

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

Friday, June 13, 1969

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

Prayer by the Rev. Mr. Ondon Stairs of Augusta.

The journal of yesterday was read and approved.

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

Messrs. BRAGDON of Perham
CUSHING of Bucksport
KEYTE of Dexter

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to study the Bill, "AN ACT Restoring the School Construction Aid Percentages to the Average Percentages of the Original 1957 Act," (H. P. 548) (L. D. 727) and as amended by Committee Amendment "A" H-488 and 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 any necessary recommendations and implementing legislation, at the next regular session of the Legislature. (S. P. 496)

Came from the Senate read and passed.

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

From the Senate: The following Order:

ORDERED, the House concurring, that the President of the Senate, the Speaker of the House, and the Majority and Minority Leaders, and Assistant Leaders of the Senate and House be hereby authorized during the current biennium to attend the conferences of the National Con-

ference of State Legislative Leaders; and that their necessary expenses be paid from the Legislative Appropriation; and be it further

ORDERED, that the dues of the State of Maine for membership in said Conference be paid from the Legislative Appropriation. (S. P. 500)

Came from the Senate read and passed.

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

From the Senate: The following Joint Resolution:

WE, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred Fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, the Federal Government's preeminence in the income tax field has led to a greater need for unrestricted sharing of such revenue with state and local governments by means other than its complex system of categorical grants-in-aid; and

WHEREAS, the over development of categorical grant-in-aid programs has imposed stringent restrictions and conditions which are contrary to the needs and requirements of this State; and

WHEREAS, the complexity of federal grant-in-aid programs creates administrative difficulties at the state and local level because of different matching, administrative, planning and reporting requirements; and

WHEREAS, unless the trend toward restrictive categorical federal grants is reversed, these grants will so eatwine themselves that the state's freedom of movement will be significantly inhibited; and

WHEREAS, there is a need and justification for consolidation, simplification and revision of grant programs which will allow the State and its municipalities more opportunity to express their own initiative and reflect their specific needs and preferences; now, therefore, be it

RESOLVED: That We, your Memorialists, most sincerely recommend and urge the Congress

of the United States to enact legislation designed to consolidate, simplify and revise the existing system by which grants - in - aid are made available to the states by replacing the numerous individual categorical grants with fewer but more flexible tax - sharing programs or bloc grants which impose no qualifying conditions as to use, thereby restoring to the State and its municipalities the ability to more effectively meet its primary responsibility through the exercise of independent judgment and freedom to determine the needs of its people; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives in Congress and to the members of the Senate and House of Representatives from this State. (S. P. 485)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read.

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

Mr. LEVESQUE: I would like to point out briefly to the members of the House, the ladies and gentlemen of the House, that although this Joint Order seems to be indicative of what we would like to ask the federal government to do as far as giving bloc grants to the individual states, the wording of the Joint Order, in the Resolve part of the Joint Order, somehow or other has language in there that I would raise some objections to for the simple reason that we are asking the federal government to replace the numerous individual categorical grants with fewer but more flexible tax - sharing programs or bloc grants which impose no qualifying conditions as to use.

Now I think most of you will probably recognize the fact that the federal government in establishing bloc grants to the State, it is impossible for the federal government to issue bloc

grants without, and here we have no qualifying conditions as to use. I think if we had a few words in there, such as fewer conditions, it might be a little more acceptable to the federal government.

And in other areas we indicate that "thereby restoring to the State and its municipalities the ability to more effectively meet its primary responsibility through the exercise of independent judgment." I think probably in accepting this order and the way that I would read this as the representative to Congress and the President would be that there would be absolutely no restrictions on the part of the federal government when issuing these bloc grants. I think the order is well but the wording that was directed in the Memorial to Congress would indicate to the Congress, which is something that we all know would be almost impossible for them to accept in its present form for them to issue grants to the State without any qualifying needs whatsoever or without any actual direction as to what the money was going to be used for either by the State or the municipalities.

I will not make a motion to defeat this Joint Order but I would certainly hope that some members of the Majority Party might see fit to correct some of the wording in there so that it might be more acceptable to the federal government. And this I see would be quite possible and would be appropriate with a few word changes that they might receive this with a better and clearer open arms. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: This Memorial or Resolution addressed to the members of the Congress and the President of the United States is the outgrowth of an effort by the Legislative Research Committee which was directed during the last session to review this question of federal revenue sharing, and the Order or the Memorial itself is simply an indication that we here in Maine would like to have the federal government through our

elected representatives and through President Nixon, who of course during his campaign made repeated references to this problem, that we eliminate some of the mazes in federal programs and we urge in the Order that they consider replacing the numerous individual categorical grants—that is with the grant that always has a string attached and it has got to go to a certain place and if it doesn't go there you will lose it, with fewer but more flexible tax sharing programs or bloc grants, and I think that leaves them a completely open door.

We are simply saying that the end that they should try to achieve is more flexibility and perhaps fewer of them, fewer but in larger amounts and with fewer strings attached. I think that gives plenty of leeway and I cannot see any basic reason to oppose this. I think it works in good government, all of us, and I think this, if it has any effect, it might be a step in the right direction.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think this morning the gentleman from Cumberland, Mr. Richardson, and I agree that there should be fewer qualifying conditions but in the wording of the Resolve, in the center of the Resolve, "tax-sharing programs or bloc grants which impose no qualifying conditions as to use, thereby restoring to the State and its municipalities the ability to more effectively meet its primary responsibility through the exercise of independent judgment." The wording there, "impose no qualifying conditions as to use" is far short from "fewer qualifying conditions." So those are some of the areas that I think might be corrected if it is going to be more effective to the Congress and to the President of the United States. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: It

is certainly with a great deal of satisfaction that I see a report of this nature this morning that has the support of Legislative Research in regard to bloc grants from the federal government without strings attached because as perhaps many of you remember earlier in the week we did discuss it at great length and my feelings are quite generally known in regard to bloc grants to municipalities. Thank you.

Thereupon, the Joint Resolution was adopted in concurrence.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Immunity of Government Employees under Civil Defense Law" (S. P. 166) (L. D. 540)

Came from the Senate read and accepted.

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

Ought to Pass with Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act to Amend the Charter of the City of Portland" (S. P. 379) (L. D. 1289) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-227) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Creating the Department of Natural Resources" (S. P. 386) (L. D. 1381)

Report was signed by the following members:

Messrs. WYMAN of Washington
 LETOURNEAU of York
 BELIVEAU of Oxford
 —of the Senate.
 Messrs. D'ALFONSO of Portland
 DONAGHY of Lubec
 Miss WATSON of Bath
 Messrs. MARSTALLER
 of Freeport
 DENNETT of Kittery
 —of the House.

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

Report was signed by the follow-
 ing members:

Messrs. RIDEOUT of Manchester
 STARBIRD of
 Kingman Township
 - of the House.

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

In the House: Reports were read.

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

Mr. RIDEOUT: Mr. Speaker, I
 move we accept the "Ought to
 pass" Report and would speak to
 my motion.

The SPEAKER: The gentleman
 from Manchester, Mr. Rideout
 moves that the House accept the
 Minority Report in concurrence.

The gentleman may proceed.

Mr. RIDEOUT: Mr. Speaker,
 just briefly as I have talked with
 some of the members of this body
 there are some things that are hay-
 wire with the amendment and with
 the bill itself. However, if you
 would follow me and accept the
 "ought to pass" report we can
 either straighten them out or we
 will get together and kill it. Would
 you follow me on this, please?

The SPEAKER: The gentleman
 from Manchester, Mr. Rideout
 moves that the House accept the
 Minority Report in concurrence.

The Chair recognizes the gen-
 tleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I
 suggest that we get together and
 kill it by vote right now because
 it is a poor bill, it sets up another
 layer of government, it gives a

chance to have far more
 appointees than we have now and
 it will be costly, will not add to
 any efficiency and whether we kill
 it now or wait until the amend-
 ments are added, it is a matter
 for the House to decide at this
 time, as far as I am concerned.

The SPEAKER: The Chair rec-
 ognizes the gentleman from King-
 man Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker
 and Members of the House: I rise
 in support of the gentleman from
 Manchester, Mr. Rideout and I
 think that personally as the co-
 signer with him on the Minority
 Report I believe this bill has a
 very great deal of merit and I
 believe that we should take time
 to examine it and the amend-
 ments that may be proposed, because
 there is a great deal that needs
 to be done in areas and depart-
 ments in this state that have over-
 lapping functions. I think we should
 give serious consideration to this
 matter.

The SPEAKER: Is the House
 ready for the question? The Chair
 will order a vote. All in favor of
 accepting the Minority "Ought to
 pass" Report in concurrence will
 vote yes; those opposed will vote
 no. The Chair opens the vote.

A vote of the House was taken.

56 having voted in the affirma-
 tive and 63 having voted in the
 negative, the motion did not
 prevail.

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

Final Report

Final Report of the following
 Joint Standing Committees:

Business Legislation
 Industrial and Recreational
 Development

Came from the Senate read and
 accepted.

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

Non-Concurrent Matter

An Act to Clarify School
 Construction Aid for Certain Units
 (S. P. 288) (L. D. 930) which was
 passed to be enacted in the House
 on April 10 and passed to be en-

grossed as amended by House that we had in State Government Amendment "A" on April 4. Committee on objects on State-owned land. The Committee recommended "ought not to pass,"

Came from the Senate passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence. at least the majority of the Committee on both of them, but we did accept the other bill in this House a few days ago, and I think this is a special bill for certain diving interests and I think their interests, if they want to recover objects on State-owned land, are covered in this other bill that we accepted several days ago and I would think it would be a mistake to put this bill back before us. Thank you.

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

Non-Concurrent Matter

An Act relating to Creation of Professional Service Corporations (S. P. 378) (L. D. 1288) which was passed to be enacted in the House on June 12 and passed to be engrossed as amended by Committee Amendment "A" on June 10.

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

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

The SPEAKER: Is the House ready for the question? 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.

45 having voted in the affirmative and 78 having voted in the negative, 45 not being two thirds, the motion did not prevail.

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

Non-Concurrent Matter

Joint Order recalling Bill "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands" (S. P. 389) (L. D. 1314) from the Legislative Files (S. P. 495) which failed of passage in non-concurrence in the House on June 11.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed.

In the House:

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

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

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

Mr. MARSTALLER: Mr. Speaker, I move that we adhere.

The SPEAKER: The receding and concurring motion has priority. A two-thirds vote is required to recede and concur with the Senate.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: This is one of two bills

Non-Concurrent Matter

Bill "An Act relating to Welfare Assistance" (H. P. 687) (L. D. 918) which was passed to be engrossed as amended by Senate Amendment "B" as amended by House Amendment "A" thereto in non-concurrence in the House on June 11.

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

In the House:

On motion of Mr. Jalbert of Lewiston, the House receded from its former action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, the House receded from the adoption of Senate Amendment "B".

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

House Amendment "B" to Senate Amendment "B" (H-531) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker, this is the same amendment that was presented before. It would just mean that eventually this measure would wind up on the Senate Appropriations Committee to be cut one way or the other or killed or passed.

Thereupon, House Amendment "B" to Senate Amendment "B" was adopted. Senate Amendment "B" as amended by House Amendments "A" and "B" thereto was adopted.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: We are playing with a bill that came before us early in the session, L.D. 918 which in its entirety called for an appropriation of in excess of \$16 million. The estimates were raised during the period that we have been here even to the point of \$20 million. This bill provided for a take-over of the welfare programs of the municipalities in the State by the State. The money to provide for this bill was in the Governor's supplemental budget. However, your Appropriations Committee in considering this matter refused to set up any money to provide for the implementation of this Act.

These amendments, the Senate Amendment which is now before us in its first statement says, it strikes out of the bill "amend the bill by striking out everything after the enacting clause and inserting in place thereof the following" However, if you will read the Senate Amendment, you will find in it the implications of putting into effect many of the provisions of the original bill.

As I said the other day, when the time arrives that we are ready to take over the State welfare program from all the municipalities and provide the money to do it, I would probably go along with it if I happened to be a member of the Legislature that saw fit to do that. However, I feel that the only safe approach for this Legislature

at this time is to kill this bill and all its amendments in their entirety, and I will so move that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. WHEELER: Mr. Speaker and Members of the House: I rise in opposition to the motion of the gentleman from Perham, Mr. Bragdon and would like to speak to my motion.

The SPEAKER: The gentleman may proceed.

Mrs. WHEELER: I would like to explain in detail what is left of L. D. 918 under House Amendment "A" and House Amendment "B" which was offered this morning. It provides a statement of policy as a guideline for the Bureau of Social Welfare, nothing more and nothing less. Next it removes the responsibility of grandparents and grandchildren for support of indigent persons. It also eliminates the term "pauper" in this section.

Under House Amendment "B" the appropriations are in two distinct and separate paths and are concerned with, one, providing for an ADC program for unemployed fathers so that it will not be necessary for them to abandon their families in order to receive State Aid. The price on this is \$145,000. "B" provides for a food distribution program so that people no longer need to go to bed hungry in this state and this costs \$100,000. All or any part of this may be adopted. It may be adopted without any cost at all by dropping the last two items.

L.D. 918 will no longer be concerned with the State take-over of general assistance and I repeat that L.D. 918 will no longer be concerned with State take-over of general assistance. That has been dropped out of the bill. Nor will it be concerned with Medicaid. It commits the State to nothing except those items listed in the amendment and I hope that this amendment will be accepted and when the vote is taken I ask for the yeas and nays.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: True, this may be only a statement of policy, but in the short time I have been here I have come to find that many things that are statements of policy this year, the next session will be in Part I Budget. I urge you to go along with the gentleman from Perham.

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

Mr. BENSON: Mr. Speaker and Members of the House: Just a reminder, in the last biennium we spent approximately \$77,243,000 in our total welfare program. This year we are anticipating spending \$90,811,000, or a difference of approximately \$13,568,000. This is an increase over the last biennium. I don't think we are being niggardly in our welfare program and I would be very much disappointed if we adopted L. D. 918 and went even beyond this. I think if we are willing to take an example of benefits by an example from one of our neighboring states, Massachusetts, the welfare situation there at the present time is not one that we would wish to enter into I am sure. So I would urge you to go along with the motion of the gentleman from Perham, Mr. Bragdon, and indefinitely postpone this measure.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman's figures, Mr. Benson's figures of \$77 million are correct. And on that basis, the figures on this amendment are correct of \$245,000 which can even on the night before we adjourn be cut to \$100,000. So I think that when you compare \$77 million, adding another \$100,000, will not make anybody go into bankruptcy.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: This morning I was asked if I was against motherhood. My answer

was I was not against motherhood providing the proper ceremony had taken place to legalize it. I feel that this is a very worthwhile program, but I am also aware that it is a program that has severe disadvantages as far as the children are concerned. I think until we can come up with some sort of guarantee that the children themselves will be fed and properly clothed, have proper medical facilities and treatment, that we need a lot more study on this.

I talked to the personnel in this particular department and I have suggested possibly a program whereas stamps be issued in lieu of cash whereby the recipient of the welfare would be able to go to the local grocery store, present the stamps and receive food. This way or some other method if brought about would feed, clothe and medicate these children.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't think the issue here is \$250,000 or anything like that. I wonder how many of you have read Senate Amendment "B" at this time. We are continuing to provide our welfare assistance at the local level. We are not at the state level in this amendment providing any money. However, if you will read that Senate Amendment, and I will run through it briefly.

"It is the policy of this State: 1. Persons in need. That its social welfare program shall provide assistance, care and service to the persons of the State in need thereof and thereby promote the well-being of all" and so forth. No one would object to that.

It goes on. It sets up various rules at the state level which propose to be guidelines for the local assessors who have been doing this job in a good manner, in my opinion, and I think you will feel you will agree with me. It sets up rules to guide them without providing any money to help them do these things. If you had bought this whole bill, in my opinion you would have created welfare as a way of life, a continuing way of life, just the same

as the ADC program has become a way of life.

This L. D. 918 proposed to do that very thing. I don't think we were ready to do it. I am one of those who believe that our local assessors, with very few exceptions have taken care of the people in their areas of need properly. I don't think that it is proper for the Legislature at this time to set up a list of rules, which have almost the effect of law, to guide them any further in the way that they shall conduct the care of these people in their local communities.

That I think is the issue that is before us this morning and I say again, until we are ready to provide the money at the state level to help these local communities care for their poor, that we have got to rely upon their good judgment and let them continue as they have in the past. When there has been a case of need in the local community, I know that's how it is in mine, our local assessors are close to the people. As long as the need exists they have provided them the help. When the time came that their need ceased to exist, they did their best to get them back to taking care of themselves.

I have contended right along that if you adopt this 918, again you have created this welfare thing as a year round proposition which would be tremendously expensive to the State of Maine as it has been to the State of Massachusetts, that we could well bankrupt the state by adopting this. For that reason, I am against adopting any amendment that will attempt to further restrict or direct these local officials as long as they have to provide the money to do this. We have got to continue to have faith in them that they will do this job properly as they have in the past.

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

Mrs. WHEELER: Mr. Speaker and Members of the House: All I am concerned about today is the House adopting House Amendment "A" which provides a statement of policy as a guideline for the Bureau of Social Welfare, also

appropriating monies in two distinctive separate parts of this program which could be bought separately. One is providing an ADC program for unemployed fathers, which I stated before and which would cost us \$145,000 and secondly, a food surplus program which would cost us \$100,000. I think it would be a pretty sad commentary of the concern which the Legislature has for this unfortunate segment of our society here in Maine if we do not adopt part of this program.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I think the most of you are aware where I stand on welfare. I stated the other day, and I will second Mr. Bragdon on it, it is not only a way of life, it has become a profession and various areas of government are even instructing in that profession to make it more perfect and make it more accessible.

I presume that I am tabbed as an enemy to — well, maybe the poor, if you put it that way. I contend that there is no need of a lot of the drain on welfare that there is today. I was talking to a lumberman the other day, an operator, and he is going to Nova Scotia to get help because they just will not work in the woods where they can make \$150 a week, that is what he has been paying. A lot of our people are going out of the country to get workers. So why are there unemployed fathers, I would like to know? I shall contend that there is not much need today in the State of Maine for a father who has got his health to be unemployed, if he isn't too nice to do some work that is available.

I have been through the mill, as I have stated before, in poverty. I know what it is. But when I went through that mill in the thirties when we really had a depression, when we really couldn't find work, there just wasn't work, there is work now if men will take it; and just so long as we have high paid welfare workers that will search out throughout the country

and throughout our areas and throughout our suburban and urban areas and our farming areas for some people who can qualify for welfare, we are going to increase our welfare state, and Lord knows it is increasing fast enough.

It seems to me that the whole concept of this bill is wrong from its beginning to end. We have tried to encourage decisions to be made at lower echelons of government. We try to uphold county government and its various functions. I have been accused of trying to do away with county government and I do not want to do away with it. We have talked at some length on strengthening local government and home rule, and still in a lot of these very important expensive functions it seems to be the opinion of a certain group of people that it can only be done at the state or federal level. I contend and submit that welfare, because of the variance of people, because of the variation of problems and living conditions in different areas, has individual problems in every area and that these things cannot be decided by numbers at the state level or at the federal level.

This bill, I realize, has been pulled all apart until there isn't much left of it. Nevertheless, because of those reasons and many others which I could quote if I wanted to take the time, I certainly would like to back up Mr. Bragdon's motion that the bill and all its papers be indefinitely postponed.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: A very few brief words this morning. I think it was identified this morning here that the municipal officers are closer to the people and able to direct them if they are in need of help. I think this is probably the area that you are going to find the most atrocious inequities on the local level. When somebody is in dire need of help in some areas, and in very many instances the local municipal officials are somewhat a little partisan in their issuing help to those that are needy, and the

examples have been pointed out that in areas that people who were in dire need of help were told by the municipal officers that if we give you some help, and there is no indication that we will if we are going to give you some help, then we have got to impound your car, we have got to take a mortgage on your house, we have got to mortgage the entire furniture in your house in order for us to have some assurance that this money will not be given out completely because you are in need of help.

Now these are some of the fallacies that are going on in the individual municipalities. There are some areas there is no question, when they are in need of help they get it. Depending who they know in the municipal administrations, this is where the fallacies are. There is no uniformity of administration for some of the people that need help and granted, and I agree wholeheartedly with some of the remarks that are made here, that others are abuses. But the thing is, if we penalize only the parents, this is the part that I feel is not right, we are not penalizing the parents, we are penalizing the youngsters, which is no fault of theirs.

So I think what we are probably trying to establish is some formula to help the youngsters, in adopting 918 this morning. So I would urge the House of Representatives this morning to vote against the motion to indefinitely postpone and when the vote is taken, if it hasn't been asked for, I would request the yeas and nays.

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

Mr. BENSON: Mr. Speaker and Member, of the House: We have on this bill now, Senate Amendment "B". Senate Amendment "B" is a state policy on welfare. I would refer you to section 4 of the first page of that amendment, titled "Adequate assistance," and I will quote that brief paragraph. "That assistance, care and service shall be so administered as to maintain and encourage dignity, self-respect and self-reliance. It is the legislative intent that finan-

cial assistance granted shall be adequate to maintain a reasonable standard of health and decency based on current cost of living." If I were to ask you individually what that paragraph meant, I am sure it would be very very difficult to put your finger on it. And I might add that the cost of whatever the interpretation might be would be extremely difficult to ascertain.

I would refer you to page 2 of the amendment, at the very bottom, section 4497, Right to fair hearing, and without quoting it, it says in essence that if an applicant is turned down at the local level for his request for welfare, then they may appeal to the commissioner and the commissioner may overrule the ruling of the local authorities. I don't know whether this has been brought out in debate, but I think it is worthy of your consideration as you consider your action on this measure. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that the Bill be indefinitely postponed as amended. The gentlewoman from Portland, Mrs. Wheeler, 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 having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that this Bill as amended, "An Act relating to Welfare Assistance" House Paper 687, L. D. 918, be indefinitely postponed. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Barnes, Benson, Bragdon, Brown, Buckley, Bunker,

Burnham, Chick, Clark, C. H.; Clark, H. G.; Corson, Couture, Crosby, Cushing, Dam, Donaghy, Dudley, Durgin, Dyar, Erickson, Farnham, Finemore, Gauthier, Gilbert, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Heselson, Hichens, Huber, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Lee, Lewin, Lewis, Lincoln, MacPhail, McNally, Meisner, Millett, Moreshead, Mosher, Noyes, Page, Porter, Pratt, Quimby, Rand, Rideout, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, Wight, Williams, Wood.

NAY — Allen, Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Carey, Carrier, Carter, Casey, Chandler, Coffey, Cote, Crommett, Croteau, Cummings, Curran, Drigotas, Emery, Eustis, Fecteau, Fortier, A. J.; Fraser, Giroux, Hewes, Hunter, Immonen, Jalbert, Keyte, Kilroy, Laberge, Lawry, Lebel, LePage, Levesque, Lund, Marquis, Marstaller, Martin, McKinnon, Mills, Mitchell, Morgan, Nadeau, Norris, Ouellette, Ricker, Ross, Santoro, Sheltra, Starbird, T a n g u a y, Temple, Vincent, Watson, Waxman, Wheeler, White.

ABSENT — Birt, Cottrell, Cox, Curtis, D'Alfonso, Danton, Dennett, Evans, Faucher, Fortier, M.; Foster, Good, Haskell, Kelley, R. P.; Leibowitz, McTeague, P a y s o n, Richardson, G. A.; Richardson, H. L.; Rocheleau, Sahagian, Snow. Yes, 68; No, 60; Absent, 22.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty having voted in the negative, the motion does prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

An Act relating to the Motor Vehicle Dealer Registration Board (H. P. 1180) (L. D. 1500) which was passed to be enacted in the House on May 22 and passed to be engrossed on May 14.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Lebel of Van Buren, the House voted to recede and concur with the Senate.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, June 16, at 10 o'clock in the morning. (S. P. 504)

Came from the Senate read and passed.

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

Orders

Mr. Levesque of Madawaska, was granted unanimous consent to address the House:

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Thank you for the courtesy of granting me unanimous consent only to make this brief observation this morning. There does seem to be a gloom hanging over the House of Representatives and I just thought I would make the offer that if the utility or the private monopoly company regulating the power in Central Maine could possibly tie that line at Wiscasset so that we might be able to get a little bit better juice in the House this morning. Thank you.

(Off Record Remarks)

Mr. DYAR of Strong presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study procedures of credit bureaus and agencies of this State in regard to consumer credit rating, reporting and charges connected therewith, including but not limited to the release or dissemination of such information and the methods employed in collecting or repossessing money or personal property; and be it further

ORDERED, that the Division of Personal and Consumer Finance of the Department of Banks and Banking is requested to provide the Committee with such technical advice, information and 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 with any necessary

legislation at the next regular session of the Legislature. (H. P. 273)

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

House Reports of Committees Ought Not to Pass

Covered by Other Legislation

Mrs. Coffey from the Committee on Natural Resources on Bill, "An Act to Control and Protect Maine's Natural Resources from Strip Mining" (H. P. 345) (L. D. 452) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Dennett from the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (H. P. 75) (L. D. 75) reported same in a new draft (H. P. 1271) (L. D. 1600) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read once and assigned the next legislative day.

Tabled and Assigned

Mr. Starbird from same Committee on Bill "An Act Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 97) (L. D. 105) reported same in a new draft (H. P. 1272) (L. D. 1601) under title of "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" and that it "Ought to pass"

Report was read.

(On motion of Mr. Martin of Eagle Lake, tabled pending acceptance of Report and specially assigned for Monday, June 16.)

Ought to Pass Printed Bills

Mr. DENNETT from the Committee on State Government reported "Ought to pass" on Bill "An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Retirement"

ment Age" (H. P. 1253) (L. D. 1589)

Report was read.

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

Mr. BINNETTE: Mr. Speaker, I move for indefinite postponement of this bill.

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

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

Mr. BENSON: Mr. Speaker and Members of the House: Very briefly, this bill in a slightly different form was before us, it was passed by both branches and placed on the Governor's desk. The Governor had objection to part of it and he raised that objection. His veto was sustained. We have a bill before us today that I understand meets with the approval of the Governor, if I am not wrong; if I am wrong I would stand corrected. But I see no reason for us to have a big hassle over this. I hope it just goes along and we are able to pass this on.

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

Mr. LEVESQUE: Mr. Speaker, and Ladies and Gentlemen of the House: The remarks made by the gentleman from Southwest Harbor, Mr. Benson are correct. Before this bill was introduced for reference last week it was discussed with the Chief Executive of the State and although he saw no absolute needs or necessities of it he had no objections in its introduction.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette that both Report and Bill be indefinitely postponed. A vote has been requested. All 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.

33 having voted in the affirmative and 83 having voted in the negative, the motion did not prevail.

Thereupon, the "Ought to pass" Report was accepted, the Bill read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment Recommended

Mr. Donaghy from the Committee on State Government on Bill "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys" (H. P. 1049) (L. D. 1377) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

On motion of Mr. Rideout of Manchester, recommended to the Committee on State Government and sent up for concurrence.

Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection with Mining" (H. P. 344) (L. D. 472) reporting same in a new draft (H. P. 1270) (L. D. 1598) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERRY of Cumberland
SEWALL of Penobscot
REED of Sagadahoc
— of the Senate.
Mr. CURRAN of Bangor
Mrs. BROWN of York
Messrs. HARDY of Hope
JAMESON of Bangor
EUSTIS of Dixfield
Mrs. COFFEY of Topsham
— of the House.

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

Report was signed by the following member:

Mr. SNOW of Caribou
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, I move that we accept the Minority "Ought not to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Caribou, Mr. Snow moves that the House accept the Minority "Ought not to pass" Report.

The gentleman may proceed.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: You know that this L. D. 472 has been around quite some time. It has come to us this morning in a new draft, for the first time the House has had a chance to look this over. In my opinion this could be a big piece of legislation affecting a great number of people. This is basically in connection with mining. It defines mining as "breaking of the surface soil in order to facilitate or accomplish the extraction or removal of clay, sand and gravel, peat, stone, minerals," and so forth.

Now this would affect every property owner, every town, every quasi-municipal operation, every contractor, and I will pick out a few points and places in the bill where I maintain these things do apply.

It says "Person. 'Person' shall include governmental and quasi-governmental entities."

It says "Limitations. The commission shall not require a mining plan or bond or other security in connection with sand, gravel" and so forth, "provided said agencies shall by contract or regulation or otherwise accomplish the objectives of this chapter."

Now it would be necessary for anyone opening up a gravel deposit to file a plan. Now this plan must be filed twenty days prior to the opening of such a mining operation if for instance it is for gravel in connection with the job that a contractor has bid on. He makes his application, he waits twenty days, he finds that he does have permission to go in after becoming bonded and start removing the material. He finds that when they open the area there is not suitable material, so he must locate another source and again file application. Again he may wait twenty days. It is very difficult to determine what you will find in opening these pits.

Now oftentimes these contractors are awarded with a time lim-

itation. Now many of these contractors are going to find themselves in very embarrassing situations when they go beyond the time limit because of the penalties that are involved, either penalties or weather conditions. Therefore, they are going to find it very difficult in attempting to arrive at a price in connection with the operation, as to what it would be and the troubles that they may run into.

It says "Cooperation. The commission," who would handle this, "shall cooperate with the federal state and local governments, with natural resource and conservation organizations, and with any public or private entities having interests in any subject within the purview of this subchapter."

It looks like that there would be a great many people that would want to become involved in this. I urge you to accept the Minority "Ought not to pass" on this.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the motion to accept the Minority "Ought not to pass" Report and I request a roll call and I would speak to the motion.

This bill is before the House today as the culmination of over a year's efforts in this area by a committee of the Natural Resources Council, of which I was a participant. It is before the House today because today there is not a single line in the Statutes of Maine dealing with the problem of reclaiming or restoring to any productive use an area after it has been mined.

There is a need for this today because although we don't see a great deal of mining done in Maine it is felt by many people that we are on the verge of some very rapid developments in this area. For instance, the hard mineral division of Humble Oil has options on 600 square miles of the Great Northern Paper Company land. That is 600 square miles, not 600 acres. Under an agreement with Scott Paper Company, Miranda Mines is exploring woodland also

near Jackman, Basic Incorporated has produced commercial grade, nickel and copper concentrates in operation on the lower end of the coastal belt at Union.

Now this is particularly significant because in the case of copper 80 per cent of copper mining is done by open pit mining. In all there are about ten major mining companies that are probing and poking throughout the State of Maine, exploring the mining potential, and they are spending five to ten million dollars in their exploratory work.

All this is without a single line of legislation on the books of the State of Maine, requiring any restoration of the land after mining is completed. People who are somewhat familiar with the laws of the State may ask — “Well don’t we have a Maine Mining Bureau?” And the answer which is not generally understood is that the Maine Mining Bureau has no regulatory functions with respect to privately owned land. The Maine Mining Bureau only deals with the leasing of state-owned lands to companies that wish to conduct mining operations.

I spoke of the work of the committee of the Natural Resources Council in developing this legislation. This and several other bills dealing with this problem were presented to the Committee on Natural Resources. One of the bills, or a pair of the bills, represented the recommendations of the Governor, and I am pleased to note that the sponsor of this other legislation joins in the “Ought to pass” Report on this bill.

At the hearing serious objections were posed, and valid objections I might add, by people in the lime and granite quarrying industries. The point was made that in these hard rock mines it is very difficult to reclaim the mines. So that if you will look on page four of L. D. 1598 which is on your desks this morning, about an inch down from the top of page four you will note that no mining plan will be required with respect to a surface quarry in bedrock and that such mines will only have to make provision to screen the mines from public view and to carry out appropriate safety meas-

ures like fencing. In the opinion of the Committee I think this substantially resolved the objection of the lime and granite industries.

The bill also contains provisions exempting construction projects, and this would apply for instance to a road building project in which sand and gravel was taken, as in the case of wildland, to construct a road on the property. Exemptions are provided for farming operations and for construction jobs.

Serious objections were posed at the committee hearing by people speaking for the construction industry, sand and gravel in particular, and this represents the objection I think that you have heard today, they would like to have been left out of the bill.

I would like to call to the attention of the House that the administration’s program in this area would have provided for control of sand and gravel operations by the municipalities themselves. This I might add met with vigorous disapproval of the construction industry because it would have meant that they would have had one kind of treatment in one town and a different kind of treatment in another. So they certainly appeared not very enthusiastic over the Governor’s solution to the problem. As a matter of fact, they didn’t really present very much of any workable solution at all except that — I don’t blame them I suppose, they would like to be left out of the regulation altogether.

In an effort to at least establish some moderate steps with regard to sand and gravel, this redraft at the bottom of page four of L. D. 1598 contains a provision that sand, gravel and borrow operations shall have the benefit of special rules and regulations applicable to them, which shall take into consideration the size of the operation and other economic factors in order to simplify compliance with this chapter.

This bill represents a great many compromises with various people who expressed matters of concern. The Maine Mining Bureau’s consultant, Mr. Dow, made some suggestions and they were substantially carried out. The only re-

maining problem is the question of sand and gravel, and to date at least I have seen no apparently workable alternative suggested by the people who are involved with sand and gravel. Their only serious answer appears to be that they would like to be left out or like to be studied for a couple of years, or something like that. And the only answer which I can suggest in this direction is that all you have to do is to drive over the State of Maine and look at the sand and gravel operations that we have, to see whether this industry has shown that it is able to take care of its own problems. It is apparent I think that it is not.

I might add, however, that a specific exclusion was provided for sand and gravel operations by the State or by municipalities, or under contract to the State or municipalities, provided that the objectives of this chapter were carried out by other means. This means that, in a very few words, the State Highway Commission which originally objected to the idea of having regulation applied to its construction projects, the State Highway Commission now has no objection to this chapter as it is written.

I would also like to point out that this, unfortunately, would not have any effect upon an existing pit that is not being operated. So don't let anybody suggest to you that people who own pits, that are not using them, are going to have to do anything to comply with this chapter. There is the hope that someday in the future federal funds may be obtained and the commission which is established by this bill would be empowered to assist in attempting to reclaim these old gravel pits that dot the State of Maine. But the only time that a person would come within the regulations of this bill would be if they started to conduct operations of mining or gravel removal.

So that I feel that the need for this legislation is evident, looking over the near future in the State of Maine and I hope that you will vote against the motion to indefinitely postpone.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I too hope the House will vote against the motion to indefinitely postpone, because I am as much in favor of protecting the beauty of Maine as I am in protecting the consumer. This new draft hit our desks for the first time this morning, so I haven't had time to analyze it in depth. But I do see that on page three of this eight-page document the Maine Mining Commission is created, and "The Maine Mining Commission shall administer this chapter. The commission shall consist of 5 members who shall be appointed by the Governor with the advice and consent of the Executive Council. Initially, one member shall be appointed for a term of one year, one member for a term of 2 years, one member for a term of 3 years," and so on.

"The members of the commission shall be reimbursed for their expenses incurred in" the performance of their duties — and I would take that these expenses wouldn't be too great. And so on.

"The commission shall employ a director, whose compensation shall be set by the Governor and Council. The director shall employ, pursuant to the Personnel Law, such personnel as may be necessary to properly administer this subchapter, including mining engineers and persons experienced in land management and reclamation," and so on.

Now I think that all this is necessary. My problem is, that when I and the Judiciary Committee set up, or are trying to set up a Consumers Protection Commission, we very candidly put a realistic price tag on it of slightly less than \$30,000 for the initial year.

And I would like to pose a question through the Chair to anyone who may know the answer, or who can tell me the answer, just how much is contemplated will be spent in the creation and the employment of a director whose compensation shall be set by the Governor and Council, and how much is indicated to properly administer this subchapter including mining engineers, persons experienced in

land management and reclamation and the necessary office staff.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Members of the House: I have to rise to oppose the motion of indefinite postponement this morning. I do admit that perhaps there are certain problems but I would like to see the bill survive and get into a position of amendment. It is a long complicated bill. We have worked on this thing a lot this winter. It is a bill which has been greatly watered down but I think with our present movement toward more mining in the State of Maine that we must start to consider, even though this bill is not the perfect answer, we must start to consider some control of our natural environment.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am not sure I can answer the question posed by the gentleman from Houlton, Mr. Bertram but I will give it a try. At the present time there exists as you know the Maine Mining Bureau and within the Maine Mining Bureau there are a number of people there which of course would not be necessary and would become a part of the Maine Mining Commission, and so part of the cost of administrating this would be assumed from that portion of it and no additional burden would be imposed upon it.

While I am on my feet I might add that I realize that the bill that came out of the Committee is not perfect, like any original bill on an original subject such as this, but it would certainly be my hope that we would approve the Majority 9 to 1 Report. If any of you have had an opportunity to take a look at a book which was put out by the Department of Interior in Washington a few years ago, called Surface Mining and Our Environment, which is some 125 pages long, you would quickly realize the damage that is done to a state and the damage that is done to an area by surface mining,

and in Maine, while we are still relatively free of this damage, it is time that we enact legislation which will somewhat slow down the damages that could be caused from such mining in this state, and so I certainly hope that we accept the Majority Report and reject the motion to accept the Minority Report this morning.

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

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: I think it is obvious to many of us that there are devastated areas in the states that are the results of acts of God. There are landscapes blotted with dead trees that are killed by fire or disease or insects. These are unavoidable and we have to live with them but to condone the devastation that is caused by man, to allow men to have their way with the land and then assume no responsibility, in other words to allow them to race and run I think is inexcusable.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I like every other member here recognize the need for some legislation in this field. However, I do as I think over the whole picture, it is a thing that poses tremendous problems. We would like to see we will say some of these gravel pits, if we want to call them that, closed up at some time. However, I can think in my own mind of one gravel pit out of which quite a part of Interstate 95 was built in the area of Houlton that was a part of the so-called "Horseback" that is nothing but gravel down through Aroostook County and it has been an open and an active gravel pit from the time that I can remember coming down by there.

Now this is the thing that I would seem to like to see written in, some idea of what such a board's attitude would be. Now to me there would be nothing practical about at any time in the past forty years of closing up that gravel pit. It is an active going gravel pit, just the same we will

say as the lime quarry at Rockland and something like that, there never seems to be a time, unless it reaches the point where this completely ceased to be usable, that you can really close these things up.

I would refrain—my first thought this morning was to table this, I think it is something that requires a lot of thought before we go into it and I am not going to do that. However, I do hope that we will, in the short time we have left, that we will seriously consider anything that can be added to this bill in the way of amendments, if we have got to have it, that will certainly protect these areas such as I speak of rather than to depend upon the—I was going to use the word “whims” of the Commission but I don’t know as that is exactly the word but I guess you get what I mean, as to what regulations that they would make in regard to some of these problems.

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

Mr. MacPHAIL: Mr. Speaker and Ladies and Gentlemen of the House: It seems to indicate that these pits, lines or other holes in the ground are unsightly. We have many of those in Knox County, many of them are in Rockland, and they are considered a considerable tourist attraction. They are interesting, including one which is the deepest quarry in the world. The Grand Canyon is quite a hole in the ground and nobody has suggested filling that up. This would entail the setting up of another bureau. There goes some more of our money that we are trying to conserve.

I would certainly go along with the adoption of the Minority Report in this matter.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I cannot help but comment on the remarks made by the gentleman, Mr. MacPhail from Owls Head. Let me point this out to you, that quarries may be pretty to look at but they

are also very deadly. I can remember not too long ago a group of one family drowning in a quarry somewhere in Knox County, and this is not very pretty to me.

I might point out that quarries are not covered by this legislation.

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

Mr. MacPHAIL: Mr. Speaker, it is true that last year a family did drown in one of the quarries. However, if that same man was as drunk as he was when he entered that quarry, driving along the road, he could have hit a telephone pole or a tree just the same with the same results.

The SPEAKER: The gentleman from Lewiston poses a point of personal privilege and may state his point.

Mr. JALBERT: Mr. Speaker, my point is what authentic proof has the gentleman got to say this man was drunk?

The SPEAKER: The Chair would advise the gentleman that a point of personal privilege is pointed at any member of this House.

The gentleman may proceed.

Mr. MacPHAIL: This fact was established definitely. I don’t hear of anybody suggesting cutting down the telephone poles and trees along the road, which take far more toll of the motorists’ lives than the quarries do.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I went to law school for a year and a half and I would like to find somewhere in the law books or somewhere along the line where anybody could be proven drunk if he hits something, runs into a quarry, drowns, and then is convicted of drunken driving.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I won’t prolong this but I have just finished reading quite an article on this situation in West Virginia. And anybody that is familiar with this problem that

they had down there certainly would go along with giving this bill an opportunity to go before both bodies and perhaps we can come to something where the regulatory practices can be upheld.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I pose a question through the Chair to the members of the State Highway Committee. I am not that positive of this, but it seems to be in my memory that in the past two years the State Highway Commission puts it in as a part of the contract on road construction that the company that was awarded the contract must close the gravel pits that they use. Is this true?

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

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

Mr. LEE: Mr. Speaker, I guess as a member of the Highway Committee I couldn't answer that, but as a contractor I can assure you that it has been much over two years, it has been in the neighborhood of ten years, that any gravel pit within sight of the road shall be dressed and seeded.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: As I have already said I have qualms about this bill. Yesterday I received letters from two of the mines in question and as you realize an awful lot of the mining in the State of Maine has occurred in Knox County. We dug the lime out of there that made the mortar for the east coast, we sent a lot of granite down and we spread a lot of fields.

I had two letters from mining operations and this morning while we are debating this I get a note from Dragon Cement, the Marion Marietta, which I haven't answered yet, but I still would be most reluctant to see the "ought not to

pass" report accepted on this this morning. I think that we should accept the Majority Report and take a little more time to consider this bill.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would like to point out to this House that isn't West Virginia we are talking about, it is the State of Maine. We sit around here in the heat and gripe about the inefficient State employees we have got and what they are doing or what they are not doing. Now you are contemplating setting up another batch of State employees ruled by another commission and I would go along with Mr. Snow. I think we have plenty of those kind of commissions.

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

Mr. LEE: Mr. Speaker and Members of the House: I don't think any one of you folks would consider me a wild-eyed dreamer and I suspect there are a few of us that are. I never saw anything come onto the desk in this session except these things that would put any small business out of business any quicker, and I think the small businesses are our lifeblood. I don't think it just pertains to contractors. It goes right back to the towns. The people who want a load of gravel like you, each one of you have got to have some. The cost is going to be there. It is going to be almost impossible to start a road job and finish it in the same season just by the regulatory days that it asks for. You will notice in here it says the state and towns don't require that they get a mining plan for their businesses but it does say in here that if they don't abide by it why they have got to go back and file one afterwards.

And Mr. Berman brought up a very pertinent point. The State of Maine has 33,215 square miles of territory. If we are going to cover this with engineers and a whole other bureau in the State department which I don't think we need at all. Now maybe a lot of you

people dislike the looks of these gravel pits, but I swear I don't.

If you get right down to another thing here, I don't know all about these things, they mentioned bonding. I have been pretty much out of the highway business in the last five years because I couldn't get bonded. It requires cash money to get bonded. It doesn't make any difference how much property you own or anything, you have got to have cash money to put on the barrelhead. So to get bonded to open a pit, you have got to have some bonding. What if I die? Somebody is going to have to take over that bond—the bonding company is going to close.

I submit that I have got three pits that have been open over fifteen years and one that has been open over twenty years. Now somebody is going to have to furnish that bond, the Town of Albion, the Town of China, the Town of Vassalboro, the Town of Winslow, they all get some of this material out of my pits; the pit is important to a lot of people.

Now I submit to you if you pass laws like this that it is going to put a hardship on the State of Maine.

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

Mr. LUND: Mr. Speaker and Members of the House: I hesitate to speak a second time, but several points have been raised that might well be answered. In the first place, it has been suggested that the State of Maine is not the State of West Virginia. I say to you, thank goodness that it is not. I wish that some of you had before you some of the photographs we have studied of the result in West Virginia of not having mining legislation on their books before some of these big companies moved in.

There is equipment now available to carry on the surface mining operations with shovels big enough to take 185 cubic yards at a single bite. For those of you who aren't familiar with the size of a truck, this is eighteen 10-yard trucks filled level.

The opponents to this legislation talked a good deal about the problems of road contracts. I would

simply like to remind the House again of the two provisions I am calling your attention to, namely that no mining plan is required to be filed in a state highway job or a local highway job provided that the purposes of the chapter are carried out. In other words, if the state should not include provisions where gravel is taken from the roadside and so on, then a mining plan may be required later on. That is not going to happen because Dave Stevens intends to take care of his own problems and I am sure he will. The same would apply in the case of gravel supply to municipalities.

The last speaker raised the point of the cost of this, and I think we should make no bones about this. This will cost some money and the cost will be borne by the gravel and I think if it is the feeling of the House, of the Legislature, that these are not worthwhile projects, that the cost of these products should not include the cost of restoration, then the bill "ought not to pass," because the clear statement of policy which is contained in the bill is that it is the policy of the State of Maine that unless mining operations include provision to rehabilitate the land affected, a mining operation is justified only in the case of a national emergency.

I would suggest to the members of the House that spread out over the cost of removal of the product, the cost of restoration will not be an overburdening problem.

Mr. SNOW of Caribou requested that the vote be taken by roll call.

The SPEAKER: Mr. Snow of Caribou 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 of the members present having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Snow, that the House accept the

Minority "Ought not to pass" Report on Bill "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection with Mining," House Paper 344, L. D. 1598. If you are in favor you will vote yes; if you are opposed you will vote no.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I have sat here for a few minutes listening to the debate on this. I have been, you might say instructed by my special interest to oppose this bill, but I shall vote for keeping it alive for the reason that I feel that we must be making plans to preserve our countryside, regardless of the fact we have got a big state.

I find myself in a position of uncertainty in another line. I am not in approval of forever setting up new commissions. I wonder if there isn't some way that the same work could be controlled through our Mining Management Division which we already have without setting up a complete cumbersome commission. But I can appreciate the problems that face the planning of our countryside. We are supposed to have a beautiful vacation state but if all of these gravel pits and all these stripped mining areas are left just as they are today and they keep increasing, we are going to have a lot more eyesores.

I know of one area in my own community, a gravel pit to be sure which is a paying concern, but it is several acres and they take a little over here and a little over here but they have got several acres which are open all the time and they have had to shift the road over so that the highway goes right through it now. It certainly is not beautiful to go through, anyone would admit that.

I don't know what the answer is, whether this is the answer to it or not, but I feel that it is too soon to just wipe this bill out completely. I think we must have something along this line. Consequently, I will vote against the move to indefinitely postpone.

The SPEAKER: All in favor of accepting the Minority "Ought not to pass" Report will vote yes; those

opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Bragdon, Burnham, Carey, Carrier, Casey, Crommett, Cushing, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Fecteau, Fraser, Gauthier, Gilbert, Hall, Hanson, Hawkens, Hewes, Jameson, Johnston, Jutras, Kelleher, Kelley, K. F.; Kilroy, Laberge, Lebel, Lee, Lincoln, MacPhail, McNally, Millett, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Quimby, Ricker, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Trask, Wight, Williams.

NAY — Allen, Baker, Barnes, Benson, Berman, Bernier, Binnette, Birt, Bourgoin, Brennan, Brown, Buckley, Bunker, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Couture, Crosby, Croteau, Cummings, Curran, Dam, Drigotas, Eustis, Fortier, A. J.; Giroux, Hardy, Harriman, Haskell, Henley, Heselton, Hichens, Huber, Immonen, Jalbert, Keyte, Lawry, LePage, Levesque, Lewin, Lewis, Lund, Marquis, Marstaller, Martin, McKinnon, McTeague, Meisner, Mills, Mitchell, Moreshead, Page, Payson, Porter, Pratt, Rand, Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Stillings, Susi, Tanguay, Temple, Thompson, Tynedale, Vincent, Watson, Waxman, Wheeler, White, Wood.

ABSENT — Boudreau, Cottrell, Cox, Curtis, D'Alfonso, Danton, Dennett, Emery, Faucher, Finemore, Fortier, M.; Foster, Good, Hunter, Kelley, R. P.; Leibowitz, Richardson, G. A.; Starbird.

Yes, 54; No, 78; Absent 18.

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

Is it now the pleasure of the House to accept the Majority "Ought to pass" Report?

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

Mr. BERMAN: Mr. Speaker, I apologize, but I think I may have called the attention of the Chair before the hammer went down and for the sake of the record, Mr.

Speaker, and it is an important occasion that will become evident later on, I would like to have a roll call vote on the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Houlton, Mr. Berman, requests that the vote 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 on the acceptance of the Majority "Ought to pass" Report in new draft on Bill "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection with Mining," House Paper 1270, L. D. 1598, 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 the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the acceptance of the Majority "Ought to pass" Report. Is the House ready for the question? The Chair will open the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Benson, Berman, Birt, Bourgoin, Brennan, Brown, Buckley, Bunker, Carter, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Couture, Crosby, Croteau, Cummings, Curran, Drigotas, Emery, Eustis, Fortier, A. J.; Giroux, Hardy, Harriman, Haskell, Henley, Heselton, Hichens, Huber, Hunter, Immonen, Jalbert, Jameson, Keyte, Laberge, Lawry, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, Marquis, Marsteller, Martin, McKinnon, McTeague, Meisner, Mills, Mitchell, Morehead, Ouellette, Payson, Porter, Pratt, Rand, Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Stillings, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler, White.

NAY — Bernier, Binnette, Bragdon, Burnham, Carey, Carrier, Casey, Chick, Crommett, Cushing, Dam, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham,

Fecteau, Fraser, Gauthier, Gilbert, Hall, Hanson, Hawkens, Hewes, Johnston, Jutras, Kelleher, Kelley, K. F.; Kilroy, Lebel, Lee, MacPhail, McNally, Millett, Morgan, Mosher, Nadeau, Norris, Noyes, Page, Quimby, Ricker, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sneltra, Snow, Soulas, Trask, Wight, Williams, Wood.

ABSENT — Boudreau, Cottrell, Cox, Curtis, D'Alfonso, Danton, Dennett, Faucher, Finemore, Fortier, M.; Foster, Good, Kelley, R. P.; Leibowitz, Richardson, G. A.; Starbird.

Yes, 79; No, 55; Absent, 16.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-five having voted in the negative, the House has accepted the Majority "Ought to pass" Report.

The New Draft was given its two several readings and assigned for third reading the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to Jurisdiction and Judicial Divisions of the District Court" (S. P. 468) (L. D. 1526)

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

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. This is Friday, we have quite a calendar and quite a few other Judiciary matters to come before the House, but I would like to call the attention of the House to this matter. The good gentleman from Fryeburg, Mr. Page came before our Committee with a problem involving his towns and he asked our assistance in allowing some of his towns to go to a court that might be more convenient in another county. And on the Judiciary Committee we were very sympathetic to his problem and part of this bill is a solution to it and we hope that it works.

In another situation, I think it was the good gentleman from Wilton, Mr. Scott also had a problem down in Jay in the County of Franklin and it was very similar to Mr. Page's problem. We did

some work on it and we came up with what we hope is a very satisfactory solution.

Now the reason I want to call this to the attention of the members of the House very briefly is that our Committee has been subjected to, as Shakespeare might say, the slings and slams of outrageous fortune, and I wanted to mention to the House this morning that our Committee frankly has the best interest and welfare of the State of Maine first and foremost. Thank you.

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

Third Reader

Tabled Until Later in Today's Session

Bill "An Act relating to the Purposes and Powers of the Maine Port Authority" (H. P. 1265) (L. D. 1595)

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

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

Constitutional Amendment

Tabled Until Later in Today's Session

Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585)

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

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

Mr. RICHARDSON: Mr. Speaker, since I understand that an amendment is in the process of being prepared, I would request some member of the House to table this until later in today's session.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending final passage and assigned for later in today's session.

Passed to Be Enacted

An Act Regulating Snowmobiles (S. P. 455) (L. D. 1501)

An Act relating to Payments to the Law Libraries in the Several Counties of the State (S. P. 486) (L. D. 1570)

An Act to Create a State Housing Authority (S. P. 488) (L. D. 1572)

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

An Act to Reconstitute School Administrative Districts Numbers 31, 32, 40, 41, 54 and 72 (H. P. 513) (L. D. 684)

An Act to Reconstitute School Administrative Districts Numbers 60, 65, 66, 67, 68, 69, 70, 71, 72 and 75 (H. P. 514) (L. D. 685)

An Act relating to Credit Card Crimes (H. P. 563) (L. D. 744)

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

Enactor

Tabled Until Later in Today's Session

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

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.)

An Act Providing for Implied Consent Law for Operators of Motor Vehicles (H. P. 1030) (L. D. 1339)

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

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: This is the Implied Consent bill which I attempted to debate some few days ago but it was sort of defeated on a parliamentary move, which I respect.

I am opposed to this bill for several reasons.

First, I am opposed to giving any additional power to the police of this state until some minimal training standards are required before one is armed with all the authority of a police officer. Under

the present law a person can be a truck driver one day or a mill worker one day and the next day a police officer with the broad power that goes with that office. I submit that where broad power is given, there is broad potential for abuse of that power. I think that we have all seen police officers who have no business being police officers. I submit that if you look into the background of many of these people you will usually find that they had no training or preparation for their particular position. I think it would be a serious mistake to give these police officers more power to abuse as this bill would do.

Also, under this bill a person could be required to take a blood, breath, or urine test by a constable, a deputy sheriff or any untrained police officer and upon refusal lose his operator's license for up to six months. This could result in many arbitrary arrests under this law. And when there is an arbitrary arrest, practically speaking, the wrongfully arrested person has no remedy as police officers are normally judgment proof.

Also under this bill a person can have his license taken for up to six months for refusing to take the test, but if he takes the test and is convicted, then he would only lose his license for a period of three months. I say that this is rather strange and I would say it is amusing, only it is a very serious matter, that the penalty can be greater for refusing to take the test than for being convicted for driving while impaired. I think that is a very strange situation.

And furthermore, a person who refuses to take the test and is later found innocent by a jury still loses his license for 6 months despite the fact that he has been found innocent. I think that is tremendously unfair and inconsistent with our traditional views of criminal justice.

Also I am well aware of the advisory opinion handed down by our court recently where they stated in effect that the bill was constitutional. I would advise the House that this opinion is just an opinion and would not be controlling on any particular case.

I personally am very skeptical of advisory opinions because they

are not the result of written briefs and oral arguments by both sides of the issue. I think many lawyers in this House will agree with me that there are many serious problems with the quality of advisory opinions, and this certainly should not be construed as an attack on our Supreme Judicial Court for which I have a great deal of respect, but I honestly believe if the members of the Court were in this House to speak today that they would agree with me and would prefer to make their decision on such important constitutional matters after hearing oral arguments and studying written briefs.

This measure in effect forces a person to try to prove his innocence. This is inconsistent with our traditional views again of criminal justice in this country where you are innocent until proven guilty. The individual is practically compelled to take the test under pressure or threat or duress of a 6 months suspension and consequently he is forced to give or furnish evidence against himself. I submit that this is a violation of our State Constitution, Article I, Section 6, and I quote "He shall not be compelled to furnish or give evidence against himself. . . ."

In my judgment the bill is still unconstitutional, the advisory opinion of the Court notwithstanding.

I will further remind the House that we had a substantial reduction in the number of highway fatalities last year over the previous year, this despite the fact that we had a less stringent "driving under the influence" law in the past year. I just submit that it is difficult to correlate laws and the reduction in fatalities.

I think that the money—and I don't see any money tied to the bill but obviously it is going to cost money for the equipment and so forth, I think that this money though that will be spent for equipment, doctors and nurses, could be better spent on additional State police officers so that our roads will be more closely patrolled. I think that the best stimulus for careful driving is the appearance of more police cruisers on our highways. I think this also would result in more arrests and

more convictions for drunken driving which I think is desirable.

For these and other reasons which I won't bother to go into I move the indefinite postponement of this bill and all of its accompanying papers and when the vote is taken I ask that it be taken by a roll call.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: When I first embarked on this bill early in the legislative session and discussed the possibility of sending it to Court to get an advisory opinion from them, I was told by a very competent lawyer that when and if the report came from the Supreme Court favorably, which it did, that then the attack would be made in another direction and this direction is arising today.

Now in answer to some of the comments that have been made by the previous speaker, initially he talked about the incompetence of people giving these tests. The Department of Health and Welfare is able to and will have to set up training programs for people to operate breathometers; of course blood and urinalysis tests will be given by doctors, and the person who is arrested will be able to have a doctor of his own choice also.

Now in reference to one other comment, the fact that the fatalities on the highways have dropped off last year after the passage of the "driving while impaired," this was true, that there was somewhat of a slight dropoff last year in fatalities on the Maine highways. In talking with the State police though, and this has never been brought out, that the use of mechanical equipment to check speeds is considered to be one of the major factors in this area. This legislation was introduced last year and is considered to be one of the factors.

On May 27 there was an interesting article in the Bangor Daily News relative to convictions on the Maine highways in fatalities and there was a graph with this article. This graph showed that

there was a very direct relationship with the number of convictions, as the number of convictions dropped off — and last year they were down around 1175 or in 1967, as the convictions dropped off the fatalities on the highways have increased.

In the year 1964 there was an increase in convictions, as to why I am not sure, maybe a tightening up of the Courts, the judges realize that this was happening, and interesting enough there was a dropoff in fatalities from 199 to 196, and the graph surprisingly follows directly in line that as the fatalities have gone up, the convictions have dropped off, or vice versa.

Now to look at what this bill is considered in other states, at the present time 39 states have adopted this legislation. It is recommended very highly by the National Highway Safety Council as I pointed out in discussion on this a couple or three weeks ago, and at the present time the National Highway Safety Council has 16 proposals which they feel would improve highway safety. Maine is in partial or complete compliance with 15 of them. The only one that they are in no way at the present time, according to the laws on the statutes, in compliance with is the implied consent.

Last week in the U.S. News and World Report there was a very excellent interview with former Governor John Volpe, who presently is Secretary of the Department of Transportation. In this article or interview he reviewed various means of transportation and also there were several questions which he answered and discussed relative to highway safety. In the matter of highway safety the question was asked as to whether the driver or the vehicle were the major factors, and he answered, which is the more important, and his answer to this question when asked is that they have to go hand in hand, but if you ask me which has more potential for saving lives I would say it is the driver. Just about half of the 55,000 people who were killed on the highways last year were killed because of alcohol.

Later he said, when the question was asked, can anything be done about the drunken driver? I think you ought to have a breath analyzer test in every state. You can't force a man to take a test, that isn't constitutional; and this law agrees with that, this bill. But if he objects to taking the test he automatically has his license suspended for a period of months. You don't have to do this many times before the word gets around. I believe that the citizens of Maine have indicated in many many letters to the editor that this is a bill that they want on their books. The Maine Sunday Telegram has run at least one very excellent full page article on implied consent. The author of that article has told me that they have received more letters to the editor on this than in any other article that has ever been run in their paper and the last time I talked to him there were only four objections that had been submitted.

Everything that I can find is the people themselves want this. The news media have continually editorialized and have cartoons favorable to it. The Supreme Court has indicated with the best of their ability that this law falls within the confines of the Constitution of the State of Maine. And I would certainly hope that the motion to indefinitely postpone does not prevail.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: You have heard this bill debated at least partially and I am glad today that we gave an opportunity to the good gentleman from Portland, Mr. Brennan, to restore under his feet the parliamentary rug that was pulled out earlier and he has had an opportunity to present his view. And when you boil his argument down to its essentials, he would have you substitute his judgment apparently or those of the other lawyers in this House and the other branch who disagreed with this bill for the opinion of some other lawyers, and I would like to tell you who the other lawyers are.

They are Robert Williamson, Armand Dufresne, Randolph Weatherbee, Donald Webber, and Harold Marden. These are the justices of the Supreme Judicial Court of this State. The Constitution of this state provides that on solemn occasions, that is when there is a real question, the Supreme Judicial Court of this state may be requested for and may give an opinion on the constitutionality of a bill. The bill in its present form, or very close to it, has been adopted, as the gentleman from East Millinocket has indicated, in about 39 other states.

So what we are really coming down to here is when you ask for legal advice, are you going to accept the considered judgment of the Supreme Judicial Court of this state or those who are urging you that they are all in favor of getting the drunk driver off the road, they are all in favor of reducing the number of fatalities and extremely serious injuries that have come out of drunken driving—and I can tell you from my experience and I know that you have had it too, that alcohol plays a very significant factor in serious accidents. If you don't believe me, ask the doctors that work in the emergency wards, ask the guys that drive the ambulances and go out and scoop them off the highways, and they will tell you.

Now I think we should accept the judgment of the Supreme Judicial Court of this state. I think that we should serve notice on those who would insist that they have a right to get drunk and then get behind the wheel of an automobile, that that day is ending in this state. And a lot of you have jokingly said that you feel a personal involvement in this. I think we should accept the same responsibility for our conduct as everybody else does and on that basis I see no reason at all why we shouldn't act responsibly, reaffirm the vote we took earlier in this session on this bill. The bill has survived in the Senate after a seesaw battle. The Governor of this state supports this legislation, the Maine State Highway Safety Committee supports it and I believe we should support it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I support the concept behind this bill. I have supported it, I hope to and will, I think, support it today. I am not willing to put my judgment of the law over that of our law court.

There are two things though that Mr. Brennan said that bothers me regarding the bill in its present form. Number one, to me it is completely unjust to take a man's license away when and if a jury acquits him. I don't know why it is necessary to have that feature in the bill. I assume it would only come up in fairly rare instances.

But if this is the case, as Mr. Brennan has stated, I question that portion of the bill.

The other portion of the bill that I would question—and this too is based on Mr. Brennan's statement, is that a man would lose his license for a longer period, for a six months period, if he refused to take the test, while he would lose it for only three months if he were convicted for operating while impaired. I recognize that there is a more serious offense in the drunk driving category than operating while impaired. But still it seems to me to be quite harsh to say that refusing to take a test is a more serious offense than driving while impaired.

I would hope that perhaps—maybe it has already been considered, but I would hope that perhaps amendments to the bill in these two areas would be considered by the proponents of the bill and would be added because I agree with the statements of Mr. Richardson. I am not a dry; I do defend a fair number of drunk driving cases. But I agree with the statements of Mr. Richardson that alcohol is a very very substantial factor in the death and injuries that occur on the highway, and I further agree that an implied consent law will have some effect in regard to cutting them down.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I rise this morning in support of Mr. Brennan's motion and one of the reasons I do support the indefinite postponement of this bill is the reason that has been set forth by Mr. McTeague, namely that if you refuse to consent to one of the tests—and under the opinion of the court it is a selection of the available tests, so it could well be that they would only have one test available, and if for one reason or another you objected to this test then you would be refusing, under the opinion, to take a test and, therefore, you would lose your license for six months.

I feel this is definitely a violation of our due process of law because in order to be made to take the test you would have had to be arrested and because you were arrested there would have to be a trial, even though you didn't take the test. Subsequently you could be found not guilty of drunken driving or driving while impaired, but you would still lose your license for six months, and I say that this is definitely a violation of due process and an innocent man or woman could lose his license for six months because he did not consent to taking one of these tests.

So I feel if we are going to have implied consent, this bill should be amended so that in a subsequent trial the person is found not guilty by a jury or by a judge, he should not be then subjected to the loss of his license for six months.

Now I do want to point out also that although the bill calls for three tests—the blood, urine, or breathalyzer test—under the opinion of the court it is a choice of the available test, you can choose from these three if the three are available. If only one test is available, that is the test you have to go to. And I submit to you very strongly that there will in many instances be only one test available because in most rural areas it will be impossible at night to get a doctor to give a blood test, and most doctors are very much opposed to giving blood tests under these circumstances, realizing that they are taking blood from someone who is not willing. So in my experience

it has been difficult to get a doctor to give a blood test.

I submit that the breathalyzer test is almost impossible in most areas of the state because of the expense, and most communities will not be able to get involved in the expense. So the available test that will be left is the urine test, which I feel to many people would be very personally objectionable. But they will be submitted to this test under this law or face the loss of license for six months irrespective of guilt or innocence.

I would like to point out that at the hearing a representative from the state police said that under the present law—namely, the law which we passed in the last session of the Legislature—their court conviction percentage of wins has been over 95%. And if they are winning in court more than 95% of the drunk driving cases which they bring the court, then what is the need for this bill? Because that is an extremely high percentage of wins. And in my estimation if they are that successful under this law, let's leave the law alone.

And I would also like to point out that this argument that there is a connection between driving while impaired or whether or not we have an implied consent law and the statistics of highway deaths is not a valid argument whatsoever, because in the State of Maine last year we led the nation in reduction of highway deaths without an implied consent law and there were a number of states—namely, these 39 that reference has been made to, that have implied consent, which have not reduced their traffic fatalities anywhere near the number the State of Maine has reduced theirs.

I would like to conclude by pointing out that within these selected tests, the breathalyzer test, which is the test that many are proposing, will be the one that will be probably most used or most acceptable, this breathalyzer test has been considered in England, which has an implied consent law, inadmissible. The results of the breathalyzer test are so erroneous that in England, where they have an implied consent law, they will not admit the results of a breath-

alyzer test into evidence in a court of law. And from my limited experience with the breathalyzer test, I can assure you that this breathalyzer test, in its present stage of development, is a most ineffective test and it is not reliable or dependable.

And I want each and every one of you to realize that anyone that is subjected to this test, under this law, will be forced to take or subject themselves to the test or lose his license for six months even though this test may not be reliable. And once that test, the results of the test work against you, the burden of proof shifts and you thereafter have to show that you are innocent rather than making them prove that you are guilty. I feel that this law in its present form is most objectionable and I seriously question the constitutionality of it in due deference and due respect to the Supreme Court of the State of Maine.

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

MR. SUSI: Mr. Speaker and Members of the House: For more terms than I care to remember I along with many of you have listened to the legalistic attacks on this vital legislation while the slaughter on our highways continues. I hope that we won't be confused today be some more of the same and that we will vote against indefinite postponement and that we will enact this legislation, which in my opinion is needed badly and the public here in Maine wants. Thank you.

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

MR. HICHENS: Mr Speaker and Ladies and Gentlemen of the House: I think we have heard enough substantiating facts and figures in favor of this bill this morning to warrant its passage, but I would like to add a little human element to this bill. Last winter in a class in one of our schools in the State of Maine the teacher asked the children who would like to go to the State House to see our Legislature in action to write an essay telling why they would like to go. One student

passed in a paper with this sentence — “I would like to go to see what kind of nuts make our laws and run our state.”

This youngster was granted the privilege of coming and seeing our Legislature in action. I don't know how much he was impressed, but I do know that he was impressed by a souvenir that he paid a dollar for down in one of our souvenir counters downstairs. This bottle says “Drained in Maine.” And this young student was very much impressed with it and took it home with him. By passage of this bill, an implied consent bill, I hope that we can prevent coffins going out of the State of Maine which might appropriately be labeled “maimed in Maine.”

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: I believe that we have forgotten one important point in this bill. There are a lot of drivers driving under the influence of drugs today. They do cause many accidents. And yet we are discriminating and saying that all the accidents or the majority of the accidents are caused by people who have been drinking liquor, intoxicating liquors.

I believe this is a very bad bill and the gentleman from Portland, Mr. Brennan has expressed his reasons for it. I think we should go along with it as well as the other speakers speaking against this bill.

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

Mrs. COFFEY: Mr. Speaker, I would like to pose a question to any member of the House that cares to answer. When are you put under arrest? Is it when the policeman stops you and right there at the car does he put you under arrest or is it an hour and a half later when you are down at the station?

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

Mr. RICHARDSON: The term arrest is a technical term. It

means to halt and detain. An arrest occurs when the officer physically or actually detains the person and places him under arrest by so doing. So I am not sure that the question really deals with the heart of the matter. The question is whether or not this constitutes an illegal search and seizure. The Supreme Judicial Court of Maine says no. Is this a violation of the Constitutional right not to incriminate oneself by testimony or otherwise? The Supreme Judicial Court says no. Is it subject to the other constitutional inirmity? No it isn't. And we are hearing a rehash this morning of the same arguments that the lawyers in this House — and I don't say to their discredit, but I am just amazed by their position, rehashing the same argument that in my judgment has been affirmatively answered by the justices of the Supreme Court of this state; and with all deference due to the gentleman from Augusta and the gentleman from Portland I for one would accept the judgment of the Supreme Judicial Court. I think they are right and I think that these lawyers are wrong.

Now this argument that the drunk driving convictions have gone up, certainly they have in the aggravated case where the guy is too stiff to get out of his automobile to produce his license. Certainly those have come along. But the cases, the marginal cases — and every lawyer in this room knows it — are still extremely difficult to prove. And you have been led down the garden path to disaster by this suggestion that this six months is mandatory. It is not if you look on page two of the L. D. — he shall order the Secretary of State on refusal of a legally, lawfully arrested person to submit to an available test may lose his license up to six months. That is not a mandatory six months penalty. If it were I certainly never would have bought this bill. Now the gravemen, the most serious issue that we are confronting is the question of whether or not people who get drunk and drive automobiles should be required to take this test. The Supreme Court of this

state expressly passed on this question. They were asked whether or not the suspension of a license followed by an acquittal in court on a charge of drunk driving was constitutional and they said yes it is, because the offense that we are trying to get at, the conduct that we are trying to get at is those who insist that they have a right to get drunk and drive an automobile. And the court has ruled specifically on the same question that are being rehashed and dragged around in here again today.

I urge the House again to vote against indefinite postponement and take responsible action.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: I believe we had enough debate on this particular bill. So, therefore, I move for the previous question.

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, moves the previous question. For the Chair to entertain the motion for the previous question, it must have the consent of one third of the members present and voting. All members desiring the Chair to entertain a motion for the previous question will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

The SPEAKER: More than one third having voted for the previous question, the question now before the House is "shall the main question be put now?"

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Time and time again during this session we have had the motion for the previous question made, and on several occasions the gentleman from Madawaska, Mr. Levesque, has gotten up and stated his philosophical view of this, and I would like to bore you with mine.

It is hot in here, and we are tired, it is late in the session. I got a note a minute ago from one of my troops who said that he would like to go up to the Senator and take a swim, and I have asked him to stay, and he said he is go-

ing to stick around and vote against me on the tax package—that's the kind of funny logic we follow. But I say to you that no Legislature should ever put itself in the position where through anger or frustration or fatigue it cuts off the right of an individual member of this House to fulfill his constitutional obligation to the people who sent him here, and that is to speak, to be heard, to try to persuade.

And I think this is the reason I have consistently always voted against moving the previous question. It seems to me you are dealing with a very basic and fundamental right. In past sessions we have had some speakers who would drive you to the edge of disaster—we have none of those this year, of course, except possibly the Majority Leader, but we must give everyone in this House an opportunity to be heard, and I hope you will vote against that the main question be put now.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I believe that this Legislature is a deliberative body. I know there are many people that have been interested in this bill for some time. I think they have something to contribute to the debate. And like the Majority Leader I would urge you very much to vote against the entertainment of the previous question.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I again repeat my plea to the members of the House that there are important issues to be debated in this document, and although I will vote against the pending motion that this bill be indefinitely postponed, that it should not be a reason for us to cut off any member of this House that wants to debate this measure or present his or her views before the members of the House.

So again this morning I urge the members of the House to defeat the motion that the question should be put now. Because I feel

that as bad as the weather is, it may be worse later. So I think it better that we debate it now than wait until mid July and try to continue on from there or even July or August. So I urge the members of the House to vote against the motion to put the pending question now. Thank you.

The SPEAKER: The pending question is, shall the main question be put now? And for the information of the members of the House, you have heard the opposition to shall the main question be put now. But the Chair will advise the members that any member who wishes the main question be put now may debate in the affirmative. Is the House ready for the question? The Chair will order a vote. Shall the main question be put now? All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

The SPEAKER: Fifteen having voted in the affirmative and ninety-nine in the negative, the motion "Shall the main question be put now" does not prevail. This matter is open to debate.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I am in a very critical position today. If I vote yes for this bill I am telling myself and all other members of my church to avoid taking Holy Communion in our church. I being of Greek Orthodox Religion, when receiving Communion, receive such in form of wine. My church believes that this is the true blood of our Lord Jesus Christ when it is received through Holy Communion. If for some reason I am asked to take such a test immediately following my church attendance I am guilty of a crime just because I accepted Holy Communion.

I will have to support the gentleman from Portland, Mr. Brennan.

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

Mr. WAXMAN: Mr. Speaker, I have two questions that I would hope some member of the House would be able to answer for me.

The first is with regard to the problem that Mr. Moreshead raised as far as the person not having the availability of all three tests. Is it possible under this bill right now that a person might be forced into the position of either having to comply to a blood test or lose his license?

And the second one is, I notice in the bill that it refers to intoxicating liquor or to drugs. I was wondering what provisions are made for the testing of the concentration of drugs in a person's system. Would this too mean that a person might be forced in the position of having to comply with a blood test as opposed to the other two alternatives?

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

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: In reference to the two questions that he posed, one of them I can definitely answer. In relation to drugs, these tests have not been found to be too effective on drugs, and the House Amendment which was put on just prior to it being sent to the Court removed drugs under the testing or the implied consent provisions. Now it did not remove it under the penalty clause but it did remove it under the testing provisions.

As to the question on having to take a blood test, a blood test would have to be taken by a doctor and in the event that the follow up question might be that there are people who have reservations against taking blood tests, I am sure that if there was a doctor available, if he offered a blood test, he certainly would also be able to give him the urinalysis test. So in the availability of medical people, it would seem that both of these tests would always be available.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: Mr. Birt has mentioned an editorial that appeared in the paper. I would like to read one that appeared in the Portland paper April 24, 1969.

"The absence of debate may very well be the seed of disillusion if the bill becomes law. If there is any notion that implied consent in itself is some sort of magic wand that will wave drunken drivers right off Maine highways or even substantially reduce their numbers, it should be dispelled. It will do no such thing.

The Massachusetts Department of Public Safety conducted recently a study of one-car fatal accidents. It revealed that 69 per cent of the drivers involved had enough alcohol in their systems to qualify them as under the influence of liquor. And Massachusetts has had an implied consent law for some time.

No one has mentioned money much in connection with this issue. Money should not be the controlling factor if a law will make the highways significantly safer. And implied consent can help to do that within the scope of its use. But an officer must have as much legitimate evidence to arouse his suspicion and demand the test as he has now.

We wonder if the money necessary to apply implied consent effectively would not be spent as well, or better, for the employment of more state troopers who could then more widely apply existing laws. We don't know. We wonder. Probably no one can be positive. But it should be considered.

But if it is spread upon the statute books now it should be done with an understanding of its limitations and not with the delusion that it is some sort of panacea that merely by enactment will frighten the drunken driver into sobriety."

Therefore, I support the motion of Mr. Brennan.

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

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the

House: I just have one feature of the bill here that disturbs me considerably. "No physician, registered nurse or a person certified by the Department of Health and Welfare shall be held liable in damages or otherwise for any act done or omitted to be done in performing the act of collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this section.

"No person administering and conducting chemical tests of blood, breath or urine shall be held liable in damages or otherwise for any act done or omitted to be done in administering or conducting said tests at the request of a law enforcement officer pursuant to this section."

Now why this particular feature in this bill if it is not because the physicians themselves are not in accordance with this legislation, or else maybe it is because they find that it could be somewhat dangerous to draw blood from a person who is more or less willing but nevertheless rather than lose his license he agrees to the test and then, naturally being nervous under such tension and unfavorable conditions the test is taken and he probably jerks and causes injury to be done to himself, and there no one can be held liable. The poor man has been injured, probably severely, through no cause of his own and no one will be responsible.

Another feature that I believe is rather unreliable — and I myself probably in the same situation as a social imbibor, for instance — how do you know that this test is absolutely accurate and how do you know, for instance, how many so-called drinks you can take before you can go out and agree to this particular test? I know that a good many in this House here are in exactly the same position that I am. So they say 0.05% is well, you are impaired to a certain degree or not at all, but at 0.10% you are considered impaired and then 0.15% you are positively intoxicated.

Now how sure are they that this applies to everyone and for that matter how sure are you? I am sure I don't feel too sure about it

and I don't know if after this, if this law should pass, that I would dare to imbibe at all in any social function. When I was in the post office, one of the men there told me at one time because I posed a question to him, I said, "Arthur, just exactly how much would a man have to take so that his blood would register 0.15%?" He said — Well, of course, he was only a part-time officer, which brings back another bad feature of this bill, because any officer, whether permanent or whether part-time would have ruling over you, he would have authority over you, he could decide whether you take this test or not. This officer said, "I figured that if you take two ounces of liquor under this law you are considered drunk." Boy, how many drunks we would have around here!

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

Mr. RICHARDSON: Mr. Speaker, if I may I would like to answer the questions raised. Have I spoken twice on this bill?

The SPEAKER: The gentleman may answer the question.

Mr. RICHARDSON: Mr. Speaker and Members of the House: First of all with respect to the liability of a person administering one of these tests. The amendment which is on the bill under House filing number H-327 is the amendment to which the gentleman, Mr. Bernier, refers and this provides, as I understand it, that the person administering this test would not be liable for an act done or omitted to be done in the performance of the test by itself. Now the problem arises, and as any skillful trial attorney will tell you, if there are any deficiencies in this test, if the tests are as hokey and as poorly contrived as these lawyers are suggesting, on this basis they are going to get acquitted.

A second thing I want to point out is that the blood-alcohol content, or the alcohol content in the body, these levels are set at such that the gentleman from Westbrook won't be taking any gamble. If you get your blood-alcohol content up by drinking 15 or 20 mar-

tinis, I think you can rest assured that if you get behind the wheel of an automobile, your blood alcohol content is going to be at a level where you shouldn't be on the road.

Now I have no personal knowledge of this, but I am told that occasionally some legislators do have a social drink, and when they do I would suggest to them as a fellow member of the Legislature that they try to arrange their social schedule so that they won't be required to have more than one or two and then get on the highway and drive an automobile. I think that all of us have a responsibility to view this from our own personal viewpoint, certainly; but when you take that view, it is not that hard a job to call a cab or get someone else to drive, and this is the kind of conduct and I think we should promote.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: This seems to me to be a battle among some of the lawyers and as I am not a lawyer I am wondering if I am stepping on sacred ground. First of all, I want the members here to know that I am just as much interested in highway safety as anyone in this House. I believe we have got to have some safety regulations, we have got to have a lot of protection, but what interests me is the statement that the gentleman from Portland, Mr. Brennan made sometime ago relative to a truck driver. Now I am wondering if some of these law enforcement officers, which we have many of them, such as these special deputies and deputy sheriffs — and I think that some of these counties are overloaded with them — according to my estimation, they have that authority to stop you. They can be working on the road or they can be driving trucks or anything and turn around and have that power. They are the law enforcement. I believe that if this power is delegated to the proper authorities — that is in my estimation the state police or the local

police, it would be very effective, I would go along with it. But as it is now, in my belief, anyone who has that power is really going to put our citizens in hard shape, and therefore I am going to support the motion for indefinite postponement.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am going to be very brief and I am going to tell you why I am going to support the motion to indefinitely postpone. We have heard this year the fact that you shouldn't have less than twelve men decide on your innocence or your guilt and yet this bill says any law officer may see its enforced if you pass it.

Now another thing, if you happened to be looking at the program on television one Sunday this winter, you saw on Channel 5 for an hour a panel made up of Mr. Beaulier, who is the county attorney, I believe, from Penobscot County, Mr. Cohen, Mr. Vafiades, Judge Cyr, the Referee in bankruptcy. And the MC asked this question: "Why did the Sirhan Sirhan trial have to go on when at least a dozen people saw him put the gun to Senator Kennedy's head and shoot him," and to a man they all expressed the same opinion, that that man was innocent until he was proven guilty. And they went on farther and they said, "We must never let this principle be nibbled into in any way and at any time," and I agree with them on that.

But another thing I don't think a good many members of this House knows is that in our Highway budget we have provided money to continue a program which is partially financed by the Federal Government to computerize the record of every driver for the last three years so that a state policeman or any policeman who has a telephone in his car can drive up behind your car, see what the number is, call into Augusta, and in two or three minutes time he knows exactly what your record is. That was the one thing

the Secretary of State begged us not to take out of the Highway budget and we did not. We provided the money for it.

Now the other thing is, back in the early part of the year the Continental Insurance Company on almost the first page of the National Geographic ran an ad, and they said in it only four percent of all this drivers in this country—not the state, but in this country—are drinking drivers and no law today—and this includes these 39 states they are talking about, no law today prevents these drinking drivers from harming somebody, but since most of these are unquestionably known, I agree that a doctor should examine these drivers and not issue a license if they test wrong. Now I believe that is the way; there is going to be a computerized record of all the drinking drivers and I feel that there is no need whatever to issue a license to those who are confirmed alcoholics and have been known to be drinking drivers.

Now right in your last issue of Look you have this big advertisement that says, "He's drunk, here he comes over to your side." And they say you can help get the job done by letting your government, state legislators know where you stand, that you support the strong drunk driving laws outlined by the National Highway Safety Act. So the Highway Safety Act says to improve driver performance is by driver education, driver testing, driver examinations, physical and mental, and driver licensing. And I believe that if we set up more road blocks like we do to see whether you have got a light out in your car, whether you have got brakes or not, if we provide more highway patrolmen, if necessary, and educate them properly, that that is the way that you can take the drunken driver off the road. It isn't going to be by implied consent that will only frighten a few people for a month or so and then they will be back doing what they have always done.

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

Mr. LUND: Mr. Speaker and Members of the House: I appeared at the hearing in support of this bill and I feel I might be able to answer some of the questions which have been raised. I don't expect to change the minds of the people who are dead set against this bill but if some of you have some questions concerning the questions that have been raised, perhaps I can help resolve some of them.

A question was asked about how do we know that the blood-alcohol level as established in the bill will be effective. Well in the first instance, we do have the authority of the American Medical Association which has studied this problem at great length and which is not exactly a radical liberal group.

In the course of my duties as county attorney I did have the opportunity to conduct some tests not only with drinking under controlled conditions but also comparing the results of a breathalyzer test with results of the blood test which we correlated, and I can tell you from experience of taking five or six sober citizens, sitting down in a room with them, watching the amount that they consumed, and I can tell you from my own experience that when their breath tests and blood tests reached the .10 level, they knew they shouldn't be driving and you knew they shouldn't be driving from sitting there and talking to them.

The question has been raised about the accuracy of the breathalyzer and this was the purpose of the test which we ran. And the purpose of them was to conduct a training session which went on for some days in which we trained officers in the use of the breathalyzer using company representatives and medical experts. And I can assure you that this machine is accurate. If it were not accurate it would not be subject to admissibility as evidence in court in Maine as it now is. In other words, we are not debating whether or not the breathalyzer should be admitted in evidence because right now it is admissible in evidence.

We did complete our training session and we used the breathalizers here in Augusta and in Waterville for a good number of months. They were effective in reducing our problem in the area. The only trouble was that once the word got out that these breathalizers were effective, then people began to say no thanks, they didn't want to take the test.

And this brings us to the problem today, whether or not there is a need for this. I think the people of Maine have expressed a desire for the need of it. I think that the arguments which have been raised in opposition are ingenious but not very substantial, and I think the time has come for each of us to decide if we are going to say, "Yes, I am in favor of highway safety but," or if we are going to say, "I am in favor of highway safety and I want to do something effective about it."

So I hope you will vote in opposition to the motion to indefinitely postpone.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would like to concur with the thoughts of Mr. McNally in so far as he talked about the really problem drinker who is the really problem drunk driver. In my estimate he is probably responsible for the majority of fatal accidents involving alcohol.

Although fairly serious penalties are possible for driving after your license has been suspended for conviction of a drinking and driving offense, unfortunately for many reasons, probably the most common penalty, at least in my experience, for a man who continues to drive after his license has been taken away for driving while impaired is approximately a \$50 fine and that does not get through to him. Most of these people are willing to continue to operate after they know they shouldn't, after they have been suspended, because they play the odds and figure they won't get caught and they somehow sense that even if they do get caught, the penalty may only be a \$50 fine.

I would think that it would be very helpful and that the word would really get around, particularly with this class of person who has a continuing problem, that there be at least a weekend or so spent as a guest in our county jails. That is not directly before us but that is one measure that I think we need. I think sometimes the laws tend to be a mockery because we take away the man's license and then he continues to drive and then we do almost nothing. That is not directly germane I guess to the point.

I would like to continue, Mr. Speaker, and pose three questions to Mr. Birt. Regarding the area mentioned by Mr. Bernier, that is as I understand it, the complete non-liability of any person connected with taking the test, I would personally like to see that amended so that he wouldn't be liable if he acted in good faith. But I think certainly that anyone who acts maliciously should be liable. We are dealing not only with a man's operating license which may mean his job but also with his reputation in the community. I would also like to come back and ask questions—that was meant to be a question—but ask questions to Mr. Birt if he cares to answer them, whether he would be willing to amend the bill as it now stands so as to provide that the exemption for liability of a person making one of these tests only applies when that person is acting in good faith.

The second question to Mr. Birt is, would he be willing to see the law amended so that the license would not be taken away or would be restored at least to a person who did refuse to take the test but who is acquitted by a jury? And the third question, would he be willing to see the law amended so that the penalty is not more severe for the declining to take the test than it is for conviction of operating while impaired?

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: As you probably know, I have had considerable experience

along law enforcement lines. As this bill is drafted, I am not in favor of it. I cannot see penalizing somebody three or six months according to the way the case swings. I cannot see the taking of a human blood to take a conviction against the person involved. For those reasons simply, I will oppose.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: It was mentioned earlier in the debate that over 95% of the cases that go before a jury the defendant is found guilty, and I submit to you that the cases that get this far are actually the tough, questionable cases, because if the defendant is obviously not guilty he will be found not guilty at the district court level. So I submit the cases that get to the jury are in fact the tough, hard cases.

And I want to read to you the law, one sentence law, which the judges read to the jury which is the present law in this area. And the judges read this to the jury to explain to them what he law is and what the burden is and it says: "It is unlawful for any person to drive any motor vehicle within this state while his mental or physical facilities are impaired, however slightly, by the use of intoxicating liquors or drugs or both." And I submit to you that those two words, "however slightly," are very difficult words for a defendant to overcome because all the state has to show is that in some capacity or in some degree this person is under the influence, and if we have this law on the books right now and the police are getting 95% convictions, why should we put a law on our books that seriously infringes the personal freedoms and liberties of the people of the State of Maine?

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

Mr. KELLEHER: Mr. Speaker and Members of the House: When I came in the House this morning I had the intentions of voting against the implied consent law, but after listening to our very able attorneys in here I have changed

my mind and I will support the implied consent law.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I spoke for two sessions, the regular session of the 103rd and the special, that I opposed this law. I opposed it mostly because I was convinced that it was unconstitutional.

My constituency urged me to support the law but I felt that I was acting in their best interests by opposing it. It seems to me now that that is entirely removed and I fail to understand the opposition to the law. It seems to me that we are involved and embroiled in a bunch of legal technicalities which are beside the point. If this is another weapon to society to protect the people on the highways today, I say let's try to use it. If it only gains us one or two percent in convictions, let's use it. The people of the state want it. They have demanded it in editorials and letters and so on. I have plenty of those letters that I have saved. They say vote for it. If it turns out that some phase of it is unconstitutional let us find out about it afterwards.

Again I fail to see why a certain group of attorneys are so persistently fighting this law.

Now they say that we are convicting ourselves by self-incrimination. We have many things and many of our liberties are slightly curbed as time goes on with our responsibilities to society. When we go to a store, if we go to a gun store and we buy a pistol or revolver, the implied law is that we cannot wear it concealed. Now whether we have read that law or not, it is implied. There are many laws that we do not read that are implied and if we are hauled into court and we are faced with those laws, we will be faced with this statement, "Ignorance of the law is no defense."

Now there is a little bit different quirk perhaps to this implied consent. I am not a teetotaler; never have been. I like to take a drink like a lot of others. But I am perfectly willing that this law be on the books. I am perfectly willing

to sign on my license that if I am caught drinking too much, I will serve the penalty and I will take a test. And it seems to me that that should be in the demand and the mandate of the people should be our opinion.

I certainly will oppose the motion for indefinite postponement.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I think the time has come to put the cards on the table and find out whether the citizenry of our state needs this kind of protection or not. You have heard mention in this House on several occasions that we want to eliminate the bad laws or the abuses of the laws of the State of Maine and also those abuses in the Department of Health and Welfare concerning some of the help that is being given to some of our citizens. I think the implied consent law which I was opposed some three or four years ago — and I might have seen a little bit where I was in error—and supported the document two years ago and again this year I am going to support the implied consent law. Several of the attorneys have very serious opinions — and I again repeat, serious opinions — as to the validity of this law in the future, but I think we can ill afford to have the drunks of our state continue on the highway without some protection for the general public.

So, therefore, I will vote against the motion for indefinite postponement for the simple reason that the people of Maine may very well need it. The Governor is in support of this document. So is the Committee on Highway Safety. And I hope the members of this House will continue its support as they have up to now and vote against indefinite postponement of this bill.

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

Mr. MEISNER: Mr. Speaker and Members of the House: I just want to stand up here and be recorded as being unalterably opposed to this motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I just wanted to ask if the yeas and nays have been requested.

The SPEAKER: The yeas and nays have been requested.

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

Mr. MacPHAIL: Mr. Speaker, I would just like to pose a simple question to anyone who would care to answer. What is the cost of one of these breath analyzers?

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

For the Chair to order the yeas and nays it must have the expressed desire of one fifth of the members present and voting. All members desiring that the vote be taken by the yeas and nays 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 the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brennan that Bill "An Act Providing for Implied Consent Law for Operators of Motor Vehicles," House Paper 1030, L. D. 1339, be indefinitely postponed. If you are in favor you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Berman, Bernier, Binnette, Bourgoin, Brennan, Carey, Carrier, Carter, Casey, Coffey, Cote, Couture, Crosby, Curran, Donaghy, Emery, Fraser, Gauthier, Jameson, Jutras, Keyte, Lebel, Lee, MacPhail, Marquis, McKinnon, McNally, Mills, Morehead, Morgan, Nadeau, Norris, Noyes, Ouellette, Ricker, Rideout, Rocheleau, Santoro, Sheltra, Soulas, Tanguay, Vincent, Wheeler.

NAY — Allen, Baker, Barnes, Benson, Birt, Boudreau, Bragdon, Brown, Buckley, Bunker, Burnham, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crommett,

Croteau, Cummings, Cushing, Dam, Dudley, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Fecteau, Fortier, A. J.; Gilbert, Giroux, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Johnston, Kelleher, Kelley, K. F.; Kilroy, Laberge, Lawry, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, Marstaller, Martin, McTeague, Meisner, Millett, Mitchell, Mosher, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Starbird, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Watson, Waxman, White, Wight, Williams, Wood.

ABSENT — Cottrell, Cox, Curtis, D'Alfonso, Danton, Dennett, Drigotas, Faucher, Finemore, Fortier, M.; Foster, Good, Kelley, R. P.; Leibowitz, Richardson, G. A.

Yes, 44; No, 91; Absent, 15.

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

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

Enactor

Tabled and Assigned

An Act to Permit Savings Banks to Engage in Debtor Counseling Services (H. P. 1076) (L. D. 1399)

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

(On motion of Mr. McTeague of Brunswick, tabled pending passage to be enacted and specially assigned for Monday, June 16.)

An Act relating to Lease of School Facilities by School Administrative Units (H. P. 1109) (L. D. 1430)

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

Enactor

Tabled and Assigned

An Act Prohibiting the Conducting of Contests and Games by Re-

tail Sellers (H. P. 1207) (L. D. 1534)

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

(On motion of Mr. Scott of Wilton, tabled pending passage to be enacted and specially assigned for Monday, June 16.)

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

Mr. JALBERT: Mr. Speaker and Members of the House: I shall be very brief. Last evening, rather late that is, I received a phone call that chagrined me to no end, and I know the rest of the State of Maine and the nation, in the announcement that former Governor, his Excellency Governor Percival P. Baxter had passed on.

I have had prepared a proper Resolution. I know that this great statesman, great humanitarian, was a very very non-pretentious man. However, I have prepared a Resolution which is of a joint nature and certainly the other branch has adjourned and the appropriate time is not now to present it. In any event, I did not want this House, which was his House in my opinion, to adjourn without making mention of the fact that this great great statesman has passed on.

Enactor Indefinitely Postponed

An Act relating to Civil Service Commission in City of Auburn (H. P. 1248) (L. D. 1583)

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

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: It is with mixed feelings that I arise to speak on L. D. 1583. I have been reluctant to do so because this act was presented by my good friend, and I mean this sincerely, Representative Rocheleau upon the request of the Auburn Fire Department personnel. This reluctance must be evident to you because up to this stage of its progress, I have

spoken on it only once and then only briefly.

I have been chided, and correctly so, by several members of the House for not rising in defense of the Auburn City Charter that I so proudly watched the Governor sign. I sponsored this charter that replaced the former 50-year old one. It was a charter that was the culmination of two years work by a Charter Committee composed of people from a broad segment of Auburn citizenry interested in an instrument that would wisely, prudently and impartially allow the elected officials to administer the affairs of our municipality.

I am sure that in two years work on the charter, all phases of city government were carefully and conscientiously considered. I find it inconceivable that in the short space that has elapsed since Auburn citizens approved the charter that the deliberations of the Charter Committee ignored how it affected one particular department. My feelings about Auburn City Charter remain the same as the day I introduced it in this House. In fact, I think that this is a charter that could well serve as a model for any city in Auburn's category.

For the above reasons, I now move the indefinite postponement of L. D. 1583

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

Mr. ROSS: Mr. Speaker, I move that this item lie upon the table until the next legislative day.

Mr. Drigotas of Auburn requested a vote on the tabling motion.

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

A vote of the House was taken.

55 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

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

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: You will remember that I spoke against this bill the other day, but I simply want to say to you that it is entirely wrong, in my opinion and in the opinion of many others, that this bill would be adopted and become a part of a charter. The bill is a gross violation of the principle of home rule which this Legislature has endorsed so recently. It is opposed at the local level by the mayor and four of the five coucilmen, the city manager and the 1967 Charter Study Committee. The bill attempts to incorporate into the New Auburn Charter materials concerning operations of city government which should be dealt with by local ordinance. It includes such matters as are required for a questionnaire and questions such as what is your weight and where were you born, which should be covered by the rules and regulations of the Civil Service Commission.

Now the other day I told you that Auburn was in the process of preparing an ordinance which would cover all of this Civil Service Commission question. I was in error because the ordinance has already been adopted by Auburn and it also had the approval of the firemen. The bill would not cover the police department, it only covered the fire department and it is entirely contrary to what we should be doing with city charters and I urge you to vote for the indefinite postponement of this bill.

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

Mr. EMERY: Mr. Speaker and Members of the House: Before us today we again have L. D. 1583 that was debated at quite some length a few days ago and given our approval. I certainly know it is very uncomfortable and late today, but please bear with me. I beg your indulgence for a few minutes.

This bill does not have a price tag on it. It only returns to our city charter that which was in it before 1967 for 53 years. I do not understand the reasoning of my dear dear friend Mr. Drigotas. He forgets that this provision was left

out of the charter that was presented to this Legislature in 1967. It is quite evident that sinister forces have been at work, for what purpose I do not understand. When ever I see a city solicitor up here, I wonder also for what purpose. I wonder if anyone would want to shoot down a bill that would give job security to the people that protect our lives and homes.

The majority of the citizens of Auburn want to see these firemen receive job security. This is the true intent of this bill. Our policemen and other departments are not included because they did not want to share in the expenses relative to the preparation of this bill. I am a member of the Auburn City Council. I support this bill 100 percent.

For some vague purpose, our local power bloc opposes this bill and continues to harass our firemen. I say put yourself in my place. I want these experienced firemen to know that when they are out on a fire call, on a life-saving mission of mercy, that their job will be waiting for them whenever they return to the fire barn. This is job insurance for their career. I repeat, I believe that this is a home rule bill. I beg that you go along with me and vote for the favorable passage of this bill as we did before and move a step nearer to adjournment. Thank you for your kind attention.

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

Mr. LABERGE: Mr. Speaker and Ladies and Gentlemen of the House: I support the indefinite postponement of this bill. I am opposed to L. D. 1583.

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

Mr. ROCHELEAU: Mr. Speaker and Members of the House: I believe that this bill has been well debated and I can't see that anything new has been given by the gentleman from Auburn pertaining to this bill that we haven't heard previously. Therefore, I would again ask that you be consistent with your previous vote of last week and let this bill go back to the City of Auburn and let the peo-

ple vote on this matter through referendum.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: As I mentioned, I hate to get involved in a controversy. If we recall correctly, the bill, this act, received a 93 to 26 vote previously. In the House it went under the gavel and now it is in the enactment stage. However, the undersigned mayor and Councilmen of Auburn—this is a communication: “The undersigned mayor and councilmen of the City of Auburn are writing this letter, to request that you state our objections in the Maine House of Representatives to L. D. 1583, An Act relating to the Civil Service Commission in the City of Auburn. We feel that it is essential that the Legislature be informed of our strong objections to this bill.

“We also object to adding an additional 8 or 9 pages of material to our recently passed charter contrary to the recommendation of our Charter Study Committee. Civil service is already adequately covered by our ordinances. These were carefully drawn and were approved by the firemen before passage. The vote for passage was unanimous and, of course, included Councilman Emery.

“We especially object to the fact that L. D. 1583 would establish preferential treatment for firemen over policemen in several respects since policemen are not covered by it. It is therefore not correct to say that this bill merely puts back what was in the old charter since the old charter had provisions which covered both police and firemen which were the same for each.

“We understand that one of the principal reasons for having this bill introduced was that our firemen were concerned about the establishment of a call force in Auburn. We hope that our recent action in accepting the recommendation of the City Manager that no further study be given to this matter has put this issue to rest and perhaps reassured even the firemen that L. D. 1583 is unneces-

sary.” Signed, Clyde E. Goudey, Mayor; William B. Skelton, II, Councilman; John R. Linnell, Councilman; John R. Preble, Councilman, Andre S. Potvin, Councilman—four out of five councilmen.

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

Mr. ROCHELEAU: Mr. Speaker and Members of the House: As the previous speaker, Mr. Drigotas, indicated, in the 103rd Legislature I was opposed to the charter change and I met with the mayor and the council and I strenuously objected to the four-year form for the councilmen. Under the present city charter the councilmen, the mayor, the chief of the fire department have recourses to fire any man without any hearing whatsoever and they approached me yesterday to put an endorsement on this bill whereas four fifths of the members of the council would have to vote and this was asked by the firemen in the preparation of this bill.

Now this morning and yesterday, the city solicitor from Auburn has been lobbying in the back of the House for this amendment and I have asked them that this amendment should have been brought when this was debated in Auburn and I still insist and I would ask the members of the House to be consistent and vote for the passage of this bill in order that the people of Auburn whereas they can vote on a referendum question. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I will see if I can get clobbered again. I now move for the previous question again.

The SPEAKER: The Chair will rule that it cannot be entertained because the gentleman debated the motion for the previous question.

Is the House ready for the question? The pending question is on the motion of the gentleman from Auburn, Mr. Drigotas that item 13, House Paper 1248, L. D. 1583, An Act relating to Civil Service Commission in City of Auburn, be indefinitely postponed. All in favor will vote yes; those opposed will

vote no. The Chair opens the vote.

The vote of the House was taken. 80 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

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

Mr. ROCHELEAU: Mr. Speaker, I ask that the vote be taken by the yeas and nays.

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 gentleman from Auburn, Mr. Drigotas that L. D. 1583 be indefinitely postponed. If you are in favor you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Benson, Berman, Birt, Bragdon, Brown, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crommett, Crosby, Cummings, Cushing, Dam, Donaghy, Drigotas, Dudley, Durgin, Erickson, Eustis, Evans, Farnham, Fortier, A. J.; Gilbert, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Huber,

Immonen, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lee, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, Marstaller, Martin, McKinnon, McNally, Meisner, Millett, Moreshead, Morgan, Mosher, Page, Payson, Porter, Pratt, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Shaw, Snow, Starbird, Susi, Thompson, Trask, Tyndale, Watson, White, Wight, Wood.

NAY — Bernier, Binnette, Bourgoin, Bunker, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Couture, Croteau, Dyar, Emery, Fecteau, Fraser, Gauthier, Giroux, Hichens, Hunter, Jalbert, Jameson, Jutras, Kelley, K. F.; Lebel, MacPhail, Marquis, McTeague, Mills, Nadeau, Norris, Ouellette, Quimby, Ricker, Rocheleau, Santoro, Scott, G. W.; Sheltra, Soulas, Stillings, Tanguay, Temple, Vincent, Waxman, Wheeler, Williams.

ABSENT — Boudreau, Brennan, Buckley, Cottrell, Cox, Curran, Curtis, D'Alfonso, Danton, Dennett, Faucher, Finemore, Fortier, M.; Foster, Good, Hewes, Johnston, Kelley, R. P.; Leibowitz, Mitchell, Noyes, Richardson, G. A.

Yes, 81; No, 47; Absent, 22.

The SPEAKER: Eighty-one having voted in the affirmative and forty-seven in the negative, the motion does prevail.

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland
Adjourned until Monday, June 16, at ten o'clock in the morning.