

# 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

Index

**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Monday, June 30, 1969

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

Prayer by the Rev. Mr. Claude Wivell of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

**Papers from the Senate Conference Committee Report**

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

Bill "An Act relating to Property Tax Administration" (S. P. 392) (L. D. 1340) reporting that they are unable to agree.

(Signed) SEWALL of Piscataquis  
KATZ of Kennebec  
MARTIN of Piscataquis  
— Committee on part of Senate.  
BRAGDON of Perham  
EVANS of Freedom  
DUDLEY of Enfield

— Committee on part of House.

Came from the Senate read and accepted.

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

**Non-Concurrent Matter**

Joint Order relative to Legislative Research Committee study re drug education being offered in Maine public schools (H. P. 1297) which was passed in the House on June 27.

Came from the Senate indefinitely postponed in non-concurrence.

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

**Non-Concurrent Matter**

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

Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585) which failed of final passage in the House on June 27 and which was passed to be engrossed as amended by House Amendment "C" as amended by House Amendment "A" thereto on June 26.

Came from the Senate finally passed in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and assigned for later in today's session.

**Messages and Documents**

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

June 28, 1969

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

Dear Madam Clerk:

The Senate has voted to adhere to its former action whereby it indefinitely postponed Bill, "An Act Providing for Presidential Preference in Primary Election" (H. P. 1151) (L. D. 1473).

Respectfully,

(Signed) Jerrold B. Speers  
Secretary of the Senate.

The Communication was read and ordered placed on file.

**Orders of the Day**

On motion of Mr. Levesque of Madawaska,

Recessed until three o'clock in the afternoon.

**After Recess**

3:00 P. M.

Called to order by the Speaker.  
The SPEAKER: The Chair would call your attention to Supplement No. 1.

**Conference Committee Report**

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

Bill "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment" (H. P. 1275) (L. D. 1603) reporting that they are unable to agree.

(Signed) BRAGDON of Perham  
FARNHAM of Hampden  
HARDY of Hope

— Committee on part of House.  
BERRY of Cumberland  
REED of Sagadahoc  
SEWALL of Penobscot

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The following papers from the Senate were taken up out of order by unanimous consent:

**Senate Report of Committee  
Ought to Pass with  
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 366) (L. D. 1248) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House:

The "Ought to pass" Report was accepted in concurrence and the Bill given its two several readings.

Committee Amendment "A" (S-317) was read by the Clerk and adopted in concurrence.

Senate Amendment "D" (S-332) was read by the Clerk and adopted in concurrence.

Senate Amendment "E" (S-335) was read by the Clerk and adopted in concurrence.

Senate Amendment "G" (S-338) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading.

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

Mr. RICHARDSON: Mr. Speaker, is the offering of a House amendment in order at this time?

The SPEAKER: Amendments are in order.

Mr. RICHARDSON: Mr. Speaker, I offer House Amendment "D" to L. D. 1248, under filing number H-611, and move its adoption and would speak to the motion.

House Amendment "D" (H-611) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: In defense of the legislative process I want you to know that all of the mistakes and so forth that we are charged with are not truly our own and this is a case in point where we now have information that the State Tax Assessor can, without any projected revenue loss, effect a waiver or rebate of the auto trade-in tax paid during the month of June 1969. You will recall that we repealed the auto trade-in and then by our action of the day before yesterday went back to the old law.

Now from a public relations point of view I think that this is an excellent thing for us to do, that is to permit the State Tax Assessor to have a waiver or a rebate of the amount of taxes paid by a person in June of 1969 that he would not have had to pay but for our previous action. Therefore I hope that the House will adopt House Amendment "D" which is before you under filing H-611 and it is self-explanatory, which is the reason I have made such a long speech about it.

Thereupon, House Amendment "D" was adopted.

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

Mr. FRASER: Mr. Speaker, am I to understand that Senate Amendment "G" under filing number 338 has already been acted upon?

The SPEAKER: The information is correct.

Mr. FRASER: I move that we reconsider our action whereby this amendment was adopted.

The SPEAKER: The gentleman from Mexico, Mr. Fraser moves that the House reconsider its action whereby it adopted Senate Amendment "G".

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In opposition to the motion to reconsider, I want to make two things

very very clear. First of all, the question of our applying our state income tax prospectively or to embrace prospective changes in the federal law is covered in this bill, and therefore it is necessary that the emergency preamble be placed on this bill.

The second thing is that this does not exempt railroads from the operation of a state income tax. At the outset, of course, the very persuasive members of the railroad lobby had requested that they be exempted and we have consistently refused to do so. The only thing that this amendment does is to make clear that the so-called gross receipts tax imposed by the railroads on themselves still stands in lieu of other forms of taxation by municipalities, and we do not give them any tax advantage under our income tax law and this amendment doesn't give them any either.

And I want to make that clear that we have been over and over this and I hope that the House will not reconsider the adoption of Senate "G".

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

Mr. FRASER: Mr. Speaker, I hesitate to, I certainly don't feel qualified to read law in the way the gentleman from the other side of the hall does but it looks to me here like it says, by paying of an excise tax that it takes care of all their taxes—"Every corporation, person or association operating any railroad in this State under lease or otherwise shall pay to the State Tax Assessor, for the use of the State, an annual excise tax for the privilege of exercising its franchises and the franchises of its leased roads in the State, which, with the tax provided for in section 561, in place of all taxes upon such railroads and its property." I just don't understand it.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I can only assure the gentleman that the amendment was prepared

in the Attorney General's office originally, that we have no intention to exempt railroads from the payment of a corporate income tax under the income tax previously collected and the only reason for this amendment is to, it returns the law to what it was before we adopted the income tax and all this does is provide that the railroads shall be exempt from municipal tax liability under this and I can only assure the gentleman that there is absolutely no intention on our part to exempt railroads from the payment of a corporate income tax. And this position has been consistently taken by the leadership right from the beginning.

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

Mr. MILLS: Mr. Speaker, I pose a question to the Majority Floor Leader, the gentleman from Cumberland. As I understand this this stops all municipalities from taxing any railroad property, such as rolling stock going through their territory?

The SPEAKER: The gentleman from Eastport, Mr. Mills poses a question through the Chair to the gentleman from Cumberland who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, when the corporate income tax was originally proposed, and there is some dispute about this between myself and a member of the railroad lobby, but when it was originally proposed some question was raised as to whether or not we intended to tax, place a corporate income tax on corporate profits from operation of railroads. Now this has been and still is our intention to place a corporate tax. All the amendment does is preserve the existing law as it was with reference to railroads prior to the adoption of our income tax.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I understand it now this puts this law back to where it was originally. There are some in the trucking industry who felt that this was

taking the railroads out of the corporate income tax and if they were taken out of the corporate income tax, the railroads, then the truckers should be. This is not right. This merely puts the law back to where it was and it does not take the corporate income tax, the railroad people out of the corporate income tax. It leaves them there. This amendment should pass.

The SPEAKER: Is the House ready for the question? The pending question is reconsideration. All in favor of reconsideration say yes; those opposed say no.

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

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

Mr. HICHENS: Mr. Speaker, I offer House Amendment "A" to Committee Amendment "A" under filing number H-595 and move its passage and would speak on my motion.

The SPEAKER: The Chair understands that the gentleman from Eliot, Mr. Hichens moves that we reconsider our action whereby Committee Amendment "A" was adopted. Is this the pleasure of the House?

(Cries of "No" and "Yes")

The Chair will order a vote. All in favor of reconsidering the adoption of Committee Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

44 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is the adoption of Committee Amendment "A".

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

Mr. HICHENS: Mr. Speaker, is it permissible to put an amendment on the Committee Amendment now?

The SPEAKER: You have the opportunity to offer an amendment to Committee Amendment "A".

Whereupon, the same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-595) was read by the Clerk.

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago as a freshman legislator I was naive enough to accept inconsistent amendments in good faith. When I returned home following the session I was severely chided for voting in favor of a portion of the education inconsistencies amendment that hurt my own area. I had not noticed this gem hidden in the amendment. At the special session I was able to have this corrected. Since then I have learned to read L. D.'s and amendments especially those of this type. In so doing I found very definitely hidden in this amendment before us a section which adds restaurants and taverns, or in more common terms saloons, to the 1:00 a.m. Sunday opening permits. This just pushes the door open much wider toward complete Sunday sales of liquor and malt beverages in the state.

Regardless of my own personal opinions on Sunday sales, if this amendment were to be considered I believe it should have come through the Liquor Control Committee where the original bill was heard and later passed and signed by the Governor and not as an inconsistency in the public laws submitted by the Judiciary Committee, a bill dealing with revisions of the liquor laws that has been under consideration for several days and was enacted last Friday, yet no such amendment as this was added.

I therefore request that House Amendment "A" to Committee Amendment "A" be adopted.

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

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen of the House: The Act to Correct Errors and Inconsistencies in the Public Law is designed just to do that, to pick up the pieces that we might have missed in the rush of getting legislation out. Now as I understand this, we had intended in the L. D. that permitted one o'clock

closing to include Class A restaurants and clubs, et cetera, and because of the wording of the way that came out some of them are going to have to close at midnight, some are going to have to close at one.

Now this item in the Errors and Inconsistencies bill is to have them all close at the same time which was the intent of the initial legislation and I would ask you to vote against this amendment so that we can have the bill as it was intended in the first place.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I hope you will not vote against the acceptance of the amendment and that you will support Mr. Hichens from Eliot. Last week or so Mr. Hichens from Eliot pointed out to me this situation which existed in Committee Amendment "A" of which I was not aware and I don't believe that many other members of the Judiciary Committee were aware. Now we tried to be very fair in that Committee and anything that goes against our grain is something that finds its way into the omnibus bill much to our surprise. Now for that reason if for no other reason I hope that you will not defeat the motion to adopt Mr. Hichens amendment and when the vote is taken I would request a division.

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

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I was the sponsor of the original one o'clock closing bill and there was a mistake in that bill which I did not realize and did not recognize until I saw the omnibus bill. Our original intent was — my original intent anyway was that the Class A restaurants, hotels and clubs would be allowed to serve liquor at 1:00 A.M. year round, and the law as it was formerly on the books provided that the closing time would be Eastern Standard Time, which meant that they would run until twelve o'clock during the winter and one o'clock

in the summer, and this applied to all establishments.

And now when we changed it we made it prevailing time and we find that we have actually cut back the restaurants and taverns and we have taken an hour away from them in the summer. I discussed this matter with the gentleman from Eliot, Mr. Hichens and my only hope was that we could effect some compromise amendment here where we could at least restore the original rights and the laws to them. We were not able to achieve any meeting on this. Therefore I would ask you to defeat the amendment and leave the omnibus bill as it is.

The SPEAKER: Is the House ready for the question? The pending question is the adoption of House Amendment "A" to Committee Amendment "A". All in favor of its adoption will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 55 having voted in the affirmative and 69 having voted in the negative, House Amendment "A" to Committee Amendment "A" failed of adoption.

Committee Amendment "A" was then adopted.

Mr. Berman of Houlton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-593) was read by the Clerk.

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

Mr. HEWES: Mr. Speaker, Members of the House: As I look at this amendment this is a substantive change in the law. It is probably very worthwhile but in this section, Section 4459 of Title 22, it sets forth the duties of the overseers of towns and it sets forth employment of paupers, town paupers. The very last sentence is the sentence that is referred to on your amendment here that "Any person who refuses without lawful excuse to perform the employment directed by the town" —referring to a pauper, "shall be punished by a fine of not more than \$20 or by imprisonment for not more than 90 days for each offense, or by both."

I would think this is a substantive change and if we are only going to make procedural changes in this act to correct errors and inconsistencies we should not adopt this particular amendment. Instead we should wait until next session, I should think, and if a bill like this comes up it no doubt would receive the support of the Legislature.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am wondering, I am not too well qualified on this end of it, but I am wondering if this would stop the towns when they tell a man where his wife is under ADC and they are being supplemented by the town under general relief, and if a town requests him to shovel snow or something like that when he isn't working to cover up some of this supplement allowance that is given to a recipient of ADC, I believe this would conflict with it. So I am very much against this amendment if my feeling is correct.

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 as brief as I can in explaining the purpose of the amendment. At the present time the City of Bath is a defendant in an action brought by a welfare recipient. The suit requests that a declaratory judgment, that Title 22 Maine Revised Statutes Annotated, Section 4459 violates the United States Constitution, Amendments 13 and 14 and 42 United States Code, Sections 1981 and 1994. This matter was brought to my attention by my good friend and esteemed colleague from Bath, Mr. Ross.

I suggested to Mr. Ross when this matter came up late in the session that he would see if we could do this in the more or less pure way, by having a bill introduced into the Legislature and having a public hearing on it. But membership very wisely decided that this was late in the session and that if something were to be done to alleviate this situation in

the litigation which the City of Bath is defendant, that it could be done on the omnibus bill.

Now we are not trying to put anything over on anybody, but this last sentence that House Amendment "A" is seeking to take out frankly under our Constitution, as has been enunciated by the United States Supreme Court, would hold our statute unconstitutional; namely, that anyone who is a welfare recipient and refuses to work could be under the present laws of the State of Maine punished by a fine of not more than \$20 or by imprisonment for not more than 90 days for each offense or by both.

Now frankly I think that this is a pretty good provision and I can agree with the situation and the feelings of the gentleman from Bridgewater, Mr. Finemore. The only point is, that if we leave this on the books of the State of Maine and not adopt House Amendment "A" our Maine statute is going to be declared unconstitutional. If this House in its judgment wishes our Maine statute to be declared unconstitutional, all well and good, because I am sure the gentleman from Bath and myself don't have any direct interest in being welfare recipients.

However, I think we should do the very forthright thing and actually bring this situation to a close by adopting House Amendment "A" and bringing the State of Maine statutes into line with the federal court decisions; and for this reason I hope that you will adopt House Amendment "A". Any further questions on this matter might be directed to my good friend and colleague from Bath, Mr. Ross.

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

Mr. ROSS: Mr. Speaker and Members of the House: I will admit that this is a substantive change, but it did come up very late in the session. I requested that a public hearing be held but I was told that it would be better to put it in this way. Now it does have definite statewide implication, because in the City of Bath we are requesting welfare



recipients who are able bodied and able to work to do work, like Mr. Finemore from Bridgewater said — shovelling snow or doing a little work on the roads and so forth.

But, a very disgruntled gentleman in this category got hold of Pine Tree Legal Assistants group and they decided that they would make a test case out of the City of Bath, and that they would try to prove the whole thing unconstitutional; and if they do none of these cities or towns will be able to use these people and the welfare recipients will just, no matter how able bodied they are, they will just be able to laugh at us if we request that they do any work at all.

Now this went before Judge Ed Gignoux and he has called a three-judge hearing on it. It is pretty important and pretty difficult and maybe it is going to be called unconstitutional anyhow. But this is the only chance we have by removing these penalties to have it declared constitutional. So those of you who want your welfare recipients to work and if they are able bodied, if you don't vote for this amendment you have no chance of having them work because the whole thing will definitely be declared unconstitutional.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I am personally surprised that this law is on the books. It certainly smacks of an involuntary servitude which is, I think, clearly unconstitutional. I think this is well pointed out by the gentleman from Houlton, Mr. Berman. So I would urge the adoption of this amendment to get some of these worn-out laws off the books that probably won't meet a constitutional test.

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

Mr. VINCENT: Mr. Speaker and Members of the House: It is my understanding that the person, welfare recipient, that does this work will not be paid the going rate. Does this mean that the person that presently holds the job

will be fired causing a second unemployment?

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

Mr. McTEAGUE: Mr. Speaker, I would address a question through the Chair to any member that might care to answer. If we pass this part of the errors and inconsistencies law and remove the criminal penalty in this situation, what would be left on the books? Would the town be able, if an individual did refuse to work who is able bodied, would they be able to deny him welfare in the future, or what sanction would they have?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to anyone who may answer. The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: In answer to the question if we remove the penalties, the mandatory penalties, no, of course, the town cannot force because they will have no penalty; but those who are willing to work, those who are conscientious enough, those who want welfare but are willing to work it off can do it. And to answer the question of the gentleman from Portland, Mr. Vincent, as far as paying the going wage, they are being paid different wages in different towns but at no time are they being paid less than the minimum wage. And certainly no other persons would be laid off because of it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Having served many years as a selectman and having to ask these people — and now believe me an awful lot of these people that do come for this assistance you wouldn't even ask to because they are people that need assistance, they are aged or they have got arthritis or something like that; and I think no reasonable man would ever ask them to do anything. But you have on this particular job when you are an assessor in a small town, you have a lot of very abled bodied citizens that just don't want

to work and that is why they are requiring assistance and come to you for assistance.

Now in my case we used to ask them to clean up the school yard, the papers in the school yard, or mow the school yard, or trim the trees in the school yard, or many other little jobs that you normally wouldn't get done, and come in and get a town order.

Now I am sure if we were to pass this order these people wouldn't do it at all. And I don't think this is a good order. It wouldn't be — when I was an administrator it wouldn't be a good job, and I suspect it wouldn't be a good one for those people that is administering local affairs today.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I would pose a question to Representative Ross. What effect would this have on the veteran's status? As it stands now a veteran cannot be pauperized in the State of Maine. What effect would this have on that?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer the question.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This would have no effect on the veteran's status.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I didn't realize this House Amendment which is trying to do something to clear up a situation in Maine's jurisprudence was going to run into such objection. Now I haven't had a chance to discuss this with my good friend and seat-mate, the gentleman from Enfield, Mr. Dudley, and I certainly wouldn't pose as an expert in the field of running a retail gasoline outfit or some of the other activities in which Mr. Dudley is undoubtedly an expert. But this a

field in which I am not an expert but I do know something about and I am trying to relieve a situation where the state of the Maine law is that if we didn't adopt House Amendment "A", if we went along with the feeling of my good neighbor, Mr. Dudley, the State of Maine would have an unconstitutional statute on the books. And I really don't think that that is what we should do. So I hope you will go along and adopt House Amendment "A".

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Very very briefly, not to keep going with it, as I understand the gentleman from Houlton, Mr. Berman, to say that this is unconstitutional now; and I understand the gentleman from Bath, Mr. Ross, to say that it hasn't been proven unconstitutional yet. I would like to know which one is right and which one is wrong.

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

Mr. ROSS: Mr. Speaker and Members of the House: It has not actually been declared unconstitutional as yet. But we have been assured that if we do not adopt this amendment it will be declared unconstitutional and, if it is, then no longer can you even request these people to shovel snow or work on the roads or anything.

The SPEAKER: A vote has been requested. All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 118 having voted in the affirmative and 4 in the negative, House Amendment "A" was adopted.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I would like to offer House Amendment "B" to the omnibus bill under filing number 594 and would speak briefly to my motion.

House Amendment "B" (H-594) was read by the Clerk.

The SPEAKER: The gentleman may continue.

Mr. BERMAN: Mr. Speaker and Members of the House: I would like to explain what House Amendment "B" is about so that you won't think that anything is being put over on you. During the session we had a bill before Judiciary Committee regarding people who are hospitalized in either Bangor or Augusta State Hospitals and other institutions of the State who may wish to petition the court that they be allowed to be freed from such institutions. Now somewhere along the line, the way that the state of the law at the present time is, the petition would have to be directed to the court in the county from which the person was sent to this institution.

Now it made good sense to the Attorney General's Department and to the Commissioner of Mental Health and Corrections that it would be much better if the petition were held say in Penobscot County if the person were in the Bangor State Hospital, or in Kennebec County if the petitioner were in the Augusta State Hospital; and that pure and simple is what this amendment is all about. So I hope you will go along and adopt House Amendment "B".

Thereupon, House Amendment "B" was adopted.

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

By unanimous consent ordered sent forthwith to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOÏN: Mr. Speaker, is L. D. 1248 still in the possession of the House?

The SPEAKER: The Chair would advise the gentleman that this matter has just been passed to be engrossed and sent under unanimous consent to the Senate.

Mr. BOURGOÏN: Thank you.

#### Non-Concurrent Matter

An Act Increasing the Number of Superior Court Justices (H. P. 955) (L. D. 1236) which was passed to be enacted in the House on May 2 and passed to be engrossed on April 25.

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

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

By unanimous consent ordered sent forthwith.

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

#### Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585) which failed of final passage in the House on June 27 and which was passed to be engrossed as amended by House Amendment "C" (H-541) as amended by House Amendment "A" (H-585) thereto on June 26.

Came from the Senate finally passed in non-concurrence.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Last week we had quite an extensive debate on this matter. The House refused to enact this measure for very sound reasons. So I say simply today that I hope the House will stand by its position and not enact this amendment.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As was indicated by the gentleman from Houlton, Mr. Berman, that this came before us last week and was debated for some time and failed enactment. I think primarily it failed enactment because a large number of the members of the House were not in attendance for very obvious reasons, that the weather was almost unbearable and the heat of the House itself in some instances became quite unbearable.

I would indicate to the members of the House that I think as was indicated last week, that again this week the same situation that comes before us, that we should have an Attorney General that is responsive to the needs of the people of the State. And I think by enacting this piece of legislation this is exactly what we are going to be doing, having the Attorney General elected by the general public to serve for a four-year term. And I think this is a proper action for the members of this House to do, and I hope that you will vote for the motion to recede and concur, and when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The Chair understands that the gentleman from Madawaska, Mr. Levesque, moves that the House recede and concur. This requires a two-thirds affirmative vote and 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 the desire for a roll call a roll call was ordered.

The SPEAKER: The pending question is the final passage of L. D. 1585. This being a Constitutional Amendment a two-thirds vote of the House is necessary. 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 — Barnes, Benson, Bernier, Binnette, Boudreau, B o u r g o i n, Bunker, Burnham, Carey, Carter, Casey, Chandler, Coffey, Corson, Cote, Cottrell, Crommett, Crosby, Croteau, Curran, Cushing, Dam, Drigotas, Erickson, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Gilbert, Giroux, Good, Harriman, Haskell, Heselton, Hewes, Hichens, Hunter, Jalbert, Johnston, Keyte, Kilroy, Lawry, Label, Leibowitz, LePage, Levesque, MacPhail, Marstalker, Martin, McKinnon, McTeague, Mills, Mitchell,

Moreshead, M o r g a n, Nadeau, Noyes, Ouellette, Pratt, Richardson, H. L.; Rideout, Rocheleau, Sheltra, Starbird, Stillings, Susi, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler, Wood.

NAY — Allen, Baker, Berman, Birt, Brown, Chick, Clark, C. H.; Clark, H. G.; Curtis, Donaghy, Dudley, Durgin, Dyar, Emery, Farnham, Finemore, Foster, Hall, Hanson, Hardy, Hawkens, Henley, Huber, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, McNally, Meisner, Millett, Mosher, Norris, Page, Payson, Porter, Quimby, Rand, Richardson, G. A.; Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Trask, White, Wight.

ABSENT — Bedard, Bragdon, Brennan, Buckley, Carrier, Couture, Cox, Cummings, D'Alfonso, Danton, Dennett, Eustis, Evans, Fortier, M.; Jameson, Jutras, Laberge, Marquis, Ricker, Santoro, Tanguay, Williams.

Yes, 75; No, 53; Absent, 22.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-three in the negative, and seventy-five not being two thirds, the Resolve fails of final passage.

Thereupon, the House voted to adhere.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Turning back to L. D. 1248, it is my understanding now that this does take the railroad out of the tax obligation, and this apparently is now the understanding of the Taxation Division and also the parties involved. It is my further understanding that the situation will be remedied in the other branch because the people involved within the railroad confines realize this and they just want the law put back to where it was. But it was an honest error that was made.

Mr. Hewes of Cape Elizabeth presented the following Order out of order and moved its passage:

ORDERED, the Senate concurring, that the members on the Joint

Standing Committees on Judiciary and Legal Affairs, who have not previously received a copy of the Annotated Revised Statutes of 1964 as such members, shall be given copies of the Annotated Revised Statutes of 1964; and all other members and the legal clerks of said Joint Standing Committees shall be given copies of the Unannotated Revised Statutes of 1964.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would pose a question to the gentleman from Cape Elizabeth, Mr. Hewes, how many sets does this entail, because I am aware that they do cost \$175 per set, and so I would ask the gentleman to tell us how much money we are going to spend.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses and the Chair recognizes that gentleman.

Mr. HEWES: In reply to the gentleman's question, there are a total of twenty committee members. I do not know exactly how many are new ones or first timers. There are probably perhaps ten new members and repeat members are ten. The annotated set costs if you have a figure of \$175, I will accept that; it is at least that — and the other set costs at retail upwards to \$60. I think the State buys it for less than that. So in short that would be probably \$2,000.

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

Mr. MARTIN: The annotated revised statutes sell on the open market for \$325 a set. The State can purchase them for \$175 a set. Mr. Speaker, I move the indefinite postponement of this order.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that this Order be indefinitely postponed. Is the House ready for the question?

All in favor say aye; those opposed say no.

A viva voce vote being taken, the motion prevailed.

#### Non-Concurrent Matter

Bill "An Act relating to Expenses of the Clerk of the House of Representatives" (H. P. 44) (L. D. 45) which was passed to be engrossed as amended by Committee Amendment "A" in the House on June 6.

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

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

The SPEAKER: The Chair would advise the members that there is a short waiting period for Senate papers. If you will be patient the Chair will place you at ease until such time as the Senate papers are ready and the Supplement is out.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 3.

The following papers from the Senate were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act Appropriating Funds for Health Education (S. P. 121) (L. D. 383) which was passed to be enacted in the House on February 27 and passed to be engrossed on February 25.

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

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

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

An Act Revising the Maine Mining Law (H. P. 339) (L. D. 448) which was passed to be enacted in the House on May 29 and passed to be engrossed as amended by Senate Amendment "A" and House Amendments "A" and "B" on May 23.

Came from the Senate passed to be engrossed as amended by

Senate Amendment "A", House Amendments "A" and "B" and Senate Amendment "B" in non-concurrence.

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

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Resolve Authorizing a Study of the Operational Aspects of the Superior and Supreme Courts (H. P. 404) (L. D. 515) which was finally passed in the House on April 25 and passed to be engrossed on April 18.

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

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

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

An Act Appropriating Funds for the Operation of the Maine Mining Commission (H. P. 882) (L. D. 1141) which was passed to be enacted in the House on May 28 and passed to be engrossed on May 22.

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

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

By unanimous consent ordered sent forthwith to the Senate.

The SPEAKER: The Chair will call your attention to Supplement No. 4.

#### Conference Committee Report

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

Bill "An Act relating to the Employment of the Handicapped" (S. P. 487) (L. D. 1571) reporting that the House recede from indefinite postponement and from passage to be engrossed, recede from acceptance of the Report of the Committee on State Government reporting "Ought to pass" in new draft (S. P. 487) (L. D. 1571) and substitute the original Bill (S. P. 94) (L. D. 277) under title of "An Act Establishing the Gov-

ernor's Committee on Employment of the Handicapped" for the Report, 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)

RIDEOUT of Manchester  
LEVESQUE

of Madawaska  
MARSTALLER

of Freeport  
— Committee on part of House.

WYMAN of Washington  
KATZ of Kennebec

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The House receded from indefinite postponement, from passage to be engrossed and from acceptance of the "Ought to pass" in new draft report of the Committee.

The original Bill was substituted for the Report and read twice. Conference Committee Amendment "A" was read and adopted. Under suspension of the rules, the Bill was given its third reading.

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

By unanimous consent, ordered sent forthwith.

On motion of Mr. Richardson of Cumberland,

Recessed until seven o'clock in the evening.

After Recess  
7:00 P. M.

Called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 5.

The following papers from the Senate were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 366) (L. D. 1248)

which was passed to be engrossed as amended by Committee Amendment "A", Senate Amendments "D", "E" and "G" and House Amendments "A", "B" and "D" in non-concurrence in the House earlier in the day.

Came from the Senate with Senate Amendment "G" indefinitely postponed and the Bill passed to be engrossed as amended by Committee Amendment "A", House Amendments "A", "B" and "D", and Senate Amendments "D", "E", "H", "I" and "J" in non-concurrence.

In the House:

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

Mr. BERMAN: Mr. Speaker and Members of the House: A parliamentary inquiry. I have been looking on my desk and I find only Senate Amendment "J". I wonder if I could inquire what Senate Amendment "D", Senate Amendment "E", Senate Amendment "H", Senate Amendment "I" is about?

The SPEAKER: Senate Amendment "J" has been distributed. All amendments have been distributed to your desk.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Perhaps to allay any fears any of you might have, Senate Amendments "H" and "I" deal with the authority of enforcement authorities in the liquor inspection field to maintain actions. Senate Amendment "H" under filing No. S-342 provides that inspectors and agents of licensing authorities in issuing licenses shall have the authority to investigate and prosecute complaints against its licensees for violation. "I" makes clear the responsibility of the Clerk of Courts in the absence or unavailability of a complaint justice, county attorney or assistant county attorney to prepare and draft complaints upon the request of any law enforcement officer.

Well the only other non-concurrent matter in the bill is to correct a situation which existed as a consequence of a misunderstanding

on the intent of the Legislature, and finally this has been straightened out and this deals with the question of the applicability of the corporate income tax to railroads. It has always been the legislative intent to apply this tax. The Attorney General's office drafted the language which appeared in the income tax legislation. The members of the railroad lobby wanted to return the law to its previous state.

After our debate on this matter today I was informed for the first time by the State Tax Assessor that the language proposed by the railroads would, in fact, do what the gentleman from Mexico, Mr. Fraser feared was being done. I want to assure him that this was unintentional on our part certainly, and for this reason we have now amended that language out and the railroad corporations will pay the corporate income tax and will also pay the sales tax and the gross receipts tax under which they labored under previous law.

I apologize to the House for any uncertainty or confusion that may have arisen as a result of this. The Press, to the contrary notwithstanding, we do not make these errors, we simply persist in refusing to equip ourselves with sufficient staff to do our legislative work efficiently. But this bill in its present form I believe corrects all the necessary errors. The Senate receded and concurred with us in the adoption of the amendment proposed by the gentleman from Houlton, Mr. Berman. Therefore, I hope you will now pass this bill to be engrossed.

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

Mr. McTEAGUE: Mr. Speaker, I would address a question through the Chair to the gentleman from Cumberland, Mr. Richardson, regarding the amendment to the bill which would, as I understand it, direct county attorneys or assistant county attorneys to prepare criminal pleadings at the request of any law enforcement officer. What effect would this have on our current complaint justice system? I understand the payment for those services by complaint

justices is made out of the district court fund, and I assume that the added burden on the county attorney's office might ultimately affect the level of compensation there to the county attorneys and the assistants.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In response to the gentleman's question let me say that this bill simply provides that the Clerk shall in the absence or unavailability of a complaint justice, county attorney or assistant county attorney. Now the situation that exists in some counties, and I don't want to name the county because it might lead to some embarrassment, but they have one of these things—you have got to let go of your end of the bat before I let go of mine because I know you are going to hit me with it, and they are playing this game in this particular county. And as a result, law enforcement comes to a screeching halt.

Now this amendment, as I understand it, envisions our continuing our present situation where it is the complaint justice's primary responsibility. But when you don't have one available for one reason or another we feel that we should cover this situation so that the enforcement of the criminal law doesn't just come to an absolute standstill while a group who has some characteristics of prima donnas decide whose responsibility it is. So I don't envision and I don't think the sponsor of this amendment, Senator Mills, envisions any change in our basic method of securing warrants and indictments.

Thereupon, the House voted to recede and concur.

#### Non-Concurrent Matter

Resolve to Reimburse Charles A. Holden of Portland as Agent of Conservator of Casco Merchantile Trust Company (S. P. 38) (L. D. 121) which was finally passed in the House on February 11 and

passed to be engrossed on February 6.

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

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

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

An Act Establishing a Full-time Administrative Hearing Commissioner (H. P. 1242) (L. D. 1577) which was passed to be enacted in the House on June 27 and passed to be engrossed as amended by House Amendments "A" and "C" on June 24.

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

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

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

An Act Changing Name of State Soil and Water Conservation Committee (H. P. 353) (L. D. 461) which was passed to be enacted in the House on March 18 and passed to be engrossed as amended by Committee Amendment "A" on March 12.

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

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

By unanimous consent ordered sent forthwith to the Senate.

#### House at Ease

The SPEAKER: The House will come to order. Supplement No. 6.

#### Conference Committee Report

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

Bill "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys" (H. P. 1049) (L. D. 1377) reporting that the House recede from recommitting



the Bill and the "Ought to pass" as amended by Committee Amendment "A" Report of the Committee on State Government, that the House substitute the Bill for the Report, 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) RIDEOUT of Manchester  
RICHARDSON

of Cumberland  
JALBERT of Lewiston  
—Committee on part of House.

LOGAN of York  
TANOUS of Penobscot  
BELIVEAU of Oxford  
—Committee on part of Senate.

Report was read.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: After looking over this Committee of Conference Report I am somewhat surprised at the amount of increases that they have delegated to these County Attorneys and their assistants. I am looking at Cumberland County, they were quite generous with them, they give them for the County Attorney \$2,000. But they go back down to Penobscot County and they give them a \$2500 increase.

Now I think that we worked pretty hard to get the Supplemental Budget in and I think that we should try to at least save a little bit of money somewhere along the line and not acquiesce to all these demands. I therefore move that we reject this Committee of Conference Report.

The SPEAKER: The gentleman from Old Town, Mr. Binnette moves that the Conference Committee Report be rejected.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: If the gentleman would remember this was taken from the initial bill and the raises in the initial bill were considerably more than this. Now this was the thinking of a compromise position whereby the

workloads of the various counties and their sizes were attempted to be taken under consideration. The initial bill had a price tag of some \$157,000 on it; this one has 33 on the first year and 67 on the second.

Now this is an interim bill between the current condition and the bill that we passed for full time county attorney prosecution in the five major counties and a pay raise for the minor counties, and I would hope that you would reject the motion of the gentleman to reject this committee report and accept it.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I stand this evening in full support of the gentleman from Old Town, Mr. Binnette. This Committee of Conference Report is going to cost the State of Maine over a hundred thousand dollars in the biennium. It really isn't going to do a thing toward providing adequate county attorneys in the more populous counties where county attorneys should be full time. Now I think that the people who worked on full time county attorneys for the Counties of Androscoggin, Aroostook, Kennebec, Penobscot, Cumberland and York did an outstanding job. I think that this was a step for moderate progress. This Committee of Conference Report I am sorry to say is not moderate progress; it is just the State of Maine spending over \$100,000 in the next biennium and just perpetuating the current system. So I hope that you will go along with the gentleman from Old Town, Mr. Binnette; and when the vote is taken I respectfully request a division.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly in opposition to the pending motion. It should be pointed out that assuming we get favorable action on the full time County Attorneys bill, it will not be effective until 1971. That means that whatever we do here or fail to do will be the pay

scale at which these County Attorneys will be continuing to work for the balance of this year and the balance of next year.

The County Attorneys' workload has been increasing rapidly since the previous two sessions. At the last session of the Legislature the County Attorneys received no pay increase and I would suggest to the House that this is vastly out of proportion with the rapid increase in the volume of business that is being done by the County Attorneys due to the changing rules of criminal procedure and the advent of a great many more hearings in court which require their attendance.

The suggestion has been made that this isn't going to make any change. Well perhaps it won't make any formal change, but many of these gentlemen are working very very close to full time now, particularly in the larger counties; and it would appear to me that this committee report at least recognizes that fact and will go a long ways towards compensating them for the time they are already putting in.

So I hope that the House will vote against the motion to reject the report.

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

Mr. DAM: Mr. Speaker and Members of the House: I arise to oppose the motion to reject the Conference Committee Report. Looking this over at Somerset County I see they have come up with a figure of \$8500. Just last week our County Attorney resigned. When he took the job he was elected, this was going to be a part time job. It has now turned almost into a full time job, and because of the length of time that he had to put in he could not work under the old pay scale; and by raising this up to \$8500 I think this is fair for my county, I hope the other counties feel it is fair for their counties also.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I would support the motion for re-

jecting the report of the Committee of Conference and ask for a new Committee of Conference, even at this late date. The reason for this is very simple. There has been a traditional relationship between some of the smaller counties and because of the new workload brought on by the District Court system the situation has been aggravated and I notice most of the counties that are in the same classification as Washington County, which of course I am most interested in, have an assistant as well as the County Attorney.

So if we are going to have to have a full time man because there are two courts and a great territory to cover we either should have more for our County Attorney or an assistant for him.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I rushed down in the little recess to talk to the assistant floorleader and he didn't have the opportunity to answer quickly the question I posed for him and I would be glad if anybody would answer it that could. In the first place, who pays these raises, the county or the State, and is this \$33,650 — \$67,300 what the State would pay if the State pays it?

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

Mr. RIDEOUT: Mr. Speaker, on page three of the bill you will note that the Appropriation states that — "There is appropriated from the General Fund to the Department of the Attorney General the sum of \$100,950 to carry out the purposes of this Act." Now these people are paid by the Attorney General's office.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: No one more than myself has been involved as far as this legislation is concerned and as an attorney I realize that our County Attorneys are not being compensated the way they should be in the State of Maine. I think if we are going to

have effective prosecution of criminal cases in the State of Maine we must pay our County Attorneys full time pay. If we are to have part time men working full time they should receive money that is at least equal to the effort they are putting into their work.

Now a short while ago this House enacted L. D. 1610, which had a price tag on it fairly similar or even to the price tag on the Committee of Conference report. In this bill the State of Maine would get six full time County Attorneys, men who by the terms of the bill would not be able to practice law privately. They would be full time employees.

Now the bill that the Committee of Conference reported out does not provide for full time County Attorneys and as Mr. Rideout has pointed out that this bill is to be in effect during the interim until L. D. 1610 comes into effect. Well I have a strange feeling that L. D. 1610 may never come into effect and we will not be getting full time County Attorneys, and it is my position that the Committee of Conference Report if passed will be giving these men raises which they deserve, but will be an alternative to L. D. 1610 which was an act for full time County Attorneys.

To be perfectly honest with you, I am in a great dilemma here this evening on just how to move on this myself, and I think the House should also be. Because if we are going to have full time prosecution of criminal cases in our major counties, then L. D. 1610 is the bill. If this Committee of Conference report is nothing more than a smoke screen to defeat L. D. 1610 then I do not favor it even though I do favor salary increases for our County Attorneys.

So I for one at this time don't know how to vote on this, and if you do want to give pay raises to your County Attorneys then this bill would do it. But if you want your County Attorneys to have raises, plus have six of them be full time men at a price even to the price on this bill, then you would want to support L. D. 1610 which is currently on the Appropriations table.

Mr. Rideout of Manchester was granted permission to speak a third time.

MR. RIDEOUT: Mr. Speaker and Members of the House: In an attempt to answer the dilemma that Mr. Moreshead is in, let me just indicate how this Committee of Conference came about. In considering 1610 and considering frankly that it was going through, the Senate indefinitely postponed Bill 1377, while it bounced back here and I got word from the Senate that they had made an error because there would be no interim pay raises for the County Attorneys until 1610, even if passed, would go into effect. So I can assure the gentleman there is no smoke screen here as far as I am concerned. This is just an attempt to cover the present County Attorneys in their official part time capacity for the interim period between this and when they become full time. Now you can take that for what it is worth, but that is my position.

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

MR. JALBERT: Mr. Speaker and Members of the House: The reason that I would go along with this measure here, and this possibly might help the dilemma that the gentleman from Augusta, Mr. Moreshead is in, other than a good night's sleep, it might be well to take in note that recently in my county that the one trial which lasted about three weeks cost the State for County Attorneys in the vicinity of the present salaries about \$800 while the trial lawyers among themselves cut up \$6,000 in fees, being court appointed. At twenty cents a mile travel and besides that their high fees.

Now it might be well somewhere along the line if we kind of look into this court appointed fee program and the fees that are set before we start knocking down these public servants. The County Attorney in my own county, I happened to talk to him last evening, and he said to me—and he comes from one of the most reputable law firms in Maine and one of the most highly esteemed families in this state, and I will stand on that,

told me what you do will not only be appreciated by me, but I assure you of one thing, unless you do something you will be hard put to get good possibly County Attorneys, and I happen to know that we are very hard put to replace an assistant County Attorney recently. These jobs are very much full-time as they are now.

To further try to get the gentleman from Augusta, Mr. Moreshead out of his dilemma, I might state that the full-time County Attorney measure has nothing to do with this at all, whether it passes or doesn't pass, because the full time County Attorney bill wouldn't take effect until the next biennium anyway. I think this is a very fair adjustment and I think it is a good adjustment, and to further give proof that it is an unbiased report, I would ask you to look at the names of the House conferees.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In talking about school subsidies the other day I mentioned that in the State of Maine they always considered Knox, Lincoln, Sagadahoc and Waldo about the same as far as work loads go, and I notice that in this report they are exactly the same, \$7,500 apiece. This certainly is not too much money to pay an attorney who is not only working part time but sometimes most of his time, and I certainly approve of this report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I certainly support the position of Mr. Binnette from Old Town as our county delegation has worked and is quite unanimous in our decision on what we intended to give for raises to our county officials.

Now let me tell you the county, when you do this, you will give the County Attorney more money and obviously you have got to do something for the other county officials. And Penobscot County hasn't been just recently able to pass an income tax, so they are not as flush

with money as the state seems to be as of this evening.

Now I would like to direct myself to Penobscot County in particular, that I am very familiar with. A few years ago we had a County Attorney and whereupon his work load got greater and we added an assistant. Now the last legislative session we added another assistant, and I don't know what they have done in other counties, but this one is well assisted in Penobscot County by having two assistants, being quite well paid in the Penobscot County we have no shortage of candidates. We have plenty of candidates, so obviously somebody wants the job and it seems to be a stepping stone from there to some other job.

Now we also have a judge of probate and we have other county officers that we are going to have to do something for. And as I say, we just can't grab a junk of this sales tax quite that easy or this new tax. I am in one hundred percent agreement with the motion before the House.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any member that might recall that this is establishing a precedent by allocating \$100,000 from the General Fund for the County Attorneys or whether it has been already established, or through the Chair to any member that may be able to answer that, or whether it is still going to be refunded from the county?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a question through the Chair to anyone who may answer if they choose, and the Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: The water is getting muddier and muddier I am afraid. Although the descriptive term is County Attorney, within my recollection the money has never been paid through the county—and this

goes back some ten or fifteen years. This is a State official and the checks come from the Attorney General's Department, and they are not part of the county budget.

If I might perhaps attempt to help resolve the conflict of the gentleman from Augusta, Mr. Moreshead, I might point out to him that one of the things that helps to get a bill off the Appropriations table is a low price tag, and it would appear logical to me that if this bill passes it could give reason for Mr. Moreshead to point out that the price tag on the full time bill will be reduced by the amount of increment which is shown in this bill here. So I would hope that you would join with those who are concerned about this serious problem of getting adequate staffing for this important function in the law enforcement process.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I arise in opposition to the motion to indefinitely postpone, but I can speak only for Waldo County. Now if you will refer to the amendment Waldo County raises the County Attorney from \$5,000 to \$7,500. Now I know the County Attorney in Waldo County fairly well. His name is Stanley Brown and he has recently taken this job and is attempting to establish a private practice. But the District Court meets two days a week, Tuesday and Friday. Now there are five working days in a week and it takes him three days a week to prepare his cases for the District Court, leaving him two days a week to establish a private practice.

Now I know that he is not too interested in continuing the job at \$5,000, but at \$7,500 I am quite convinced that he would be willing to continue. Now we had—or my colleague from Frankfort had requested the Committee to increase the salary to \$8,000, he and I had talked this over. And that was in the proposed bill. But now

it has been reduced to \$7,500. I feel that that is not a full salary for a County Attorney in Waldo County, but I am convinced that that will keep him on the job and keep him fairly happy. I am opposed to the motion to indefinitely postpone.

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

Mr. McNALLY: Mr. Speaker and Members of the House: The thing that concerns me since I live down east and people have funny ideas of thinking over things, I find that this bill is very good for our County Attorney in Hancock County because they go from \$5,000 to \$8,500. Now that is all right as far as I can go, I am not against the bill in any way; but supposing we have 1610, I find that Hancock County immediately is going to drop \$1,000 a year for the County Attorney.

Now knowing what we have for lawyers down in Hancock County I am afraid that I would be unable to explain that reasoning.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette that the Conference Committee Report on Bill "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys," House Paper 1049, L. D. 1377, be rejected. If you are in favor you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

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

Thereupon, the Conference Committee Report was accepted and sent up for concurrence.

The House receded from recommitting the Bill and Report to the Committee on State Government. The Bill was substituted for the Report and read twice. Conference Committee Amendment "A" was read and adopted.

Under suspension of the rules, the Bill was read the third time and passed to be engrossed as

amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.