cites a volume called “American Jurisprudence,” which is a standard and somewhat superficial text, and it cites only one section. It utterly ignores the section of American Jurisprudence called Section 508. It looks at one section and not the other. It is an example of very shallow legal research. I recognize that these gentlemen are hard pressed and funds are limited, but I had hoped that on other matters, and I trust that we are to be in the benefit of more thorough and scholarly legal advice, and I hope that in the case of any legislation which is passed by this Legislature.

I recall being the sponsor of one bill, incidentally, that came up about two weeks ago, with the Attorney General, or his assistant I should say, the Attorney General apologized for this matter, but where an assistant from that department issued not a legal opinion but an opinion regarding the advisability of legislation from a point of view of policy.

I hope when these matters on which these opinions have been expressed, and I commend the Attorney General for disassociating himself with that expression of opinion on policy by one assistant, but I hope that when and if any of these matters go to the Court, and I trust, that the Attorney General's office which is to defend legislation passed by the Legislature will do so.

The SPEAKER: The Chair will order a vote. Is the House ready for the question? The pending question is the indefinite postponement of both Report and Bill “An Act Providing Notice or Severance Pay by Employers,” Senate Paper 156, L. D. 474. If you are in favor you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

50 voted in the affirmative and 45 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake requested a roll call.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin requests that the vote be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 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 Raymond, Mr. Durgin that L. D. 474 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEAS — Allen, Baker, Barnes, Benson, Bragdon, Bunker, Burnham, Carey, Clark, C. H.; Curtis, Donaghy, Durgin, Dyar, Erickson, Farnham, Finemore, Hall, Hardy, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Johnston, Kelley, K. F.; Lee, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Page, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Scott, G. W.; Shaw, Snow, Stillings, Thompson, Trask, White, Wood.

NAYS — Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Carrier, Carter, Casey, Coffey, Corson, Cote, Cottrell, Creteau, Curran, Cushing, Dam, Driogotas, Eustis, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Gauthier, Giroux, Hanson, Heselton, Jalbert, Kelleher, Kelley, R. P.; Kilroy, Laberge, Lawry, Lebel, LePage, Levesque, Martin, McTeague, Mitchell, Morgan, Nadeau, Sahagian, Sheltra, Starbird, Temple, Tyndale, Vincent, Waxman, Wheeler.

ABSENT — Brennan, Brown, Buckley, Chandler, Chick, Clark, H. G.; Couture, Cox, Crommett, Crosby, Cummings, D'Alfonso, Danton, Dennett, Dudley, Emery, Evans, Faucher, Fraser, Gilbert, Good, Hunter, Immonen, Jameson, Jutras, Keyte, Leibowitz, Lewin, Lewis, Marquis, McKinnon, Mills, Noyes, Ouellette, Quimby, Rand, Ricker, Rocheleau, Ross, Santoro, Scott, C. F.; Soulas, Susi, Tanguay, Watson, Wight, Williams.

Yes, 53; No, 50; Absent, 47.

The SPEAKER: Fifty-three having voted in the affirmative and fifty in the negative, the motion does prevail.

The Report and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

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#### (Off Record Remarks)

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On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock to morrow morning.