

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

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**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, June 20, 1969

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

Prayer by the Rev. Mr. John W. Meisner of Dover-Foxcroft.

The journal of yesterday was read and approved.

**Conference Committee Reports**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Damage to Private Water Supplies Resulting from Alteration of Highways" (H. P. 445) (L. D. 569) reporting that the House recede from passage to be engrossed, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A"; that the Senate recede and concur with the House.

(Signed)

MARSTALLER

of Freeport

COTE of Lewiston

— Committee on part of House.

GREELEY of Waldo

PEABODY of Aroostook

CIANCHETTE

of Somerset

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The House voted to recede from passage to be engrossed. Conference Committee Amendment "A" was read and adopted.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Reasonable Counsel Fees under Uniform Act on Paternity" (H. P. 635) (L. D. 823) reporting that the House recede from passage to be engrossed and from adoption of Committee Amendment "A";

that the House indefinitely postpone Committee Amendment "A", adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House.

(Signed)

MORESHEAD of Augusta

BERMAN of Houlton

BRENNAN of Portland

— Committee on part of House.

MILLS of Franklin

LOGAN of York

STUART of Cumberland

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The House voted to recede from passage to be engrossed and from adoption of Committee Amendment "A". Committee Amendment "A" was indefinitely postponed. Conference Committee Amendment "A" was read and adopted and the Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Contracts for Support" (H. P. 863) (L. D. 1105) reporting that the House recede from passage to be engrossed and from adoption of Committee Amendment "A"; that the House adopt Conference Committee Amendment "A" to Committee Amendment "A"; adopt Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto and pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; that the Senate recede and concur with the House in accepting the Minority Report reporting "Ought to pass" as amended by Committee Amendment "A"; adopt Conference Committee Amendment "A" to Committee Amendment "A", adopt Committee Amendment "A" as amended by Conference

Committee Amendment "A" there-  
to and pass the Bill to be engrossed  
as amended in concurrence.

(Signed)

BERMAN of Houlton  
BRENNAN of Portland  
LUND of Augusta

— Committee on part of House.

QUINN of Penobscot  
MILLS of Franklin

KELLAM of Cumberland

— Committee on part of Senate.

Report was read and accepted  
and sent up for concurrence.

The House voted to recede from  
passage to be engrossed and from  
adoption of Committee Amend-  
ment "A". Conference Committee  
Amendment "A" to Committee  
Amendment "A" was read and  
adopted. Committee Amendment  
"A" as amended by Conference  
Committee Amendment "A" there-  
to was adopted.

The Bill was passed to be en-  
grossed as amended by Commit-  
tee Amendment "A" as amended  
by Conference Committee Amend-  
ment "A" thereto in non-concur-  
rence and sent up for concurrence.

#### **Papers from the Senate**

From the Senate: The following  
Order:

ORDERED, the House concur-  
ring, that when the House and  
Senate adjourn, they adjourn to  
Monday, June 23, at 10:30 o'clock  
in the morning. (S. P. 525)

Came from the Senate read and  
passed.

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

#### **Conference Committee Reports**

Report of the Committee of Con-  
ference on the disagreeing action  
of the two branches of the Legis-  
lature on Bill "An Act relating  
to the Statute of Limitations for  
the Malpractice of Physicians"  
(S. P. 85) (L. D. 279) reporting  
that they are unable to agree.

(Signed)

STUART of Cumberland  
MOORE of Cumberland  
DUNN of Oxford

—Committee on part of Senate.

BERMAN of Houlton  
MORIESHEAD of Augusta

—Committee on part of House.

Came from the Senate with the  
Report read and accepted.

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

Report of the Committee of Con-  
ference on the disagreeing action  
of the two branches of the Legis-  
lature on Bill "An Act Increasing  
Certain Fish and Game Fines"  
(H. P. 1204) (L. D. 1531) reporting  
that they are unable to agree.

(Signed)

TANOUS of Penobscot  
KELLAM of Cumberland  
MILLS of Franklin

—Committee on part of Senate.

WOOD of Brooks  
HUNTER of Durham  
LEWIN of Augusta

—Committee on part of House.

Came from the Senate with the  
Report read and accepted.

In the House, the Report was  
read.

On motion of Mr. Porter of Lin-  
coln, the Report was rejected in  
non-concurrence.

On further motion of the same  
gentleman, the House voted to  
further insist and ask for a second  
Committee of Conference.

#### **Final Report**

Final Report of the following  
Joint Standing Committee:

Natural Resources

Came from the Senate read and  
accepted.

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

#### **Non-Concurrent Matter**

An Act relating to Powers and  
Duties of the Attorney General  
(S. P. 142) (L. D. 424) which was  
recalled from the Governor pur-  
suant to Joint Order (S. P. 511)  
and which was passed to be en-  
acted in the House on June 12 and  
passed to be engrossed as amend-  
ed by Committee Amendment "A"  
on June 10.

Came from the Senate indefini-  
tely postponed in non-concurrence.

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

#### **Non-Concurrent Matter**

Resolve Proposing an Amend-  
ment to the Constitution Providing  
for a Full - time Attorney General

to Hold Office for Four Years (S. P. 491) (L. D. 1585) which was passed to be engrossed as amended by House Amendments "A", "B" and "C" in non-concurrence in the House on June 18.

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

In the House:

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

Mr. BERMAN: Mr. Speaker, I notice that the gentleman from Kittery is not in the Chamber this morning. I hope someone would extend the usual courtesy.

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

Mr. RICHARDSON: Mr. Speaker, I would move that the House recede and concur and would speak to that motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that the House recede and concur. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that the question before you now is passed to be engrossed, assuming that you recede and concur. This would put us in a concurrent status, passed to be engrossed. If there is any question about the enactment of the bill I am sure it can be raised and I will assure the gentleman from Houlton, Mr. Berman that if Mr. Dennett wants to propose any additional amendments I would support backing up in order to permit him to offer the amendment.

We must remember that the Engrossing Department is very busy. If we keep this log jam in its present state we are going to be waiting around here for hours to get bills engrossed. I am going to suggest that we go ahead at this point with my assurance to the gentleman that I would support backing up for the purpose of an amendment if Mr. Dennett wishes to do so.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Somewhere along the line a smart man down on 23 Wall Street once said there are usually two reasons a person does something, a good reason and the real reason. Now we weren't extended the usual courtesies on this matter today but there was mention made of breaking the log jam. I am all in favor of that. If this bill goes to the Engrossing Department the chances are with the suggestion coming from whence it came it probably will go the Engrossing Department today. Then if we have to back up and reamend it, it has to be re-engrossed. Now this puts quite a burden on the Engrossing Department.

Now I don't know what the final action on this bill is going to be. Something happened when this bill was last in the House which the good gentleman from Eagle Lake and myself are now aware of. But I will go along this morning with the gentleman from Cumberland, Mr. Richardson, but what is actually going to happen to this particular item I suggest is going to take more time than if we had let it go over to the next legislative day.

Thereupon, the House voted to recede and concur.

#### Non-Concurrent Matter

An Act to Give Relief to Elderly Persons from the Increasing Property Tax (S. P. 474) (L. D. 1550) which was recalled from the Governor pursuant to Joint Order (S. P. 514) and which was passed to be enacted in the House on June 12 and passed to be engrossed as amended by Senate Amendment "B" on June 10.

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

In the House: On motion of Mr. Susi of Pittsfield, the House voted to recede and concur.

#### Non-Concurrent Matter

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

1339) which was passed to be enacted in the House on June 13 and passed to be engrossed as amended by House Amendment "A" on May 16.

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

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 I would speak very briefly to the motion.

Thereupon, the House voted to recede.

Senate Amendment "B" to House Amendment "A" (S-301) was read by the Clerk.

Thereupon, the House voted to recede from adoption of House Amendment "A"

House Amendment "A" (H-327) was read by the Clerk.

Senate Amendment "B" to House Amendment "A" was adopted. House Amendment "A" as amended by Senate Amendment "B" thereto was adopted.

Senate Amendment "B" (S-300) was read by the Clerk.

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

House Amendment "A" to Senate Amendment "D" (H-576) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: These parliamentary changes—actually there have been two changes in the bill. These were adopted in the Senate. One of them removes the use of a breatholater in determining the tests. The other one drops from six months to three months in mandatory loss of license on the refusal of the test.

The House amendment that was put on this morning was to correct one mistake in drafting that was done when the original amendment that was attempted in the Senate removed both the use of urine and breatholater. The urine was put back in, so we had to put in to allow the selection of a test.

Outside of that the bill in essence is very much as it was in its original form.

House Amendment "A" to Senate Amendment "D" was adopted. Senate Amendment "D" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "B" thereto and Senate Amendment "D" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The following Communication:

THE SENATE OF MAINE  
Augusta

June 19, 1969

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The Governor having returned to the Senate: Bill, An Act Creating Oxford County Commissioner District. (S. P. 462) (L. D. 1525) together with his objections to the same, the Senate proceeded to vote on the question:

Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution a yea and nay vote was taken. Nineteen Senators having voted in the affirmative and thirteen Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE  
Augusta

June 19, 1969

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The Senate has voted to insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees. (H. P. 1235) (L. D. 1567)

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

Senators:

TANOUS of Penobscot  
PEABODY of Aroostook  
BELIVEAU of Oxford

Respectfully,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

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

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, need exists for prudent fiscal management in State Government if we are to substantially progress within the framework of our present tax structure; and

WHEREAS, the prudent fiscal course is not always whether a program requiring the expenditure should be undertaken, but whether the desired level of revenues is being rendered at the least cost; and

WHEREAS, a means of measuring the extent to which departmental budgets actually accomplish their objectives during the ensuing biennium need to be devised; and

WHEREAS, the ultimate responsibility for allocating resources within the State lies with the Legislature, it is vital that administrative actions and expenditures conform, within reasonable tolerances, with legislative intent; now, therefore, be it

ORDERED, that the Legislative Research Committee be directed to authorize and duly constitute a subcommittee on Governmental Operations to make a comprehen-

sive study of all authorized expenditures and revenues accruing thereto for personal services, all other and capital expenditures necessary to the conduct of State Government, for the purpose of formulating recommendations, where possible, for consolidation or elimination of all unnecessary activities and expense, budget reductions or duplication in office personnel and equipment, thereby increasing the efficiency of the State while realizing economies wherever possible; and be it further

ORDERED, that the appropriate divisions of State Government are requested to provide such information and assistance as the Committee deems necessary and any subject or matter adjudged by the subcommittee, with the approval of the Full Committee, to be relevant, germane or helpful in the consummation of its work hereunder shall be deemed within the scope of this Order; and be it further

ORDERED, upon adoption of the subcommittee's report the Legislative Research Committee shall report the results of this study at the next special or regular session of the Legislature.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This Order merely would indicate that the Legislative Research Committee through its subcommittee on general operations would intend to continue its work as started during the last session. It appears to me that the Rideout Committee did its work well. It was my pleasure to serve with Representative Rideout and others on this subcommittee and it appears that we should indicate to you that we intend to go much deeper and much further. It seems to me that somewhere along the line I have heard many concerning themselves with the fact that we may have more employees than we should have, that we have more travel than we should have, that we probably have more in all the other categories than we should have, and I agree. It appears to me somewhere along the line also

that some business regulatory agencies even though they are on a dedicated basis take it upon themselves to travel a little far and wide to suit my purpose.

This is merely an assurance, through passage of this Order, that the Legislative Research Committee through its Governmental Operations Committee intends to make a thorough and in depth study of any and all departmental agencies dedicated or otherwise.

Mr. Speaker, I move the passage of this order.

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

Mr. BENSON: Mr. Speaker, Members of the House: Having served this session on the Appropriations Committee I have, I believe, had my eyes open as to the necessity for the Governmental Operations Committee as it existed in the interim between the last two sessions of the Legislature. I think this Order points out, as has been my experience on the Appropriations Committee, proved to me the necessity for in depth study of our continuing State Government programs and I think that this Order or the carrying out of this Order is a necessity as far as future operation of State Government is concerned. Thank you.

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

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

Mr. RIDEOUT: Mr. Speaker, and for the first time in my legislative career I would ask permission to speak on the record.

The SPEAKER: The gentleman from Manchester, Mr. Rideout requests unanimous consent to briefly address the House.

The gentleman may proceed.

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: I would feel remiss in my duty if I did not make note in the record that I and many of us here object most strenuously to the action going on by members of the State Employees Union at the State

Hospitals in Bangor, Augusta and Pineland. I feel that there are two people responsible for this irresponsible action, one, Robert Montminny and two, Governor Curtis. I cannot forgive either of them for their lack of judgment which encouraged and promoted this strike now in progress.

I will forgive the employees for the moment because the most recent figures that I have indicate that there are very few of them that are going along with this movement. But I serve notice particularly on Mr. Montminny that if I am around here either in a special session or the next regular session there will be a bill in to prevent this sort of action. I feel that this direct action is not only a breach of trust to the patients whom the employees profess to be so concerned with but also very ill timed, so very ill timed that it borders on the ridiculous.

I was taught as a child not to scream until you are hurt. Here we are trying our best to solve the employees' problems as well as lots of others. This irresponsibility on the part of the Union at this point in time helps pull the rug out from under the feet of many of us who are boosting their position. I hate to have a gun at my back. I could run on and on at this but I won't. All I will try to leave with you is this. I am hurt, I am disappointed, and I am mad with the action taken by the Union and I feel that the responsibility lies with Robert Montminny who is directly responsible for this and Governor Curtis who practically invited it, and I hope their consciences bother them as much as this strike bothers me. Thank you, Mr. Speaker.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: This morning I received a letter from the Maine State Employees Association which I believe represents the thinking of the great majority of our State employees and I want to read to you a couple of sections from it. But before I do that I want to indicate that I do not share the



gentleman from Manchester, Mr. Rideout's feeling apparently that the Governor has taken some direct action at this time which has precipitated the present situation. I have had many occasions, as every one of you know, certainly over the past couple of years to take violent exception to some of the Governor's policies particularly in fiscal matters. But I don't believe that he here at this time has precipitated this action.

Now the employees themselves, who I think are in the main hard working people, dedicated to their tasks, I believe that the majority of them subscribe to this statement:

"The Maine State Employees Association wants to affirm without reservation that we are opposed to blackmail in any form. We do not believe that the unwise and precipitate action by a handful of Union members should jeopardize the pay plan for all state workers. We want to remind legislators that the vast majority of state workers are being patient, are being loyal, and are confident that our administrative and legislative leaders are working diligently to come up with the best pay plan possible at this time.

Restating our position: We do not believe that this strike action is advisable, necessary, or well-intentioned. We do not intend to place a gun at the head of legislators who have already assured us that they will come up with the best pay plan possible. And, lastly, we do not believe that endangering the welfare of patients is the proper way to gain acceptance for our demands."

That is the end of the quote and I can only say from my point of view, I think that this letter indicates the responsible course of action that the great majority of state employees are taking. I join Mr. Rideout in feeling that the blackmail effort is not an enlightened way to deal with us. Every one of us in this room is willing to review these demands and we are making a sincere and conscientious effort to solve the problem. And I hope that none of you will out of hostility to this sort of conduct by a very small minority of state employees jeopardize the

long grueling effort we are making to bring about a remedy to this problem.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I have heard some remarks on the record this morning that I must refute in part, if not in their entirety. The action and reaction by some of the irresponsible, if they are irresponsible in the area of calling or advocating a strike of the state employees in our State institutions, they are irresponsible leaders if they are in agreement with this type of action.

The precipitation of this type of reaction on the part of some of our state employees is probably based on the fact that we have had in these institutions for a number of times, months and possibly a year, vacancies which they have been unable to fill because of the type of classification that they were in. This in part precipitated the action by some of the members, be they responsible or irresponsible. This type of action on their part is not going to help us here in the Legislature in trying to arrive at a compromise of what we think can be done for our state employees.

I deny emphatically the remarks made by the gentleman from Manchester, Mr. Rideout, that the Governor of our State, the Chief Executive of our State, has had anything to do with the precipitation of this type of action in any form. All through the winter and the spring the Governor has tried to find out what the area of the problem was in trying to arrive at a settlement of the problems. This action by the state employees is absolutely none of the Chief Executive's doing. And I think probably the irresponsible remarks of the gentleman probably create — instead of one being irresponsible — it creates two irresponsible actions on the part of individuals and two irresponsibilities will never make one responsible.

I would like to deny for the record, that the Chief Executive has had absolutely nothing to do with

the approval or sanction of this type of action by a certain group of State employees, and I think the gentleman from Manchester, Mr. Rideout, is very much in error in making the Chief Executive a part of this action this morning.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The major reason for my being on my feet this morning is because very early this morning I received phone calls from some of the parents who have people, particularly at Pineland. I had one call from someone who has someone at Augusta, and I am making my comments now with the hope that it will be noted that I spoke to the heads of the three departments of the three areas — Pineland Training Center, the Bangor State Hospital, and Augusta State Hospital, and they assured me that the program that is going on now and the care that has been given to the patients at these three centers will be the same for the next 48 hours as they have been in the past. And I make this statement with the fervent hope that it will be noted so that the thousands of people, friends and relatives of the patients in these three areas will feel some relief in knowing that their loved ones are being taken care of.

Further, insofar as I am concerned, I have, ever since just a little bit beyond voting age, held a union card. I have oftentimes, wherein it concerned the public works area in my department, wherein it concerned other areas, been mostly sympathetic to the people who through grievances and their inability to get together around the bargaining table have gone out on strike. I have been most sympathetic to them. It was my duty to serve on a subcommittee on the Appropriations Committee to give further consideration to the state employees. This was done. This is now pending passage, which is in the Part II budget. And I am positive that we are not going to go home until such time as this situation is taken care of.

By the same token, in view of the areas where these people are now out at least for 48 hours, in view of the fact that these are people who are in the vast majority, unable to even know what is going on, I must place my lot in that I hoped that this would not have occurred.

I have had several conversations, several phone calls late last night and very early this morning concerning this problem and certainly I feel that, regardless of my pro-labor leanings, I feel very definitely that somewhere along the line that this is a dark day in the annals of the Labor movement. And all I can say in closing is that I wish it had not happened and I hope it ends and ends quickly.

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Mr. Waxman of Portland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to study the desirability and practicality of establishing a Student Advisory Board to consist of High School Juniors and Seniors of sound moral character and good academic standing who will serve solely in an advisory capacity to the State Board of Education when and if the occasion for such advice arises; and be it further

ORDERED, that the council shall report its findings and recommendations to the Joint Committee on Education of the 105th Legislature. (H. P. 1279)

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

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Mr. Rideout of Manchester was granted unanimous consent to address the House.

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House I don't have a better friend in this Hall than the Minority Leader and if I have offended him I humbly apologize. And I say on the record that perhaps I was impetuous in including the Chief Executive in my remarks and you have my apology. (Applause)

**Divided Report**

Majority Report of the Committee on Judiciary on Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (L. D. 1229) reporting that it be referred to the 105th Legislature.

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook  
MILLS of Franklin  
—of the Senate.  
Messrs. FOSTER of  
Mechanic Falls  
HESELTON of Gardiner  
BERMAN of Houlton  
HEWES of  
Cape Elizabeth  
BRENNAN of Portland  
— of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot  
—of the Senate.  
Messrs. DANTON of  
Old Orchard Beach  
MORESHEAD of Augusta  
—of the House.

Reports were read.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I would like to move acceptance of the Majority Report and would speak briefly to that motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that the House accept the Majority Report.

The gentleman may proceed.

Mr. BERMAN: Mr. Speaker and Members of the House: This act providing for uniform deceptive trade practices came before our committee and met a favorable reception so far as the intent was concerned. There were problems and some very serious problems with the document.

As it developed during this session our committee had to spend a great deal of time occupying itself in matters that we didn't think were going to take up our time, both in committee and in debate. And as a result this bill was not able to be worked over the way

that it should have been. For example, under Remedies on page 3 of the bill. The bill itself called for no proof of monetary damage or loss of profits or intent to deceive in order to maintain a deceptive trade practice. The majority of members on the committee felt that this was repugnant to our general law and certainly it should be worthy of a good deal of research and study which we weren't able to give it.

Now the majority also wanted to be very fair and very courteous to the gentle lady from Orrington, Mrs. Baker, who has been a very valuable member of this House for some years. So rather than put out a Majority Report "Ought not to pass"—because we did feel that this bill had some potential if we had been able to work on it, and certainly at this stage, on June 20, we are unable to work on it—we signed it out to be referred to the next Legislature.

Now the House today in its wisdom can accept the Majority Report or it can substitute the bill for the report, but if the bill is substituted for the report you are going to be buying a good deal of trouble in the enforcement of uniform deceptive trade practices.

This bill also contains a great many exceptions to uniform deceptive trade practices that the majority of the committee felt just would not be fair to the citizens of the State of Maine, and for those reasons, quite briefly, I hope you will go along and accept the Majority Report.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I oppose the acceptance of the Majority Report to refer this to the 105th Legislature. This is more or less of a companion bill to the one which we debated yesterday, Mrs. Payson's bill. In my bill the deceptive trade practices are spelled out and I realize that I am incompetent to debate the legal implications. But inasmuch as this is a uniform act, I fail to see how other states could have operated successfully under it—and I understand it has been adopted in

many other states, if it is such a bad act.

This also spells out some of the remedies for people who participate in deceptive trade practices and it has an injunction clause. That is the most serious part of it, I believe. And I hope that you reject the Majority Report and then I would move to accept the Minority Report. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be very brief. The law books of this state and many other states are cluttered up with so-called uniform acts. Now some of these acts are all right and others of them have plenty of problems on them. Just because these acts are so-called uniform acts put out by attorneys some of whom have connections with legislatures, many of whom do not, doesn't mean that they are good laws.

Now, for example, under section 1215 of this act on page 3, many members of the committee that looked at this particular section really didn't understand what it meant. Now if you want to pass laws that we don't understand what they mean, that is your prerogative but to some of us that doesn't seem too sensible. For example, section 1215 states: "This chapter shall be construed to effectuate its general purpose to make uniform the laws of the states which enact it." Now I suggest to you that this is something that doesn't make too much sense. We just don't know what it means. There are other parts of the bill that just doesn't make too much sense but if you want to go ahead and pass it, we are going to have to abide with your judgment. But frankly, this would be, in our opinion, poor legislation.

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 this particular piece of legislation. I feel that it is high time in this State that we offered to the citizens of the State of Maine a remedy when they are cheated by

unscrupulous individuals who are preying upon the citizens of the State of Maine. And under our present laws, the laws are very vague as to what in fact are deceptive trade practices. And this bill of Mrs. Baker spells out specifically in it what are these particular and specific deceptive trade practices. And by doing so it will help in going after the people who are taking advantage of the citizens of the State of Maine through these unscrupulous practices and measures.

I also feel that the remedy is not a harsh remedy which the gentleman from Houlton, Mr. Berman, would have you believe. What the remedy is in fact an injunctive power. So if someone is engaging in these practices, the person who is being deceived can go to the courts and get an injunction to stop the person from engaging in these practices. And I do submit to you, ladies and gentlemen of the House, that this is a uniform bill and this bill in its form is the law in 35 states of our United States, and if the reason the gentleman from Houlton and the other members of the Judiciary Committee object to this bill is that there are certain problems within it, I submit let's have amendments that change these small areas where there are problems rather than kill the bill completely by sending it to the 105th Legislature.

So I therefore hope that you will vote against the pending motion so that we can accept the Minority "Ought to pass" Report.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the Legislature. I voted to refer this to the next session of the Legislature. I missed the hearing itself so I know very little about the bill, and when I don't know a great deal about the bill I would rather not see something like this become law.

Now certainly it has a very appealing title and I am sure that it has a great deal of merit. But just because it is a uniform bill there is no certainty that it really makes a lot of sense.

On that basis, on the basis I know very little bit about it, and it is like a lot of bills in the waning days of the Legislature that come out very quickly, they may not result in the best law. I think we sometimes are better off to refer it to the next session, so I support Mr. Berman.

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

Mr. RICHARDSON: Mr. Speaker, I request a division on the motion. I hope that you will vote against referring this to the 105th Legislature which is just a means of killing it. In the spirit of bipartisan cooperation, I want to suggest to the gentleman from Portland, Mr. Brennan that the fact that he was unable to make a public hearing on a particular piece of legislation which was probably held several weeks ago is a very poor reason why the rest of us who have had an opportunity to review the question shouldn't go ahead and act on it.

Mr. Berman pointed out one section of the bill. This is standard in legislation of this nature. I see absolutely no problem with it at all. I subscribe to Mr. Moreshead's suggestion that rather than just kill legislation — that's the easy way out. If there is good legislation and there is some technical problem with it, work on it so that it can be amended. I hope that you will accept eventually the Minority "Ought to pass" Report so that on Monday, if our good friends on the Judiciary Committee want to offer any corrective amendments, they can do so at that time.

Mr. Berman was granted permission to speak a third time.

Mr. BERMAN: Mr. Speaker and Members of the House: Next week may be our last week here. This bill is going to take more than a week to work over. This bill contains a provision that some of us don't think protects the consumers of the State of Maine. This is really not a method of killing the bill as the gentleman from Cumberland would have you believe in trying to get sympathy for the bill.

For example, if any publisher of a newspaper, any broadcaster, any

printer of material, or any other person engaged in dissemination of information or reproduction of printed or pictorial material who publish, broadcast or reproduce this material without the knowledge of its deceptive character, they are immune under this act.

Now these publishers, broadcasters, printers and other persons who disseminate this information can always say that they didn't know that this was false advertising, that this was an unfair trade practice, and that is the end of it until they do it again. And then they can say, well, we didn't know this was such, we have to take it from the people who supply us this information, from these people who engage in unfair trade practices. So really as far as protecting the consumer from the dissemination of this type of unfair trade practices, you are not doing him any help, but if you want the bill that is all right.

The SPEAKER: The pending question is the motion of Mr. Berman that the House accept the Majority Report. If you are in favor of accepting the Majority Report, you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

41 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

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

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

Majority Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act Conferring Upon Others the Powers Now Vested in the Executive Council" (H. P. 1052) (L. D. 1418)

Report was signed by the following members:

- |                            |  |
|----------------------------|--|
| Messrs. BELIVEAU of Oxford |  |
| LETOURNEAU of York         |  |
| —of the Senate.            |  |
| Mr. RIDEOUT of Manchester  |  |
| Miss WATSON of Bath        |  |

Messrs. D'ALFONSO of Portland  
 STARBIRD of  
     Kingman Township  
 MARSTALLER of  
     Freeport  
 —of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington  
 - of the Senate.

Messrs. DONAGHY of Lubec  
 DENNETT of Kittery  
 —Of the House.

Reports were read.

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

Mr. BENSON: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

Whereupon, on motion of Mr. Bragdon of Perham, tabled pending the motion of Mr. Benson of Southwest Harbor to accept the Majority "Ought to pass" Report and assigned for later in today's session.

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**Third Reader**

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

Bill "An Act to Provide Certain State Level Land Use Controls" (S. P. 501) (L. D. 1596)

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

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

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**Passed to Be Enacted**  
**Emergency Measure**

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

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

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: Just a brief resume on the subject of financing of our highway budget. There has been no further reductions in our highway budget since the budget was

reported out by the Highway Committee to us. There is now, in the Legislature, a bill providing for a \$21 million bond issue which would supplement the revenue from this bill which now has a one cent gasoline tax increase in it to finance Highway expenditures for the next two years. I think it is widely recognized that it is entirely possible, perhaps even likely, that there will be a rejection of bond issues by the general public when these bond issues go to the public. So it raises some serious questions in the course that we are embarking on with the adoption of this tax measure.

I believe that I have accurately portrayed the situation in relation to financing of our Highway budget which is a major portion of state expenditures for the biennium and I have no particular recommendations. I am just attempting to bring before you what our situation truly is. Thank you.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 116 voted in favor of same and 13 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Passed to Be Enacted**

An Act relating to Truth in Advertising (S. P. 329) (L. D. 1128)

An Act relating to Poor Debtors (S. P. 333) (L. D. 1152)

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.

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An Act Abolishing the Maine Aeronautics Commission, Transferring Certain of its Powers to an Aeronautical Director, Providing for the Tenure and Compensation of Such Director and Relating to the Aeronautical Fund (S. P. 383) (L. D. 1356)

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

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

Mr. WIGHT: Mr. Speaker and Ladies and Gentlemen of the House: It disturbs me to no end to see some of these commissions and some of these changes being made when I don't feel that they are going to be any improvement. This bill abolishes the Aeronautics Commission and establishes an Aeronautics Department, and the Governor, with the advice and consent of the Council shall appoint an aeronautics director which will have full charge of this department. The director is to serve at the pleasure of the Governor during the Governor's term of office.

This eliminates the aeronautics fund. It repeals many regulations including the federal regulation that supports the violation of state law thereby enabling the law enforcement agencies of this State to enforce the laws regulating the operation of aircraft. It repeals the registration of airmen, which is also, I feel, quite necessary in this state under Civil Defense and directives such as we need sometimes that are recently used in designated areas in the Allagash that cannot be used.

The commission now is five members representing all areas of the state and therefore are knowledgeable of the problems throughout the different areas wherein the director would probably not be familiar with specific problems in all areas. The commissioners, you might like to note, are Howard Gray of Waterville, John McCall of Washburn, Herbert Lindblad of Springvale, Maine and Frank Smart of Bangor, Maine and Roland Maheu of Mechanic Falls, Maine.

The bill, as written, would give the Governor the appointment of the director. The appointment would run concurrently with that of the Governor, and since there is no requirement that the director have an aviation background such as a pilot requirement, the appointment becomes strictly political. The bill would remove the aero-

nautics fund and revenues received from the aviation gas tax, pilot and aircraft registration, airport and seaplane base licenses. This would go to the General Fund. It is felt that these revenues received from these sources should be used to further aviation within the state and not revert to the General Fund. This helps also to meet the matching federal funds.

The present commission has planned a two, four and six year construction program vital to the promotion of aviation within this State. This bill would not lend itself to the continuity which is required to keep this program up to date. And, therefore, I move indefinite postponement of this bill and papers.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: This bill was heard before the State Government Committee and came out with a favorable report. I am convinced, and was convinced at the hearing, that the Commission in its present form has been very, very ineffectual.

To give you an example of what has happened, there was an executive secretary of the Commission who was serving at a considerable salary, appointed a deputy who ultimately succeeded him, and guess what happened? The retiring secretary was appointed at the same salary as a consultant with full approval of the Commission. Now this is just one indication of how ineffectual this Commission has been.

Now Mr. Wight referred to the aeronautics fund. We passed a bill earlier in the session that undedicated the aeronautics fund revenue. Now let me hark back a bit to that fund. If you remember, the Aeronautics Commission bought an airplane to the tune of some \$70,000, when the state airplane is in the same era as Lucky Lindbergh. We needed that airplane like a hole in the head. We need one for the state, but we don't need it for the commission.

I think probably any of you who fly realize that the air serv-

ice in the State of Maine is in a condition that is absolutely ridiculous. Now if this commission is as effectual as Mr. Wight would seem to indicate, I submit to you that we would have better air service. Our air service is deteriorating daily. Perhaps this is not the right vehicle. I think it is. But I think that anything that we can do to help improve the air service in the State of Maine, it would be a service to the State of Maine; and I ask you to vote against the indefinite postponement of this bill.

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

Mr. MARTIN. Mr. Speaker, Ladies and Gentlemen of the House: As you are well aware, I am not a member of the State Government Committee; but as a member of the Appropriations Committee, we became involved with the Aeronautics Commission and I think that once we are discussing abolishing this Commission there might be something you may be interested in knowing.

As I understand the story, the last Legislature, the last Appropriations Committee of the 103rd reviewed the budget of the Aeronautics Commission and told them that they were not to buy a plane. Then the Legislature went home. Lo and behold, one month later, sitting at the Augusta State Airport was a beautiful two-engine plane, costing the State of Maine between \$60,000 and \$70,000 which the Legislature had gone on record as being against, which the Appropriations Committee had suggested to them that they did not buy, and that the Governor suggested that they not buy. But since this commission has no one to control it, since the Governor can do nothing about what they buy from the dedicated revenue, since we were no longer in session, we now have three airplanes sitting in Augusta State Airport, a single engine, a two engine plane which was purchased at the tune of \$65,000 or so, and an old Beachcraft which should be junked, which should probably be replaced so that the Governor could have another aircraft.

And I think it is interesting to note that the only reason that was given to the Appropriations Committee this time around was that this six seater plane was needed because the five members of the Aeronautics Commission wanted to fly together to visit the airports of this state. Now that seems to me a pretty poor reason why we should spend that amount of money from the dedicated revenue so that someone can go visit airports.

If for no other reason I will support this bill, to give the Aeronautics some direction and to give them some financial responsibility to us.

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

Mr. JALBERT: Mr. Speaker, I will make my briefest speech. I am supporting this bill because I know one member of that Aeronautics Commission and I don't think he even knows that he's on it yet.

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

Mr. SHAW: Mr. Speaker and Members of the House: It seems to me for the last six or seven years the main purpose of the Maine Aeronautics Commission up here has been to build a multi-million dollar airport up here at Sidney Bog. Now that is in this area. I wouldn't vote for it then and I wouldn't vote for it now. I think they have been wasting a lot of time up there and I support this bill.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion to indefinitely postpone this bill. In the course of its lengthy hearings the Appropriations Committee has some opportunity to look at and talk with people from the departments that appear before us in connection with their capital expenditures request or other budgets.

My overall impression from the presentation made by the Aeronautics Commission was one of sadness. I can recall trying to



find out upon what basis if any the Commission was recommending various capital improvements in the various airports, and I asked if they had any figures with them with regard to volume of traffic and so on at the various airports, and to me they seemed completely unprepared, and I would think that any change in this direction would be a change for the better.

We do have in the Aeronautics Commission a financing evil which seems to be creeping into many many of our departments, namely, the combination of a dedicated fund plus certain other State support, and the difficulty is that the department will request funds in their budget, if they don't get it they will take it out of the dedicated funds, and so they have got both ends stacked towards the middle. So I hope the House would oppose the motion to indefinitely postpone this worthy bill.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I hope you ladies and gentlemen of the House will not go along with this beating of a dead horse. We have already got rid of these dedicated funds which seemed to be at our hearings the chief problem as far as necessary control of this commission. I don't think that we have to go along and provide the Governor with a new plane to get out of the state oftener, with a replacement of his Bonanza Beachcraft or whatever it is.

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

Mr. FORTIER: Mr. Speaker and Members of the House: Earlier in the day I requested from one of the Pages permission to distribute some editorials from the Waterville Morning Sentinel, and he inquired of the Clerk as to whether or not they could be distributed, and it seemed they had to have my signature on them and so I couldn't get them distributed.

Now I am going to be a little more candid than the opponents

of the present Aeronautics Commission. I am aware of the history surrounding the opposition here, but I would like to, since I couldn't distribute these editorials this morning, I would like to read the editorial. It is a very short one, and it says:

#### "More Study Is Needed

As it nears adjournment the Maine Legislature is being asked to act upon a bill that would abolish the Maine Aeronautics Commission and set up in its stead a new department headed by a director of aircraft.

There has not been widespread discussion of the proposal and it is doubtful whether the import of the change, especially to the smaller communities of the state, is fully understood.

We feel it would be unwise to make such a major change in administration at this late date in the session.

It is too important to the state for hasty action and consequently we feel it would be far better if the proposal were referred to the Legislative Research Committee for more exhaustive study.

It might well be part of a study of all state commissions, since if arguments against the continuation of the Aeronautics Commission are valid, they may also well apply to the Highway Commission and to the Employment Security Commission as well, for example."

And when I stated that I was going to be a little more candid than the opponents of this legislation, I will state that Mr. Howard Gray, as you have heard mentioned, previously, is a member of the Aeronautics Commission. He is the general manager of the Waterville Morning Sentinel, he is a vice president of Gannett Publishing Company and he wanted me to state this so there would be no doubts as to his interest. He is a seriously concerned citizen in the matter of aviation for the State of Maine. He is not concerned about any particular area, whether it be Portland or Presque Isle. He is concerned about the entire state and he is concerned that possibly with a single chief, might be more responsive to the needs of some

of the larger communities, therefore, the smaller communities would get the short end of the stick. Thank you.

The SPEAKER: The Chair would take issue with the gentleman in his criticism of just because his name wasn't on a particular periodical that it was not distributed. The Chair would remind the gentleman that he should be more tolerant and less unfair because we have 150 members here to serve, and there are amendments pending. Unless prior arrangements are made, I don't think that any member should criticize.

The Chair recognizes that gentleman.

Mr. FORTIER: Mr. Speaker, I may have expressed myself in the wrong manner. What I meant to say was that rightfully the Clerk required that distribution have the signature of the member. I sent the Page down and he relayed this information to me. I wasn't criticizing the method, I was only trying to establish a reason for reading the editorial. I am sorry if I have seemed to offend anybody.

The SPEAKER: The gentleman may consider himself forgiven.

The pending question is the motion of the gentleman from Presque Isle, Mr. Wight, that item 4, L. D. 1356 be indefinitely postponed. Is the House ready for the question? The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

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

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

An Act Relating to Governmental Immunity in Civil Actions (H. P. 557) (L. D. 738)

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

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.

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#### Enactor

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

An Act Establishing a Full - time Administrative Hearing Commissioner (H. P. 1242) (L. D. 1577)

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

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

An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Retirement Age (H. P. 1253) (L. D. 1589)

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.

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#### Orders of the Day

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This employees' strike is a very very serious thing. I feel that it was unwise and uncalled for. It was not using the strike tool properly. This action is surely violating the health, welfare and safety of the citizens of Maine, but I do want to call something to your attention. The total employees at Augusta, Bangor and Pineland is 1,845. As of this morning 171 of those were on strike. This is conclusive proof that the great majority of our dedicated and conscientious State employees are at their job at this time.

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

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

Tabled — June 19, by Mr. Starbird of Kingman Township.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: As I indicated to you yesterday, we are preparing an amendment which hopefully will be acceptable to the members of the House and the other body. And the problem here is that there are a number of very serious questions as to whether or not, for example, our present constitutional requirement of a two-thirds vote to reapportion is itself constitutional under the Federal Constitution. There is a serious question as to whether or not we can apportion the House on any basis other than mathematical precision, and for this reason I have been involved today and yesterday in the preparation of the amendment and in an order to the Supreme Judicial Court of Maine requesting the opinion of the justices.

Now it is for this reason, so that we can view the amendment in its final form before taking any action, and can have the opinion of the justices, that I am again suggesting that the matter remain on the table until we have this information before us.

Thereupon, on motion of Mr. Rideout of Manchester, retabled pending passage to be engrossed and specially assigned for Monday, June 23.

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

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (H. P. 1271) (L. D. 1600)

Tabled — June 19, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be engrossed and specially assigned for Monday, June 23.

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

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

Tabled — June 19, by Mr. Corson of Madison.

Pending — Final Passage.

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

Mr. WAXMAN: Mr. Speaker, may this item lie upon the table for one legislative day?

The SPEAKER: The gentleman from Portland, Mr. Waxman, requests that this item lie upon the table until the next legislative day, pending final passage.

Mr. Richardson of Cumberland requested a vote on the tabling motion.

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

A vote of the House was taken.

39 having voted in the affirmative and 62 having voted in the negative, the motion to table did not prevail.

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

Mr. RICHARDSON: Mr. Speaker, a parliamentary inquiry, Mr. Speaker. Is it appropriate at this time to move that the matter be tabled until later in today's session?

The SPEAKER: The Chair would advise the gentleman that that would not be in order. The longer tabling time has priority.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: We have, I am sure, tried the patience of every one of you here in the House by delaying and delaying and delaying for the preparation of this amendment. Now I don't want the gentleman from Madison to think that I have reneged on my obligation to him, I have not. But I do feel that we have an obligation today to go ahead and attempt to give this matter our final approval.

Many of you asked the question, what significance at all is there

to reducing the voting age by one year, and to reduce the age of adulthood and the assumption of full adult rights and responsibility to twenty? I think there are a number of very important reasons for doing so.

First of all I see no reason, no basic reason, for saying that twenty - one is the magic age. I believe that we should reduce the voting age, the age of full adulthood to twenty, consistent with the growing evidence which every one of us recognizes that a person twenty years old possesses the necessary judgment, possesses the necessary maturity to be a full participating member of society.

Now we can argue long into the day about whether it should be eighteen or nineteen or twenty or thirty - five as one gentleman suggested. But I would suggest that I see no reason for continuing to deny adult responsibilities to people who are genuine participating members of society in every other area except voting and their legal capacity under contract to bear the full penalty of failure to act legally and to obey the contracts that they enter into.

For this reason, Mr. Speaker, I hope that we will today give final passage, join the State of Hawaii, for example, which has a twenty year voting age and a twenty year old across the board adulthood. If you say the twenty year olds don't have the necessary capacity, I hope you will cite some evidence. The twenty year old is out of high school, many of them are married, and I think that this is a fine expression of faith in the young people of Maine if we, as I hope we do, enact this bill.

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

Mr. BENSON: Mr. Speaker and Members of the House: I am one of those who would take issue with the gentleman from Cumberland, Mr. Richardson, when he says that there is compelling reason to change the voting age from twenty - one to twenty. I have no reason to believe that there is anything magic about the age twenty - one, but neither do I believe that there is anything compelling about

changing that age for voting purposes and age of responsibility back to twenty.

Many of the young people that I have talked with, people who would be affected, do not find any good reason for the age to be moved. They do not see that age twenty is a new magic age. I went to the public hearing on this issue, two years ago, before State Government, and at that time I listened to some of the finest debate that I think I have ever listened to by young people and that debate was in favor of leaving the voting age at twenty - one. I realize that it depends on who is soliciting the participants just how the debate comes out. But on that particular occasion there were a number of young people that went before State Government saying in effect that the age twenty - one is just as good a voting age as any.

Many of the young people that I know do not care to have the age of responsibility moved back to age twenty. They feel that twenty - one is right and proper. It is soon enough. We catapult our young people into adulthood I think fast enough without moving the age of responsibility back on to them any sooner than age twenty - one.

I am going to be interested in some of the debate on this issue which I am sure is going to follow. So I will have nothing more to say at this time. Thank you.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: I have served on the State Government Committee now for two terms and I attended the hearing that Mr. Benson refers to and I would suggest to the good gentleman from beautiful Mount Desert Island that he should have attended the hearing this year.

We have as a general group of adults used the young people as whipping boy for some time and I for one, very briefly, am going to vote to lower the age to twenty as a vote of confidence, if nothing else, in our young people.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I will follow Mr. Rideout in voting for twenty and I have attended three hearings on this subject in three consecutive terms and strangely enough the first two terms we heard a great deal from the young people themselves why they should not vote at an earlier age than at present. This year, we had the largest attendance, I would guess, in the vicinity of 250 or 300? Mr. Rideout nods his head yes. We had to recess and move our hearing to Room 105 down the corridor to accommodate them. It was one of the largest hearings that I ever attended here and they were almost unanimous in favor of lowering the voting age. There were some who were against it, of course. But I would say at least ninety percent of the persons that appeared were in favor of it. And many of these were persons of all ages, not necessarily young people. And the larger proportion were young people who very strongly urged us to do this. They wanted to participate, they wanted the responsibility. And even some of those that opposed it, some of the young people, by their very arguments have given us cause to think that they at least by the majority of their arguments were fully qualified to vote.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I see no particular need to change something just for the sake of change and I can report to you that from where I come I have had no one, no one, approach me — I am talking about the twenty years olds themselves now, that wanted to vote. There was a little cry for it when McCarthy was running for president, not in my area but in my county. I saw some of it in the Orono area. But after McCarthy seemed to have faded away the wanting to vote seemed to

fade away a good deal even in the county.

Now I have nothing against the twenty year olds. I think they do have the ability to vote. But only in this one field, it troubles some of the over burdened tax payers of the small towns that I represent. I don't know if you people stop to think that the city affairs are handled much different than a small town. For instance, the city, when you come to raise money, the larger towns, it is done by your council. But in your small towns, your commitments are raised by everybody.

Now at the present time these small towns are having a hard time with their tax burden on real estate and we don't seem to be able to do much for them in this Legislature. But if we pass this twenty year olds we could do something against them in these small towns because we have a problem now of people in the town that paid only a \$3 poll tax and they want something and they all show up at a town meeting and pass a lot of things that even I would like to have but the poor taxpayer on real estate cannot afford.

Now all they need in these small towns, these poll taxpayers, is the help from a few twenty year olds that own no property and these over burdened real estate taxpayers are really going to be in trouble. For this reason and the reason that the young people have not come to me and asked to vote — and certainly I have a lot of young people for friends and certainly I would support them if they did, I think it is well enough to leave it as it is.

Now I understand before this Committee on State Government — certainly, when anyone wants something, they probably come here and ask for it. But those — but there is lots that don't want it that can't afford to come clear to Augusta just to oppose what they consider relatively minor. I am sure there is more in my area, there was nobody there that cared enough to come down and appear for the bill and there was no one

that cared enough to speak to me about it. So I hope we leave it as it is for the time being. However, if we do give them the rights to vote, I will be the first one to give them all adult rights.

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

Mr. BERMAN: Mr. Speaker, Members of the House: This is one of the few occasions probably where I disagree with my good neighbor and seatmate, Mr. Dudley, from Enfield. I think we are living in an age where lack of confidence of one generation in another is very apparent throughout this country, throughout its warp and woof. I don't think the State of Maine should hesitate. I don't think the State of Maine should be recalcitrant in denying twenty year olds the right to vote if they want to. This is a moderate step and I will go along with final passage.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When this bill first came out of committee it had on it both the adult rights and the voting rights. I got an opinion from the Attorney General's office that both questions should be separated. This was done. The adult rights bill is now on its way to become law. This one here is a separate item altogether.

I mildly disagree with the gentleman from Enfield, Mr. Dudley, in that this is not us making the change, this is merely we, the legislators, by two-thirds vote of those elected, asking that this be placed on the ballot, so that the people can decide. Now it might be that there are those who say that the cliché, "If you are old enough to fight, you are old enough to vote," is an old adage, but I just don't think it is.

I have a letter from a young man from my area from Viet Nam in which he states that all surrounding him is nothing but flies as big as your thumb and up here it says: "I hope at least we have an opportunity to voice our opinion

on this conflict by having us vote at the age of twenty." In this morning's newspaper, "Services Will be Held for Rumford Man, 20 Years Old, Killed in Viet Nam." Did he not have a right at least to cast a ballot to go into a conflict that he knew nothing about, cared nothing about, and wanted less?

Mr. Speaker, I certainly hope that this measure, which has been argued so loud and so long and gone from eighteen, to nineteen, to twenty will have passage. And when the vote is taken, Mr. Speaker, I request the yeas and nays.

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

Mr. DAM: Mr. Speaker and Members of the House: I do not know how large a town my good friend Mr. Dudley comes from. But my town of Skowhegan is only 7,400 people. We operate with a town meeting form of government. I have no fears whatever that the twenty year olds will come to a town meeting and ram any issue through to bankrupt my town.

Not only that but in my town alone — and I can speak only for my town because I have been involved — in many issues, the eighteen year olds, the nineteen and the twenty year olds have shown more interest in town affairs and state affairs than many of the older people. Therefore, I have no fears on this bill. This is something that the twenty year old deserves and this is something that I am going to support.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning in support of this amendment to the Constitution. I have opposed — or I was not in favor of lowering the voting age or granting adult rights to either eighteen or nineteen. As has been previously stated it is pretty hard to determine as to just exactly what age is a reasonable or magic age of point.

There has been a good deal said for many years of young people coming up through their teens and the problems of teenage young

people but when they cross this dividing line from the teens into the twenties, it seems to me that at this time they do at this point approach adulthood. I would certainly hope that the House would support this motion this morning and pass this out to the people for their vote.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in admiration on Mr. Birt's thinking and logic in this case. During the time I was campaigning through my area I raised this question all through the territory. I was very much surprised at the adults with the gray hair who were in favor of lowering the voting age to twenty plus adult rights. They did not want to go below that age. Therefore I will cut it short and support this.

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

Mr. BENSON: Mr. Speaker and Members of the House: I find myself a budding rose between two thorns here this morning. Just one remark that I would like to make and it is relative to what the gentleman from Skowhegan, Mr. Dam, said and that was about the 20-year-old voting on town issues. I think that the thing that disturbs me most about the whole thing is the lack of experience of a person twenty years old. I am talking about experience in terms of years. They are going to be called upon to make valued judgments in local affairs as well as State and national and I feel that at age twenty, although there is once again there is nothing magic about it, at age twenty they just are a little short of the experience I feel is necessary to have to make such valued judgments that I am talking about, and I am talking about issues that mean a great deal to a local community in taxes. That is my entire pitch. Thank you.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House:

Just two comments. I might point out to the gentleman from Southwest Harbor, Mr. Benson, that he might be a thorn between two roses rather than vice versa. I think that when it gets to valued judgments as far as teenagers are concerned, I have found that teenagers and people twenty years old have the ability and the knowledge to make valued judgments and so I don't think that this poses any great problem. One thing which really intrigues me is that at times these people have an ability to make valued judgments much easier than we do because they have less biases than we do. And so I certainly agree with the gentleman from Lewiston, Mr. Jalbert, and I feel that they should be given, the twenty-year-old, the right to vote at this time.

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

Mr. TYNDALE: Thank you Mr. Speaker. Ladies and Gentlemen of the House: I wish to just go on record in support of this constitutional amendment. I have had a great deal of association with young people over the last ten years. I have never found them lacking for qualifications to make good judgment on many problems that I found the senior folks were not even able to solve. Their education today is far more extensive than it was ten years ago and I, after bringing in the news, I certainly would echo the thoughts of Mr. Jalbert on the loss of the young man yesterday. He was a man that I would trust with any kind of a decision and I find a great many young people in this category. And I certainly want to go on record in approval of this constitutional amendment.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: Just very briefly. I cannot think of a resolve that more properly should go before the people since everyone who will vote on this at one time had to be twenty years old. Consequently, it will be a resolve that the people shall have all the facts on as com-

pared to some of the nebulous things we may send back for referendum. So I think it makes a great deal of sense to send it back to the people who will be knowledgeable to make the ultimate decision. So I support passage.

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

Mr. DAM: Mr. Speaker and Members of the House: My good friend from Southwest Harbor, Mr. Benson mentioned the experience in years. I don't think this is a very valid argument for this bill. I went out to work when I was twelve years old. This is a far cry from being twenty years old. When I was fourteen years old I went in my first business. When I was twenty-one I voted for the first time. I think I had years of experience between the age of fourteen and twenty-one. I think the children today know more about State affairs, government affairs and local affairs than a lot of us people sitting right down here today, and I include myself in this also. I don't just single out any few members.

The other thing, we haven't as adults done any great thing in this country. We can look all around us anywhere and we can see war, disease, famine and moral corruption. Now a lot of these young people do want an active part in the government. A lot of these young people are knowledgeable. A lot of these young people don't want to just go down and vote irresponsibly. They want to go down and offer suggestions how to make this a better state, how to make this a better country. Now I think we owe these people this right.

In all our political campaigns regardless of party, Republican or Democrat, we go out and enlist the aid of the teenagers. They go out and they pass our leaflets. They go out and support us. Now if we want to use them and then when we are done with them, just like a dirty rag we throw them to one side, this is well and good. But I don't believe in this. I think if we are going to use these teenagers to promote our cause and promote our political beliefs, then

also we should give them an active part in the government and the only way we can do that is by supporting this bill to allow the twenty year olds to vote.

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

Mrs. COFFEY: Mr. Speaker and Members of the House: I am going to be very brief, but just to comment on what Representative Dudley said, in our town at our town meetings we have rules and regulations on voting rights. In other words, if the issue was property taxes or something like this and I didn't own any, I wouldn't have the voting privilege; and I think every town has these rules and regulations set up, so I don't see what this has to do with the voting age now.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Inasmuch as I think that I, of all the legislators, perhaps got the most, be that as it may, whether it was good or bad publicity, over appearing at hearings on the lowering of the voting age, I feel that I would like to take a little time of this body to state my point.

I am not nearly as adamant relative to this Act as I would be if it was eighteen or nineteen; let us put it that way. I also will state that I shall personally vote against it. I would like to comment a bit on some of the others. I would like to come to my good friend, Mr. Benson's defense. I agree with about everything he said on it. He probably said it better than I. I don't feel that twenty, or eighteen or nineteen or twenty-one is any magic age but we have got along pretty well as it is.

My good friend, Mr. Martin of Eagle Lake stated that there was less bias with the younger people. I agree but also less restraint and I think it is the restraint possibly that I would be most concerned with. With the younger age, whether it be twenty, twenty-one or twenty-five, we find less restraint; and as far as experi-



ence is concerned, not just necessarily in years but the experience of doing things for oneself and being responsible monetarily. Those are a few of the things I would like to mention.

With all the other rights and obligations with it there isn't nearly as much objection of course to the twenty, but I still insist that we are taking something and picking it out the air. If it will be any help, fine; but I am still going to go along and vote against it so that is all I have got to say on it.

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

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I think we have all reached a decision. Let's vote.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I shall be very brief this morning. We have debated this document on several occasions which started with eighteen year olds, nineteen year olds and now twenty year olds. I think the members of the House in their wisdom could very well see that in the immediate future as it is presently twenty year olds are getting a far better education than they did when the limit of twenty-one was adopted by our Constitution and I think if for no other reason other than to give the people that were once twenty years of age, and seeing the progress that has been made in our society, should be given the opportunity to vote on this matter on a state-wide referendum and to see actually what their feelings are as to whether the general public actually feels that our youngsters at twenty years of age are not better educated, better reasoning and will be able to perform the services of the rights to vote and the rights to be able to agreements and contracts, of which many of them are married by that time and are accepting responsible positions in the municipalities and the State;

so I think we should vote to support this feeling of the general public and that this will be referred back in their votes in a general election. Thank you.

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

Mr. PORTER: Mr. Speaker, Members of the House: I have a great respect for the youngsters of today. I spent my whole life working with kids. I have seen great improvements in education and it is reflected in the maturity of many of these young folks. Now we have an opportunity to give them a piece of the action. I think they deserve it. And I am confident that at their age twenty they won't make any more mistakes than I made at the age of twenty-one.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: Before the beginning of this session I received a communication which you probably all did receive asking if I would be in favor of lowering the voting age. I replied stating that I never had supported such a piece of legislation but that I was willing to listen. I have listened. I went to the hearing on this bill. I listened to the report of the voting in the high school in our town. I think they have made a good cause and I shall support this bill.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote 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 the final passage of Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years. 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, Barnes, Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Brown, Buckley, Burnham, Carey, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Couture, Croteau, Cummings, Cushing, D'Alfonso, Dam, Donaghy, Drigotas, Dyar, Eustis, Farnham, Fecteau, Finemore, Fortier, M.; Fraser, Gauthier, Giroux, Good, Hardy, Haskell, Hawkens, Heselon, Hewes, Huber, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Payson, Porter, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Tanguay, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wood.

NAY — Baker, Benson, Bragdon, Crommett, Curtis, Dudley, Evans, Hall, Hanson, Henley, Hichers, Immonen, Laberge, Lincoln, Page, Wight, Williams.

ABSENT—Bunker, Cox, Crosby, Curran, Danton, Dennett, Durgin, Emery, Erickson, Faucher, Fortier, A. J.; Foster, Gilbert, Harri-man; Kelley, K. F.; Lewis, Pratt, Susi.

Yes, 115; No, 17; Absent, 18.

The SPEAKER: One hundred fifteen having voted in the affirmative and seventeen in the negative, the Resolve receives final passage, it will be signed by the Speaker and sent to the Senate.

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

SENATE REPORT — Committee on Judiciary on Bill "An Act Defining the Crime of Theft Known

as Shopstealing and Establishing Rights and Penalties" (S. P. 365) (L. D. 1247) reporting same in a new draft (S. P. 503) (L. D. 1599) under same title and that it "Ought to pass" (In Senate, accepted and Bill passed to be engrossed.)

Tabled — June 19, by Mr. Richardson of Cumberland.

Pending — Acceptance in concurrence.

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

Mr. LUND: Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers, and I would speak briefly to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Lund moves the indefinite postponement of the report and bill. The gentleman may proceed.

Mr. LUND: Mr. Speaker and Members of the House: We are talking about L. D. 1599 which is one of the redrafts which is close to the top of your desk I imagine. This bill is an attempt to deal with a serious problem that we have been encountering throughout the country and here in Maine. And it attempts to deal with the problem of shoplifting through several means, and a couple of them I would like to discuss with you and point out why I feel they should not be enacted by this Legislature.

In the first instance one of the devices which is attempted to be used to combat shoplifting is to give the storekeeper, the merchant, his agent or employee, a right to detain a person whom he believes or is reasonably, either has committed or is committing or is attempting to commit this offense of shopstealing. Now whenever an individual is detained against his will he is in fact arrested, and the Attorney General's office in its letter in regard to this problem refers to it as a technical arrest. Well technical or not it is an arrest, and this bill would attempt to delegate to a merchant or his employee the right to arrest an individual and hold that person. Not only is it an attempt to delegate this power of arrest to a non-

police officer but it attempts to delegate it a power of arrest under circumstances when our present laws would not allow a police officer to make an arrest.

This is technical and I will try not to get too involved, but briefly, a police officer has a right to arrest for a felony or a misdemeanor committed in his presence. This bill, however, would give the merchant the right to arrest by detaining a person who he believes has committed — and it doesn't say when — or is attempting to commit. So that in the first instance this bill attempts to give greater powers of arrest than we presently are willing to allow our police officers with the training that they necessarily, hopefully at least, have.

We already have a law which deals with the problem of shoplifting by making it an offense to willfully conceal merchandise upon the person. So that if a person is observed to be hiding merchandise in his clothing, we already have a means of dealing with the problem. Not only does the bill go to the point that I have indicated on arrest, it attempts to beef this enforcement up by establishing what looked to me very much like mandatory penalties. If you will look on the second page of L. D. 1599, on the third offense, regardless of the value of the merchandise taken — now I don't mean to suggest that I condone the larceny of articles of small value, but as this bill is drawn, upon the third offense, regardless of the value of the goods taken, upon conviction the person shall be punished by imprisonment in State Prison for a term of not less than one year nor more than five years.

I would call the House's attention to the fact that paragraph one at the bottom of the first page is not even coherent. Apparently there have been some deletions here and the reading of it doesn't even make sense. It does seem to me that we have means to deal with this problem. It seems to me that this bill represents a basically unsound approach to the problem of crime by trying to delegate police powers and excessive police powers to merchants.

I think this as one person has described it, is a bad bill and I hope you vote for indefinite postponement.

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

Mr. CHANDLER: Mr. Speaker, Ladies and Gentlemen of the House: Speaking this morning as a retailer, I would refute Mr. Lund's last statement on the basis that no retailer in his right mind would attempt to arrest a person unless he were very much sure that his action would not be met with an extreme amount of bad reaction by the community. Public relations is uppermost in the mind of most retailers and sadly enough this is probably one of the reasons why shoplifting, as we presently know it, exists to such a great degree.

In the ongoing process of progress in retailing in this country we have seen the growth of shoplifting primarily because of the so-called self-service type of retailing. Merchandise displays are piled high and are very attractive to especially those who are younger. The problem that we have had under Maine law until now — and I don't profess to be an attorney, but the problem that we have had is certainly one in which any retailer — and this is not only in Maine but in most of the country, who attempts to detain a would be shoplifter, immediately becomes subject to a charge of false arrest.

I don't know how many of you are familiar with the case in which a famous Hollywood actress was detained by a very large and famous Los Angeles department store with merchandise in her handbag taken from the store. Her defense in this matter was that she had a checkbook in this same handbag containing an eight thousand dollar balance and that only in a moment of absentmindedness had she put the store's merchandise into her handbag and headed for the door because she had other packages to carry. Sadly enough, the charge of shoplifting in this case was thrown out of court, and I believe it is reported that an out of court settlement for false arrest was somewhere in the nature of \$50,000

from the store back to this famous actress.

I suggest to you ladies and gentlemen that this bill may not be perfect in all respects but certainly in its intent it is a worthwhile step to curb a very prevalent evil among us. I would therefore ask you to vote against the motion of Mr. Lund.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I am very sympathetic with the views expressed by my friend from Orono, Mr. Chandler. I am also pleased with the legal comments made by my colleague from Augusta, Mr. Lund. As some of you may or may not know, this winter some committees have been terribly overloaded with work, probably more so than in other sessions. We have got bills that were sent to us like the bill we debated a short while ago on uniform deceptive trade practices, which went to Business Legislation through the wisdom of the moving forces in the Reference of Bills Committee and there it got a unanimous "Ought not to pass" Report. So when the sponsor came to me and came to other members of the committee wanting it to go to Judiciary, we were gentlemen and said, "All right. We will take it on and if we can do something for you we will."

This is another one of these bills. It wasn't one that was recommitted, but it was one that was sent to us, it was one that needed an awful lot of work. I as House Chairman didn't want to let this bill get out of our committee in this form. I could see that it would run into difficulties, and it has and very properly so. And that is the function of debate in this House, to point out flaws, that we are not putting bad laws on the books.

Now frankly I think this is a problem, and I think that Mr. Chandler has expressed the problem very well. Now the House can do one of two things. It can go along with Mr. Lund and indefinitely postpone the bill, and in the shape that some of us were forced to put this bill out of committee,

I would't blame the House if it did, or the House can say, we have got a problem. We are going to be here, and some people who have more time frankly than the House Chairman of Judiciary has at the present time, can go ahead and work out this bill. And I leave its fate up to the House, but I do say it is a problem and that whatever decision the House makes will be perfectly all right with me.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I have received several letters in regards to this type of legislation from merchants all over the state, and I would like to report to you that one business lost \$100,000 in merchandise last year. And to cite an old adage that in order to do good business merchandise had to be set into three categories, you had to be able to see it, you had to be able to feel it and you had to steal it; and if you indefinitely postpone this bill, they will continue to steal.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: Early this morning I spoke about the problem of bills being rushed out of committee in the waning days of the session without careful consideration. This bill, I believe, falls in that category. It apparently has serious constitutional problems in the area of arrest. I think the gentleman from Augusta, Mr. Lund, pointed out these problems quite clearly.

I also agree with the gentleman from Orono, Mr. Chandler, and Mr. Soulas from Bangor, that there are serious problems with shoplifting in this State, but I do not think that the answer is to try to pass some unconstitutional piece of legislation. Consequently, I would urge you to support the motion of the gentleman from Augusta, Mr. Lund, to indefinitely postpone this bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Like many of the members, I have been talked to by members of our Chamber of Commerce. Now the type of self service merchandising that we have at this time certainly does lead to great problems in shoplifting. There are professionals in it as well as teenagers and amateurs. But this bill, aside from what you think of the increase in penalties, which I am not opposed to, or aside from what you think of giving the merchant more powers of arrest than a police officer has, this bill, as Mr. Lund has said, is incoherent. I don't know if they left a paragraph out or what they did, but I don't think any court could apply this law because there is something missing in it. They have left out a section or a page or something and for that reason I am going to vote against it.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have had considerable experience with this type of thing in years gone by. I have questioned that section 1 on title investigations. "Conducting an investigation, including reasonable interrogation of the detained person as to whether there has been a wrongful taking of merchandise." Who in heck has got the authority to ask these questions? It certainly isn't the merchant, and it can't be done until the police officer arrives. I will support Mr. Lund.

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

Mr. DYAR: Mr. Speaker and Members of the House: I feel fairly well qualified to speak on this bill having worked with a national chain for twelve years in every state in New England plus New York State, having managed stores in New Hampshire, Vermont and New York; and this is a very very serious problem and I feel that even though the gentleman from Augusta, Mr. Lund, feels that vail.

there is a potential issue of arrest by the merchant involved here, I think that this power should be extended in many cases.

It is very discouraging to a merchant or a store manager to know there is a shoplifter in the store with merchandise on him that he has taken through the act of shoplifting and have no means of stopping this person. It is very very hard to get a law enforcement officer into a store in most of these cases in time to make the apprehension.

I feel that there are a lot of virtues in this bill that are very good, and inasmuch as we will be back next week, it seems to me that a matter of this importance, that the gentlemen could get together and draw up amendments that would make this bill feasible and give the merchants in Maine some protection without having to wait another two years.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I heartily agree with the gentleman from Strong, Mr. Dyar. I do know from personal knowledge in years gone by that this shoplifting is a professional thing and it runs into millions of dollars of loss to the merchants every year. But nevertheless the law of common arrest as applied in the old English court does not apply in this chapter here as I interpret it. I suggest or could I suggest to Representative Lund that instead of indefinite postponement that he table this until something could be done to rectify some of the errors in this law.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Lund, that the Report and Bill be indefinitely postponed. The Chair will order a vote. Ail in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

41 having voted in the affirmative and 61 having voted in the negative, the motion did not pre-

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

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

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

Tabled—June 19, by Mr. Martin of Eagle Lake.

Pending—Further consideration.

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

Mr. BENSON: Mr. Speaker, with the understanding that the bill and all accompanying papers were indefinitely postponed in the Senate, I move that we recede and concur.

Thereupon, the House voted to recede and concur.

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

Bill "An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and Other State Agencies with Respect to Air Pollution" (S. P. 502) (L. D. 1597) (In Senate, passed to be engrossed)

Tabled—June 19, by Mr. Snow of Caribou.

Pending — Passage to be engrossed.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I have been trying this morning to prepare an amendment for this bill and I just within the last few minutes understand why I was having so much trouble with printing and I would hope that somebody would table this for me.

Whereupon, on motion of Mr. Tyndale of Kennebunkport, retabled pending passage to be engrossed and specially assigned for Monday, June 23.

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

Bill "An Act Creating a Human Rights Act for Maine" (H. P. 1263) (L. D. 1593)

Tabled—June 19, by Mr. Rideout of Manchester.

Pending — Adoption of House Amendment "A" (H-569).

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

Mr. RICHARDSON: Mr. Speaker, proceeding at our customary snail-like pace, the amendment which is in the process of being drafted is not ready to present to the members of the House as yet, and I would ask therefore that this matter remain on the table—or ask for some members to ask that it remain on the table for one day.

Whereupon, on motion of Mr. Benson of Southwest Harbor retabled pending adoption of House Amendment "A" and specially assigned for Monday, June 23.

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

Mr. RICHARDSON: Mr. Speaker, I present an order out of order, move its passage and would speak to the order.

Thereupon, the following Joint Order was read by the Clerk:

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, a Bill making supplemental appropriations for the expenditures of State Government and for other purposes for the fiscal years ending June 30, 1970 and June 30, 1971 and raising revenue for funding thereof which Bill shall reflect the provisions of Senate Paper 449, Legislative Document 1483 with the amendments thereto adopted as of this date. (H. P. 1278)

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: As you know, the basic part II budget now contains a number of amendments, some of which were adopted here in the

House; others were rejected after adoption in the House by the Senate. And we would like to direct the Appropriations Committee to report the bill out in a form which will be a good deal more comprehensible to all involved and this will not mean that by supporting this order that you are making any commitment on the document itself.

Now this problem has been precipitated by an opinion from the Attorney General of some eight or nine pages in length in which the question is raised as to whether or not this present Part II budget, which has on it a Senate Paper number and has amendments on it from the House for tax revenues, is consistent with our constitutional requirement that revenue measures originate in the House.

Now very candidly I don't feel that this represents a serious legal problem. There is ample precedent in past legislatures of following the course of action which we are following, but just so that there won't be any danger of some dissident person or group at some later time, in the happy event we are able to pass this, coming along and trying to overturn it, we are suggesting that this order receive passage which will direct the Appropriations Committee to report the bill back to the House and it will then become a House paper and the matter will be before us on Monday and at that time the gentleman from Madawaska, Mr. Levesque can offer to that bill what is now House Amendment "O"—I assume it will get a new House Amendment number and we will start again.

I hope you will accept this with good grace — I am sure you will, and I would therefore ask that you vote for the adoption of this order.

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

Mr. HEWES: Mr. Speaker, do I assume that the passage of this order would prevent our discussing the House Supplement Number 1, item L. D. 1483?

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

Mr. RICHARDSON: If the House Supplement is brought before the House, it may be discussed. However, I am advised by the gentleman from Madawaska, Mr. Levesque that he does not propose to offer House Amendment "O" today, that he would prefer to defer consideration of this until Monday. Therefore this does not result in any net loss of time.

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

Mr. HEWES: Mr. Speaker, I note that House Amendment "O" which is in front of us is an income tax provision. This being Friday afternoon, I would think that a great deal of time could be saved if we would vote on this, House Amendment "O" this afternoon and the air would be clear for more constructive action I think next Monday or Tuesday or whenever we reconvene.

The SPEAKER: The Chair would advise the gentleman and the House that House Amendment "O" is not before this body.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: Speaking on the joint order that was introduced by the gentleman from Cumberland, Mr. Richardson, I am in the wholehearted support of the procedure taken because of the events that have transpired this morning. And certainly the members of this House will have in due time the chance to discuss the entire document plus the possibility of any other new or any other old agreements that has been reached when this document comes back from this joint order. I think this will probably clear the clouds that are now presently hanging over this document. I think the members of the House will do justice to this document and possibly to any future amendments that may be offered in the effort of compromising, that when this

cloud is eliminated after this joint order is accepted, we may be able to proceed a proper perspective.

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

Mr. HEWES: Mr. Speaker, I submit that it would be better to vote for the joint order, which I will vote for of course, after we have discussed House Amendment "O" so that we will know whether or not that is to be included as part of the 1483 or not. If we vote for the joint order before we vote on House Amendment "O" we will then find ourselves confronted with a twenty-five page amendment which should be attached to L. D. 1483. If we vote against it, I think it will be clearer over the weekend on how to proceed from there to raise the necessary revenue.

The SPEAKER: The Chair will advise the gentleman that House Amendment "O" is not before this body.

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

Mr. BENSON: Mr. Speaker and Members of the House: Very very briefly, this is nothing more than a procedural matter that will erase any cloud or any question of the legality of the document as we are acting on it. It is nothing more than that.

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

Mr. JALBERT: Mr. Speaker and Members of the House: All this does will be to clarify the situation. I think now you would have to be a CPA to figure out just where we are financially, where we are and what the real price tag is of this document. At least it will come back under one roof with a proper price tag on it. It will not stop any amendments to be put on when we have a vehicle to work on. And I wholeheartedly concur with the leaders of both parties.

Thereupon, the Order received passage and by unanimous consent was sent forthwith to the Senate.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This forenoon in the legislative record remarks were made by the gentleman from Manchester, Mr. Rideout, to which I objected strenuously. This great friend of mine in the last two sessions of the Legislature I took issue with and has gotten up on the legislative record to offer his humble apologies. Because of the great friendship that I have had with the gentleman from Manchester, Mr. Rideout, not because of his sentiment of apology to me for the expression he has made, I most humbly accept those apologies and I know that these remarks were made only in the heat of emotion and that many times during the legislative session this does happen and I accept the apologies most humbly.

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The Chair laid before the House the following matter:

House Order re Legislative Research Committee Appointing a Subcommittee on Governmental Operations (H. P. 1280) which was tabled earlier in the day and later today assigned.

Mr. Jalbert of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-578) was read by the Clerk as follows:

Amend said Order in the 5th paragraph by inserting after the word "ORDERED," the words and punctuation 'the Senate concurring.'

House Amendment "A" was adopted.

The Order was passed as amended by House Amendment "A" thereto and sent up for concurrence.

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On motion of Mr. Richardson of Cumberland,

Adjourned until Monday, June 23, at ten-thirty o'clock in the morning.