

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 3, 1965

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

Prayer by the Rev. Mr. Lowell Kjenstad of the Congregational Church, Bingham.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 277)

December 29, 1964

To the Members of the 102nd Legislature:

I have the honor to transmit herewith the third summary report of the Legislative Research Committee on studies authorized by the 101st Legislature for the period ending January, 1965. This report contains the findings and recommendations on 10 of the 21 matters assigned by the Legislature for Research Committee Study and determination. The study of the feasibility of an income tax for the State, authorized by the 101st Legislature, was contractually studied and is separately reported as Committee Publication 102-1. The findings and recommendations of the Committee on the 10 remaining studies are reported as Publication 102-2.

The members of the Committee wish to express their appreciation for being chosen to participate in these assignments, and sincerely hope that the reports submitted will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,
DWIGHT A. BROWN,
Chairman

Came from the Senate read and with accompanying report ordered placed on file.

In the House, the Communication was read and with accompanying report ordered placed on file in concurrence.

From the Senate: The following Order: (S. P. 276)

ORDERED, the House concurring, that a Legislative Study Committee be created for the purpose of investigating and reporting to the 102nd Legislature on the possible location, size, construction and approximate cost of an official state museum. The Committee should consider that the museum might include suitable exhibition space for significant historical objects, paintings, documents and other material of significance in the history of the State, for special exhibits of statewide interest, and as a depository for Maine archives; and be it further

ORDERED, that the committee shall consist of 2 members of the Senate, to be appointed by the President of the Senate, with one designated as Senate Chairman, and 5 members of the House, to be appointed by the Speaker of the House, with one to be designated as House Chairman; and be it further

ORDERED, that the committee may draw on the best advice known to its members within the State to aid in its deliberations; and be it further

ORDERED, that the committee shall be permitted to draw funds from the Legislative Appropriation not to exceed \$1,500 for the purpose of clerk hire and to defray expenses of members and advisers at standard state rates, and to publish its findings (S. P. 276)

Came from the Senate read and passed.

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

From the Senate:

Bill "An Act Entering the State of Maine into the New England State Police Compact" (S. P. 179) (L. D. 765)

Bill "An Act relating to Death Benefits for Wardens in Department of Inland Fisheries and Game and Department of Sea and Shore Fisheries" (S. P. 237) (L. D. 747)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to Number of School Directors in a School Administrative District" (S. P. 238) (L. D. 748)

Bill "An Act to Provide an Alternative Standard for Teacher Certification" (S. P. 239) (L. D. 749)

Came from the Senate referred to the Committee on Education.

In the House, referred to the Committee on Education in concurrence.

Bill "An Act relating to Use of Portable Stoves in the Woods" (S. P. 240) (L. D. 750)

Bill "An Act Increasing Bounty on Bobcat" (S. P. 241) (L. D. 751)

Bill "An Act relating to Hunting Turkey under Inland Fish and Game Laws" (S. P. 242) (L. D. 752)

Bill "An Act relating to Bounty on Foxes" (S. P. 243) (L. D. 753)

Bill "An Act Regulating the Running and Training of Dogs in Training Areas Enclosed with Rabbit-Proof Fences" (S. P. 244) (L. D. 754)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act to Create the Unit Ownership Act" (S. P. 194) (L. D. 766)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

On motion of the gentlewoman from Lebanon, Mrs. Hanson, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

From the Senate:

Bill "An Act relating to Membership on Boards and Commissions in City of Lewiston" (S. P. 228) (L. D. 687)

Bill "An Act relating to Number of Members of all Boards in City of Lewiston" (S. P. 229) (L. D. 688)

Bill "An Act Providing for Paid Holidays for Employees of City of Lewiston" (S. P. 231) (L. D. 689)

Bill "An Act relating to Executions on Civil Judgment" (S. P. 232) (L. D. 690)

From the Senate:

Bill "An Act relating to Valuation of Shares of Joint Owners for Inheritance Tax Purposes" (S. P. 233) (L. D. 691)

Bill "An Act relating to Sick Leave Benefits for Employees of the Department of Public Works of the City of Lewiston" (S. P. 234) (L. D. 692)

Bill "An Act Permitting Municipalities to Provide for Single Assessor" (S. P. 245) (L. D. 755)

Bill "An Act relating to Term of Single Municipal Assessors" (S. P. 246) (L. D. 756)

Bill "An Act relating to Boards of Assessment Review in Certain Municipalities" (S. P. 247) (L. D. 757)

Resolve to Change the Name of Muddy Pond, Damariscotta, to Paradise Pond (S. P. 248) (L. D. 758)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act to Permit Eastern Maine Electric Cooperative to Build Hydroelectric Plant on Mat-tawamkeag River" (S. P. 214) (L. D. 673)

Bill "An Act to Clarify the Charter of the Kennebec Water District" (S. P. 215) (L. D. 674)

Came from the Senate referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

From the Senate:

Bill "An Act Providing for Cost of Living Plan for Retired State Employees" (S. P. 216) (L. D. 675)

Bill "An Act relating to Retirement Benefit for Sheriffs and Full-time Deputies under Retirement System" (S. P. 249) (L. D. 759)

Came from the Senate referred to the Committee on Retirements and Pensions.

In the House, referred to the Committee on Retirements and Pensions in concurrence.

From the Senate:

Bill "An Act relating to Membership on Board of Trustees of State Retirement System" (S. P. 217) (L. D. 676)

Bill "An Act Authorizing the Appointment of the Commissioner of Agriculture by the Governor" (S. P. 219) (L. D. 678)

Bill "An Act Increasing Salary of Commissioner of Agriculture" (S. P. 224) (L. D. 683)

Bill "An Act Prohibiting Obstruction of Discontinued Woods Roads" (S. P. 250) (L. D. 760)

Bill "An Act Exempting Motor Vehicles of Forestry Department and Baxter State Park Authority from Registration" (S. P. 251) (L. D. 761)

Resolve Providing for Distinctive Name Tags for Members of the Legislature (S. P. 218) (L. D. 677)

Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (S. P. 220) (L. D. 679)

Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (S. P. 221) (L. D. 680)

Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans on Personal Property for Industrial Purposes (S. P. 222) (L. D. 681)

Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (S. P. 223) (L. D. 682)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate:

Bill "An Act Exempting Boats and Boat Motors from Property Tax" (S. P. 225) (L. D. 684)

Came from the Senate referred to the Committee on Taxation.

In the House, referred to the Committee on Taxation in concurrence.

From the Senate:

Bill "An Act Increasing Fees of Innkeepers and Victualers" (S. P. 226) (L. D. 685)

Bill "An Act relating to Ways to Great Ponds" (S. P. 252) (L. D. 762)

Bill "An Act Increasing Payments to Lincoln County Law Library" (S. P. 253) (L. D. 763)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Bill "An Act relating to Renewal of Operators' Licenses for Motor Vehicles" (S. P. 254) (L. D. 764)

Came from the Senate referred to the Committee on Transportation.

In the House, referred to the Committee on Transportation in concurrence.

From the Senate:

Bill "An Act Eliminating Residence Requirements in Public Assistance" (S. P. 227) (L. D. 686)

Came from the Senate referred to the Committee on Welfare.

In the House, referred to the Committee on Welfare in concurrence.

Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act relating to Beano" (S. P. 22) (L. D.

34) reporting same in a new draft (S. P. 235) (L. D. 535) under same title and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Claims reporting "Ought to pass" on Resolve to Reimburse Allen Bragdon of Ashland for Loss of Poultry (S. P. 58) (L. D. 119).

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

In the House, the Report was read and accepted in concurrence, the Resolve read once, and tomorrow assigned.

The SPEAKER: At this time, the Chair would like to recognize in the balcony of the House, eighty pupils from the seventh and eighth grades of the Harpswell School, accompanied by Mr. Williams, Principal of West Harpswell School; Mr. Fickett, Principal of East Harpswell School; Mr. Powers, a teacher, and Mrs. Morrill, chaperone, who are guests of Representative Prince of Harpswell. The Chair would be happy if the pupils would rise, and also if Mr. Prince would rise.

On behalf of the House, the Chair welcomes you and hopes that your visit will be both enjoyable and educational. (Applause)

Messages and Documents

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA

February 2, 1965

Honorable Dana W. Childs
Speaker of the House
of Representatives
Augusta, Maine

Dear Mr. Speaker:

I hereby submit my resignation as a member of the Joint Stand-

ing Committee on Transportation, effective February 2, 1965.

Respectfully,

(Signed)

ELBRIDGE B. DAVIS

Representative

The Communication was read and ordered placed on file, and the resignation accepted.

The SPEAKER: The Chair at this time will appoint the gentleman from Calais, Mr. Davis, to serve on the Committee on Judiciary to fill the vacancy created by the resignation of Mr. Knight.

At the same time, the Chair will appoint the gentleman from Milbridge, Mr. Kennedy, to serve on the Committee on Transportation to fill the vacancy created by the resignation of Mr. Davis, which will be a temporary appointment.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act relating to Financial Assistance to Institutional Teachers in Obtaining Professional Credits" (H. P. 681) (Presented by Mrs. Carswell of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Provisions in Accident and Health Insurance Policies." (H. P. 682) (Presented by Mr. Drigotas of Auburn)

(Ordered Printed)

Bill "An Act relating to Management of Insurance Organizations During Periods of Acute Emergency" (H. P. 683) (Presented by Mr. Starbird of Kingman Township by request)

(Ordered Printed)

Bill "An Act relating to Counter-signing Fees" (H. P. 684) (Presented by same gentleman by request)

(Ordered Printed)

Bill "An Act relating to Newspaper Advertisements of Motor Vehicle Dealers" (H. P. 685) (Presented by Mr. Whittier of Farmington by request)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Federal Receipts in Computing the Foundation Program" (H. P. 686) (Presented by Mr. Lowery of Brunswick)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Providing for the Election of Delegates to National Conventions" (H. P. 687) (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Defining Nursing Home under Health and Welfare Laws" (H. P. 688) (Presented by Mrs. Carswell of Portland)

(Ordered Printed)

Bill "An Act relating to Definition of Disabled under Aid to Dependents of Veterans" (H. P. 689) (Presented by same member)

(Ordered Printed)

Bill "An Act relating to Definition of Disabled under Aid to the Disabled" (H. P. 690) (Presented by same member)

(Ordered Printed)

Bill "An Act to Revise the Laws Relating to the Support of Persons in State Institutions" (H. P. 691) (Presented by same member)

(Ordered Printed)

Bill "An Act relating to Advisory Committee on Health and Welfare" (H. P. 692) (Presented by same member by request)

(Ordered Printed)

Bill "An Act relating to Licensing of Children's Homes and Defining Day Care Facilities" (H. P. 693) (Presented by Mrs. Ruby of Bangor)

(Ordered Printed)

Sent up for concurrence.

Highways

Bill "An Act relating to Reimbursement to Towns for Highway

Winter Maintenance" (H. P. 694) (Presented by Mrs. Baker of Orington)

(Ordered Printed)

Bill "An Act Exempting Disabled Veterans and Persons Over 65 Years of Age from Gas Tax" (H. P. 695) (Presented by Mr. Bussiere of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act Designating Androscoggin Game Preserve as a Game Management Area" (H. P. 696) (Presented by Mr. Drigotas of Auburn)

(Ordered Printed)

Bill "An Act Permitting Regular Deer Hunting After Deer Killed by Bow and Arrow" (H. P. 697) (Presented by Mr. Farrington of China)

(Ordered Printed)

Bill "An Act relating to Wearing Fluorescent Clothing When Hunting" (H. P. 698) (Presented by Mr. Lund of Augusta)

(Ordered Printed)

Bill "An Act relating to Hunting by Nonresident Aliens" (H. P. 699) (Presented by Mr. Martin of Eagle Lake by request)

(Ordered Printed)

Bill "An Act Creating Two Zones for Deer Hunting" (H. P. 700) (Presented by Mr. Whittier of Farmington by request)

(Ordered Printed)

Bill "An Act Prohibiting Hunting Deer with Certain Firearms" (H. P. 701) (Presented by same gentleman by request)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Appeals by State on Questions of Law in Criminal Cases" (H. P. 702) (Presented by Mr. Lund of Augusta)

(Ordered Printed)

Bill "An Act Clarifying the Offense of Affray" (H. P. 703) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Revising the Minimum Wage Law" (H. P. 711)

(Presented by Mr. Birt of East Millinocket and Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Enforcement of Cruelty to Animals Law" (H. P. 704) (Presented by Mrs. Baker of Orrington)

(Ordered Printed)

Bill "An Act Repealing Duties of State Humane Agents in Enforcing Dog Laws" (H. P. 705) (Presented by same member)

(Ordered Printed)

Bill "An Act Repealing Urban Renewal Laws" (H. P. 706) (Presented by Mr. Bussiere of Lewiston)

(Ordered Printed)

Bill "An Act Repealing Certain Municipal Planning and Zoning Laws" (H. P. 707) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to the Sale of Fireworks" (H. P. 708) (Presented by Mr. Katz of Augusta)

(Ordered Printed)

Bill "An Act relating to Display of Flashlights by Pedestrians on Ways after Dark" (H. P. 709) (Presented by Mr. Whittier of Farmington by request)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Malt Liquor Licenses" (H. P. 710) (Presented by Mr. Edwards of Portland)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act relating to Hearings for Permits for Contract Carriers" (H. P. 712) (Presented by Mr. Gifford of Manchester)

(Ordered Printed)

Bill "An Act Changing the Designation of Clerk of the Public Utilities Commission to Secretary of the Commission" (H. P. 713) (Presented by Mr. Pike of Lubec)

(Ordered Printed)

Bill "An Act Providing for Public Utilities Commission Determination of Utility Debt Retirement"

(H. P. 714) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Exempt University of Maine from Laws Relating to Bureau of Public Improvements" (H. P. 715) (Presented by Mr. Pike of Lubec)

(Ordered Printed)

Bill "An Act Increasing State Tax in Unorganized Territory" (H. P. 716) (Presented by Mr. Roy of Winslow)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Creating a State Lottery Drawing for the State of Maine" (H. P. 717) (Presented by Mr. Bussiere of Lewiston)

(Ordered Printed)

Bill "An Act relating to Definition of Farm Tractor under Sales and Use Tax Law" (H. P. 718) (Presented by Mr. Dunn of Denmark)

(Ordered Printed)

Bill "An Act relating to Payments by Baxter State Park Authority to Maine Forestry District" (H. P. 719) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

The following Bills, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members objecting, was received and referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Providing Funds to Create a Division of Indian Affairs within the Department of Health and Welfare" (H. P. 720) (Presented by Mr. Anderson of Orono)

(Ordered Printed)

Bill "An Act Appropriating Monies for Construction of a Reception Diagnostic Treatment Center for Persons Committed to any Penal Institution" (H. P. 721) (Presented by Mr. Berman of Houlton)

(Ordered Printed)

Bill "An Act Providing for Lease of Moosehorn National Wildlife Refuge, Washington County" (H. P. 722) (Presented by Mr. Pike of Lubec and Mr. Mills of Eastport)

(Ordered Printed)

Bill "An Act relating to Development of a Day Care Project in Bangor" (H. P. 723) (Presented by Mrs. Ruby of Bangor)

(Ordered Printed)

Bill "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers" (H. P. 724) (Presented by Mr. Truman of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Incorporate the Allied Loan Company" (H. P. 725) (Presented by Mr. Danton of Old Orchard Beach)

(Ordered Printed)

Bill "An Act to Incorporate Plymouth Capital Finance Company" (H. P. 726) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act to Incorporate the Federal Finance Company" (H. P. 727) (Presented by Mr. Truman of Biddeford)

(Ordered Printed)

Sent up for concurrence.

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

Mr. BUSSIÈRE: Mr. Speaker, on page 7, item 26, House Paper 706, "An Act Repealing Urban Renewal Laws," I would move that this bill be referred to the Judiciary Committee.

The SPEAKER: The gentleman from Lewiston, Mr. Bussiere, now moves that we reconsider our action whereby we referred item 26 to the Committee on Legal Affairs. Is this the pleasure of the House?

(Cries of "No")

All those in favor of the motion to reconsider will say aye; those opposed, no.

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

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House forty-eight pupils from Rockland High School. This group is the class studying American Government at that school. They are accompanied by their teacher, Lincoln Johnson. They are the guests of Representative Haynes of Camden. I can see that the pupils have arisen, and I hope that the gentleman from Camden, Mr. Haynes, will rise, and on behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

Orders

On motion of Mr. Hunter of Durham, it was

ORDERED, that use of the Hall of the House be granted to the Committees on Agriculture and Business Legislation jointly on Tuesday, February 9, 1965 at 1:30 p.m.

On motion of Mr. Pendergast of Kennebunkport, it was

ORDERED, that Rev. Robert M. Howes of the South Congregational Church, Kennebunkport, be invited to officiate as Chaplain of the House on Thursday, February 25, 1965.

Mr. Bishop of Presque Isle presented the following Order and moved its passage:

ORDERED, that the Clerk of the House is directed to keep open his office, in addition to the time provided by law, the days on which the Executive Council assemble at Augusta for regular meetings, and Tuesdays and Fridays during the 45 days preceding the convening of the 103rd Legislature; and be it further

ORDERED, that for performing the additional duties hereinbefore provided for and for services rendered as House Parliamentarian, such duties being beyond the duties required by law and House Rules, the Clerk of the House shall be paid in addition to the salaries provided by law additional amounts to provide a compensation of \$8,500 for the Regular

Session and at the rate of \$3,000 a year when the Legislature is not in session. Payments of such additional compensation to be made on payrolls approved by the Speaker of the House or, if that office be vacant, by a member of the Committee on Appropriations and Financial Affairs; and be it further

ORDERED, that, for performing additional duties at the request and direction of the Speaker of the House and the Clerk of the House, the Assistant Clerk of the House shall be paid \$2,200 in addition to the salary provided by law.

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

Mr. BRAGDON: Mr. Speaker, I move that this order be tabled until Wednesday next.

Mr. JALBERT of Lewiston: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that this order be tabled pending passage and be specially assigned for February 10. A division has been requested.

All those in favor of the tabling motion will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-four having voted in the affirmative and eighty-seven having voted in the negative, the tabling motion did not prevail.

Thereupon, the Order received passage.

House Reports of Committees Ought Not to Pass

Mr. Richardson from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Private Roads to Shoreland on a Great Pond" (H. P. 21) (L. D. 24)

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bill

Mr. Richardson from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to the Display of Boat Numbers" (H. P. 70) (L. D. 204)

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

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Providing for Photographs of Persons under Twenty-five Years of Age on Motor Vehicle Operators' Licenses" (H. P. 97) (L. D. 106)

Report was signed by the following members:

Messrs. STERN of Penobscot
MAXWELL of Franklin
WILLEY of Hancock
— of the Senate.

Messrs. PITTS of Harrison
DOSTIE of Lewiston
STARBIRD
of Kingman Township
BERRY
of Cape Elizabeth
KATZ of Augusta
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 728) (L. D. 794) under title of "An Act Providing for Photographs on Motor Vehicle Operators' Licenses and Identification Cards" and that it "Ought to pass"

Report was signed by the following members:

Messrs. EDWARDS of Portland
LIBHART of Brewer
— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves the acceptance of the Majority "Ought not to pass" Report.

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

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

The SPEAKER: The gentleman from Portland, Mr. Edwards, now

moves this matter lie upon the table assigned for tomorrow. Is this the pleasure of the House? All those in favor of the tabling motion will say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Eighty-seven having voted in the affirmative and seven having voted in the negative, the tabling motion did prevail and the Reports and Bill were tabled pending the motion of the gentleman from Cape Elizabeth, Mr. Berry, to accept the Majority Report, and tomorrow assigned.

Third Reader Tabled and Assigned

Bill "An Act Prohibiting the Marking of Absentee Ballots Before Certain Officials" (H. P. 49) (L. D. 61)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Dudley of Enfield, tabled pending third reading and specially assigned for Wednesday, February 10.)

Passed to Be Engrossed

Bill "An Act relating to Secondary Tutition for Children Committed to the Stevens Training Center" (H. P. 54) (L. D. 66)

Bill "An Act relating to Informal Admission of the Mentally Ill" (H. P. 55) (L. D. 67)

Bill "An Act Changing the Time of the Annual Meeting of Kittery Water District" (H. P. 82) (L. D. 92)

Bill "An Act Ratifying Lease Given by the State to Portland Pipe Line Corporation" (H. P. 85) (L. D. 94)

Bill "An Act to Clarify the Liability for Damages and the Eminent Domain in the Procedure of the Brunswick Sewer District" (H. P. 85) (L. D. 95)

Bill "An Act relating to the Bonded Indebtedness and Stock Structure of Island Falls Water Company" (H. P. 87) (L. D. 96)

Bill "An Act to Increase Pensions of Elderly Teachers" (H. P. 90) (L. D. 99)

Resolve to Permit Howard G. Richardson, Readfield, Use of His Out-of-State Credits to Obtain a Retirement Allowance (H. P. 19) (L. D. 19)

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

Amended Bills

Bill "An Act relating to Obstructing Personnel of Fire Departments in Their Duties" (H. P. 79) (L. D. 89)

Bill "An Act Providing Voting Place for Kingman" (H. P. 127) (L. D. 151)

Bill "An Act relating to Publication of Fish and Game Regulations" (H. P. 133) (L. D. 157)

Resolve in favor of Daisy A. Reed of Millinocket for Injuries Sustained at State Armory (H. P. 40) (L. D. 52)

Resolve Regulating Ice Fishing on Echo Lake, Hancock County (H. P. 134) (L. D. 158)

Resolve Regulating Fishing in Certain Waters in Penobscot and Piscataquis Counties (H. P. 135) (L. D. 159)

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

Passed to Be Enacted Emergency Measure

An Act relating to Maine Indemnity Company (H. P. 36) (L. D. 48)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 133 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Incorporate Auto Loan & Finance Co. of Portland (H. P. 35) (L. D. 47)

An Act Repealing Time Limitation on Size of Salmon Taken from Waters of Aroostook County (H. P. 62) (L. D. 73)

An Act relating to Open Season on Muskrat in Portion of Cumberland County (H. P. 66) (L. D. 77)

Resolve to Reimburse William Cossette of Wiscasset for Truck Damage Incurred at Fort Edgecomb State Park (H. P. 37) (L. D. 49)

Resolve to Reimburse Clarence P. Christenson of Gardiner for Loss of Poultry (H. P. 42) (L. D. 54)

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

Orders of the Day

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

Bill "An Act Relating to Exemption of Houses of Religious Worship." (H. P. 384) (L. D. 313)

Tabled—January 27, by Mr. Ross of Bath.

Pending—Third Reading.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I had no idea that a church bill would engender the first debate in the House, but since it has, let's see what this particular legislation is all about.

Under the present law, rectories may be taxed in excess of \$6,000. That means that the first \$6,000 is exempt and if the rectory is worth over \$6,000 that amount in excess may be subject to taxation. My friend, the gentleman from Houlton, Mr. Berman, is very worried about the ramifications of legislation such as this, and he has requested that we get certain figures from the Bureau of Taxation. This is a little difficult to do, because many communities, even though they are allowed to tax these rectories, just don't do it.

But we did contact twenty-three communities over the weekend. Of the twenty-three, twenty of them don't bother to tax at all; three of them do. Mechanic Falls taxes one rectory and gets \$450. Brunswick takes in \$1,100. Portland taxes fifty-six rectories for \$22,000, but under the new bill they still would get \$7,000; so the City of Portland would lose \$15,000.

When this was presented before the Committee, I said that I also had compassion for tax assessors, because I realize that we can't constantly snipe at the property tax by way of exemptions; but this is different. The Executive Secretary of the Maine Municipal Association constantly reminds us that we can't snipe at the property tax, but he did not oppose this tax because this is different. How is it different? Because the exemption exists now, but it exists with the figure of \$6,000 which was established in 1877. The figure was realistic then. The intent was that the normal rectory would not be taxed. Any parish that was affluent enough to furnish the minister with a magnificent home probably was well enough off financially to pay a tax. But then any home over \$6,000 was a magnificent home. Some have quickly said that this percentage is out of line, but when we consider the particular case in point, is \$20,000 for a home today unreasonable in comparison with \$6,000 eighty-eight years ago?

Some have said that they feel that churches should pay their own way. I would be the first to agree with this if they are able, but many have a hard time. Some say that perhaps we should excuse no one from taxation. This may be so, but we do, and I see no maximum figure in the following present complete exemption, benevolent, charitable, literary, scientific organizations: the American Red Cross, the American Legion, the Veterans of Foreign Wars, the Grand Army of the Republic, the Spanish War Veterans and Navy Clubs. Strange as it may seem, we are now discriminating against our churches and I don't believe that that is fair, and

I move that this bill be given its third reading at this time.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I certainly have no quarrel with the figures and the presentation by the gentleman from Bath, Mr. Ross, but when the word tax exemption comes up in this day when municipalities of the State are very hard pressed to sustain their present budgets, I do think we should look beyond any particular exemption and really try to understand what this subject of exemptions is all about.

Now this proposal provides that a certain paragraph G of a certain subsection 1 of Section 652 of Title 36 be amended, and actually in arithmetic terms it is an increase of over 200 per cent in an exemption. Now if we look at Title 36 and Sections 651, 652, 653 and following, we note that there are many exemptions in the State of Maine; and I suggest to the House today that we should be interested in the potential revenue that our municipalities can get under the present tax structure, and if we approve the proposal today without further inquiry and a real serious study of what the potential of this type of tax could mean to the municipalities, we certainly are opening the door for all these people who have exemptions to come in and say, well, we don't think that you should prefer one body or one charitable institution, or one particular group of people over another; and I for one don't believe that these people who certainly hold an exalted position in the State would want to feel that they are preferred over the other charitable groups and the other peoples of the State. For that reason, I am not so sure that we should pass out this exemption today so quickly.

The SPEAKER: The question before the House is the motion of the gentleman from Bath, Mr. Ross, that this bill be given its third reading. Is it now the pleasure of the House that this bill receive its third reading?

Thereupon, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

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

Bill "An Act Establishing the Maine Apple Fund and Maine Apple Commission." (H. P. 657)

Tabled—February 2, by Mr. Gilbert of Turner.

Pending—Reference.

The SPEAKER: The Chair recognizes the gentleman from Turner, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, it is the desire of the industry that this bill be referred to the Committee on Agriculture and I so move.

Thereupon, the Bill was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

HOUSE ORDER Relative to Governor and Executive Council Being Ordered to Authorize Change in Vocational Rehabilitation Funds within the Department of Education.

Tabled—February 2, by Mrs. Carswell of Portland.

Pending—Motion of Mr. Bragdon of Perham to refer to Committee on Appropriations and Financial Affairs.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: Whereas this emergency has been brought to the attention of the members of the House, and whereas it has been suggested that the problem can be handled otherwise, a bill has been prepared and will be presented to take care of the problem. So I now move that this order be indefinitely postponed.

The SPEAKER: The gentlewoman from Portland, Mrs. Carswell, moves that this order be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

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

Bill "An Act relating to Hunting Rabbits on Mount Desert Island, Hancock County." (H. P. 132) (L. D. 156)

Tabled—February 2, by Mr. Benson of Southwest Harbor.

Pending—Adoption of Committee Amendment "A." (Report Accepted)

Mr. Benson of Southwest Harbor offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 132, L. D. 156, Bill, "An Act Relating to Hunting Rabbits on Mount Desert Island, Hancock County."

Amend said Amendment in the 5th line by inserting after the underlined words "other than" the underlined words and punctuation 'a bow and arrow.'

House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker, I move that today's unpublished order increasing the pay of the Clerk of the House be reconsidered at this time.

The SPEAKER: The gentleman from South Thomaston, Mr. Kittredge, now moves we reconsider our action whereby we passed the order which was in reference to the Clerk, extra duties and also extra pay.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Speaking to the motion of the gentleman from South Thomaston,

Mr. Kittredge, I think that the introduction of this order is something which should be commended. Too often in the past this very important matter has been discussed in the dying hours of the legislature. I don't believe the decision has always been reached on perhaps, shall we say, sound facts. I do, however, have a sense that the House is rushing a bit in this matter.

I think that we are not only talking about the remuneration of the Clerk of the House, but we are talking about the duties of the Clerk of the House. There were some references to keeping the office open. I personally have felt that the office of the Clerk should be open more than it has been in the past to accommodate the wishes and the needs of the members of the Legislature. We do have continuing duties twelve months of the year, even when the House is not in session, and the office of the Clerk of the House is certainly the focal point of this activity and can be very useful to the State in helping us in the discharge of these duties. Purely in the spirit of the remarks which I have made, I sincerely believe that this matter should receive a little consideration, more than the cursory treatment perhaps which we have had here this morning.

I would invite your attention to Joint Rule 21 in our rule book which suggests that all matters bearing appropriation be referred to the Appropriations Committee. I think due consideration perhaps to the salary, but in addition to the duties and the hours of keeping the office open, could be well given committee deliberations. It has also been my thought that to keep the office open is going to require more money, and I think in this spirit too this order should be considered. It may be that additional allowance should be made for secretarial assistance to keep the office open. We have rejected an order to table; therefore, I would . . . perhaps an order to table to a longer date would be in order. Purely in that spirit I would

move that this item lay on the table until a week from tomorrow.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, now moves that we table our motion for reconsideration.

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

Mr. JALBERT: Mr. Speaker, I was going to rise on a point of order, but you have clarified it, Mr. Speaker, and I know that the gentleman from Cape Elizabeth, Mr. Berry, realizes it. I would ask that a division be taken.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now requests a division on the tabling motion. All those in favor of this matter lying upon the table assigned for one week from tomorrow will kindly rise and remain standing until the monitors have taken the count.

A division of the House had.

Fifty-one having voted in the affirmative and seventy-five having voted in the negative, the tabling motion did not prevail.

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

Mr. ANDERSON: Mr. Speaker, may I request that a copy of this order be distributed to each member of the House.

The SPEAKER: The order will be reproduced.

The Chair recognizes the gentleman from Augusta, Mr. Katz.

Mr. KATZ: Mr. Speaker, speaking to the motion for reconsideration, yesterday afternoon the Committee on State Government had a rather lengthy hearing on a proposal to raise the pay of the Legislative Finance Officer. It was a public hearing. Pros and cons were ironed out. Tomorrow morning in executive session this committee, which represents you, will go into the matter even further. After our recommendation comes to the floor, you will have an opportunity to vote on the findings of the committee.

Now, it seems to me that the question at issue here is exactly the same type of finance matter. Yet I have a feeling of regret that if indeed we are breaking with

custom and usage here, we are not consistent in our approach for pay schedules for employees of this House. Now the Legislative Finance Officer is presumably on the job eight days a week, thirteen months a year, and yet on the one hand we give his pay scale very, very thorough consideration; on the other hand, when it comes to the question of remuneration of the Clerk, it is passed without very, very much debate and without consideration.

Mr. Speaker, I think we are all very fortunate that the majority party has come up with such a competent man as Clerk of this House, but I would in the interest of uniformity of attention to the dollars and cents of the situation ask that the motion for reconsideration be passed.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I think that if I haven't been misled this item that we are considering today is of a little different nature. This is not, as I understand it, a case of a man asking for an increase. Actually the Clerk of the House is getting \$500 less, if I understand it right, than the previous Clerk; so this is a decrease in salary of \$500, not an increase in salary. Now if I have understood this wrong, I hope someone will correct me, but as I understand it, the present increase as you think of is not an increase, it's a decrease of \$500.

The SPEAKER: The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker, perhaps this is the gist of the problem, that we just don't know what this order is all about. Would I be in order to request an explanation of this order from the Speaker.

The SPEAKER: The Chair will rule that the order speaks for itself.

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

Mr. JALBERT: Mr. Speaker, I would like to merely comment that in the first place — first I would like to ask unanimous con-

sent to address the House properly, because the previous speakers—the thing was all over.

The SPEAKER: It is not necessary. There is a motion before the House for reconsideration. The gentleman may proceed.

Mr. JALBERT: I thought that you had announced a vote on reconsideration.

The SPEAKER: The Chair will rule that was on the tabling motion. We are now debating the reconsideration.

Mr. JALBERT: Mr. Speaker, I merely want to comment that certainly, as you have stated, the order does speak for itself. I would also like to make comment that every member of the now majority party, the then minority party, voted for this order two years ago.

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

Mr. BRAGDON: Mr. Speaker, I recognize that this is an order, a thing that has been done in the past. It has not necessarily I will say been done with my approval. I would much rather see a straight salary bill passed. However, in the past sessions, orders have been presented for a bonus to this office at the end of the session, and I think that they have been justified because of an extremely long session, or — mainly because of that reason, an unusually long session. Certainly at this time it seems rather premature to pass out bonuses, at least you can't do it because you have had a long session because nobody can predict now that that will happen. I think we are hasty in this thing, and I certainly don't approve of this method neither today, nor have I in the past.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Enfield, Mr. Dudley, has asked a question if this was an increase, and he mentioned a decrease of \$500 from the previous Clerk of the House. As I understand the order now, it is cor-

rect that this is a decrease of \$500 from the previous Clerk of the House, if that will clarify some of the questions in your minds.

The SPEAKER: The question before the House is the motion of the gentleman from South Thomaston, Mr. Kittredge, that we reconsider our action whereby this order received passage.

The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker, when can we expect to obtain a copy of this order?

The SPEAKER: The Clerk informs me that this order will be reproduced and will be on your desks before this day is out.

The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, this may be the best order in the world, but I would like to have it placed before my desk so that I could read it and give it some thought before I vote upon it.

Now when a bill comes before this House, it is read, referred to Committee, given a hearing, given three readings, engrossed, and then passed for enactment. An order comes to the House; it gets little consideration before being accepted, then it leaves the House and is in the hands of one person, the one who presents the order. We have little knowledge of what becomes of the order because it leaves the possession of the House, and it is hard to get information on it after that. I would move that this discussion be tabled until the order is reproduced and upon our desks.

The SPEAKER: Would the gentleman care to assign a time to the tabling?

Mr. LITTLEFIELD: The next legislative day.

The SPEAKER: The gentleman from Hampden, Mr. Littlefield, moves this matter lie upon the table assigned for tomorrow pending reconsideration.

Mr. Jalbert of Lewiston asked for a division.

The SPEAKER. The gentleman from Lewiston, Mr. Jalbert, requests a division. All those in favor of this matter lying upon the table assigned for tomorrow pending reconsideration will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-two having voted in the affirmative and seventy-two having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from South Thomaston, Mr. Kittredge, that we reconsider our action whereby this order received passage.

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

Mr. LEVESQUE: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. All those in favor of this matter being reconsidered will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-one having voted in the affirmative and eighty-nine having voted in the negative, the motion to reconsider did not prevail.

On motion of Mr. Wuori of Oxford,

Adjourned until one - thirty o'clock tomorrow afternoon.