

# 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**

Friday, April 30, 1965

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

Prayer by the Rev. Mr. Paul Bedard of Saco.

The SPEAKER: The Chair would like to mention that Father Paul Bedard is the son of the gentleman from Saco, Mr. Bedard. (Applause)

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that the Committees be directed to complete their work and file their final reports no later than Friday, May 14th (S. P. 524)

Came from the Senate read and passed.

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

**Tabled**

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the existing style and form of printed bills and resolves to determine whether the interests of economy and efficiency would be better served (1) by requiring the consecutive numbering of each line of the printed bill or resolve, and (2) that each line of the printed copy of each bill or resolve correspond in content with the original; and be it further

ORDERED, that the Committee report the results of its study to the 103rd Legislature (S. P. 525)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I move that we accept the report as was adopted in the Senate and that it have the whole unanimous support of the House.

The SPEAKER: The Chair understands the gentleman from Madawaska, Mr. Levesque, moves this matter be tabled unassigned. Is this the pleasure of the House?

The motion prevailed.

From the Senate:

Bill "An Act relating to Hunting Buck Deer" (S. P. 522) (L. D. 1503)

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

In the House:

The SPEAKER: Is it the pleasure of the House that item three be referred to the Committee on Inland Fisheries and Game in concurrence?

(Cries of No)

All those in favor that this matter be referred to the Committee on Inland Fisheries and Game in concurrence say aye; those opposed say no.

The Chair is in doubt about the vote.

Mr. Mills of Eastport then requested a division.

A division of the House was had.

Fifty-seven having voted in the affirmative and forty-two having voted in the negative, the Bill was referred to the Committee on Inland Fisheries and Game in concurrence.

**Senate Reports of Committees  
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Death Benefits of Wardens in Department of Inland Fisheries and Game and Department of Sea and Shore Fisheries" (S. P. 237) (L. D. 747)

Report of same Committee reporting same on Bill "An Act relating to Definition of Dependent Children" (S. P. 333) (L. D. 1078)

Report of same Committee reporting same on Bill "An Act Creating a State Commission on Registration and Voting Participation" (S. P. 376) (L. D. 1193)

Report of the Committee on Judiciary reporting same on Bill "An Act Creating the Division of Northern Androscoggin and Franklin of the District Court" (S. P. 265) (L. D. 814)

Report of the Committee on Legal Affairs reporting same on Bill "An Act to Incorporate the Blood Donor Service Program of Maine" (S. P. 151) (L. D. 392)

Came from the Senate read and accepted.

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

#### **Ought to Pass with Committee Amendment**

Report of the Committee on State Government on Bill "An Act Increasing Salaries of Members of Industrial Accident Commission" (S. P. 24) (L. D. 36) 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.

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

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

COMMITTEE AMENDMENT "A" to S. P. 24, L. D. 36, Bill, "An Act Increasing Salaries of Members of Industrial Accident Commission."

Amend said Bill in the 6th line by striking out the underlined figure "\$10,500" and inserting in place thereof the underlined figure '\$10,000'

Further amend said Bill in the 8th line by striking out the figure "\$4,500" and inserting in place thereof the figure '\$3,500' and by striking out in the 9th line the figure "\$4,500" and inserting in place thereof the figure '\$3,500'

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading the next legislative day.

Report of the Committee on State Government on Bill "An Act Increasing Salary of Commissioner of Agriculture" (S. P. 224) (L. D. 683) 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.

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

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

COMMITTEE AMENDMENT "A" to S. P. 224, L. D. 683, Bill, "An Act Increasing Salary of Commissioner of Agriculture."

Amend said Bill by striking out in the 4th line the underlined figure "\$13,500" and inserting in place thereof the underlined figure '\$11,500'

Further amend said Bill by striking out in the 3rd line from the end the figure "\$2,085" and inserting in place thereof the figure '\$417'; and by striking out in the 2nd line from the end the figure "\$2,500" and inserting in place thereof the figure '\$500'

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading the next legislative day.

Report of the Committee on State Government on Bill "An Act relating to Compensation of Representative of Indian Tribes at the Legislature" (S. P. 406) (L. D. 1229) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 406, L. D. 1229, Bill, "An Act Relating to Compensation of Representative of Indian Tribes at the Legislature."

Amend said Bill by striking out all of the last 2 lines and inserting in place thereof the following: "a compensation of \$250 \$500 for such attendance."

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading the next legislative day.

On motion of Mrs. Harvey of Windham, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

### Divided Report

Majority Report of the Committee on Industrial and Recreational Development on Bill "An Act Creating Special Legislative Committee to Study Need for Bridge and Causeway to Chebeague Island, Cumberland County" (S. P. 110) (L. D. 337) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. JACQUES

of Androscoggin  
MOORE of Washington  
— of the Senate.

Mr. TRUMAN of Biddeford

Mrs. KILROY of Portland

Messrs. FORTIER of Waterville  
BENSON

of Mechanic Falls  
NORTON of Caribou  
LITTLEFIELD

of Hampden  
— of the House.

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

Report was signed by the following members:

Mr. HOFFSES of Knox

— of the Senate.

Mr. PAYSON of Falmouth

— of the House.

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

In the House: Reports were read.

The Majority "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT  
"A" to S. P. 110, L. D. 337, Bill, "An Act Creating Special Legislative Committee to Study Need for Bridge and Causeway to Chebeague Island, Cumberland County."

Amend said Bill by striking out all of sections 3 and 5.

Further amend said Bill by renumbering section 4 to be section 3.

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading the next legislative day.

### Final Report

Final Report of the following Joint Standing Committee:

Election Laws

Came from the Senate read and accepted.

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

### Non-Concurrent Matter

Bill "An Act Requiring Permits to Dam Waters for Recreational Purposes" (S. P. 342) (L. D. 1087) on which the House on April 28 voted to adhere to its action whereby the Bill was indefinitely postponed in non-concurrence.

Came from the Senate with that body voting to further insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" and asking for a Committee of Conference.

In the House: On motion of Mr. Anderson of Orono, the House voted to insist and join in a Committee of Conference.

### Non-Concurrent Matter

Bill "An Act Providing for a Legislative Conference Prior to the Convening of the 103rd Legislature" (H. P. 265) (L. D. 347) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in the House on April 9.

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

In the House:

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

Mr. LEVESQUE: Mr. Speaker, I now move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque,

now moves that we recede and concur with the Senate.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to receding and concurring with the Senate and I hope that this House will also be opposed. This is a prelegislative conference where some of us members, at least the sponsors of this bill, had intended that we could better inform the new incoming members of this House and the entire Legislature on procedure and many other matters and get acquainted. We found that this is being confused by some people as an educational conference. This is not the case and this is not the intent of the bill and the sponsors will probably so explain. The intent of this bill was a prelegislative conference to better inform the members of the Legislature and to be near the necessary information that we may wish from the different departments.

And so, ladies and gentlemen, I urge you not to support the motion before the House. Thank you.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: I was a co-sponsor of the original bill and when it came here they had deleted out a few words with an amendment which I do not think was the original intent of the bill. The bill's intention was that we should have our conference here in Augusta where I think we have all the facilities required and what is necessary to acquaint these new legislators with the various departments. I hold no brief against the University of Maine, because they have a wonderful setup there. Everything concerning education is very well prepared for us, but these department heads have all got to go up there to Orono in order to give us information which they desire to impress upon us. And I really believe, and I am sincere

in my belief, that here in Augusta is the place to have that and therefore I will concur with my colleague Mr. Dudley and we shall oppose that receding.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House, forty-five pupils of the fifth grade History Class and the eighth grade Government Class of the Chelsea Elementary School. They are accompanied by their teachers, Mr. John Bernier and Mrs. Berry and they are the guests of the gentleman from Farmingdale, Mr. Peaslee. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I wish to concur with my good friend, the gentleman from Enfield, Mr. Dudley. You have all heard the old gag about the new legislator that was down here for two weeks before he found out where the Legislature was meeting. And I think that if they come down here they would get a much better start and I would like to see the prelegislative conference held in Augusta.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I am delighted that I have support in the remarks of the gentleman from Brownville, Mr. Ross, the gentleman from Enfield, Mr. Dudley. To the members of the 101st Legislature I stood alone in opposing the prelegislative conference at the University of Maine.

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 ask for a parliamentary inquiry as to what are the two amendments that were adopted in the Senate?

The SPEAKER: Is the gentleman requesting the Clerk to read the Senate — —? The record seems to indicate that it was Committee Amendment "A" and there was House Amendment "A" to Committee Amendment "A", and House Amendment "A" to Committee Amendment "A" was indefinitely postponed in the Senate. And House Amendment "A" to Committee Amendment "A" was that the prelegislative conference be held in Augusta rather than letting the Research Committee determine where it would be held.

Mr. LEVESQUE: Mr. Speaker, a further inquiry. Has the Senate adopted Committee Amendment "A" under Filing 183 and Committee Amendment "A" under Filing No. 191?

The SPEAKER: House Amendment "A" was indefinitely postponed. Committee Amendment "A" was adopted.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: In order to clear the air this morning, if these two amendments have been adopted, first that the figure of \$15,000 be amended to read \$12,000 and then amendment filing H-191 reads that, amend said amendment by inserting at the end of the fourth line before the single quotation mark the following: such conference shall be held in Augusta in lieu of Orono. If that will clear the air for some members of the House.

(Off Record Remarks)

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the Committee Amendment beside from the change in the appropriation was to leave it to the Legislative Research Committee where they would choose to have the conference. We felt that having the responsibility that they should be free to have it where they choose because they might encounter difficulties in arranging to have it one place or the other and we felt that they should have freedom in selecting the place where to have it.

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

Mr. KITTREDGE: Mr. Speaker, I would like to point out two omissions in this last bit of explanation of the bill. The first is that the original bill called for Augusta rather than Orono. And secondly, I would also like to point out that on Friday the ninth of April the House by a vote of seventy-seven to fifty-one endorsed having this conference here in Augusta.

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

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

The SPEAKER: The gentleman from Westbrook, Mr. Boissonneau, now moves that this matter lie upon the table pending the motion of the gentleman from Madawaska, Mr. Levesque, that we recede and concur with the Senate.

Mr. Kittredge of South Thomaston requested a division.

The SPEAKER: The gentleman from South Thomaston, Mr. Kittredge, requests a division. All those in favor of this matter lying on the table assigned for the next legislative day will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eight having voted in the affirmative and one hundred two having voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House now is on the motion of the gentleman from Madawaska, Mr. Levesque, that we recede and concur with the Senate. All those in favor of receding and concurring with the Senate will say aye; all those opposed will say no.

Mr. Anderson of Orono then requested a division.

The SPEAKER: The gentleman from Orono, Mr. Anderson, has requested a division. All those in favor of receding and concurring with the Senate will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-nine having voted in the affirmative and ninety-two having voted in the negative, the motion did not prevail.

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

Mr. DUDLEY: Mr. Speaker, I now move that we insist on our former action and request a Committee of Conference.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, now moves that on item fifteen, Bill "An Act Providing for a Legislative Conference Prior to the Convening of the 103rd Legislature," House Paper 265, L. D. 347, we insist on our former action and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

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

Bill "An Act relating to Penalties for State House Parking Violations" (H. P. 1005) (L. D. 1338) which was indefinitely postponed in the House on April 21.

Came from the Senate passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Levesque of Madawaska, the House voted to recede and concur with the Senate.

From the Senate: The following Order:

ORDERED, the House concurring that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 4th. (S. P. 528)

Came from the Senate read and passed.

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

#### **Orders**

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

Mr. LEVESQUE: Mr. Speaker, may I ask if the House is in possession of L. D. 1080?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, inquires whether Senate Paper 335, Legislative Document 1080, which is an Act relating to Tuition for Students Attending Secondary Schools Outside of Residence is

in possession of the House, and the answer is in the affirmative.

Thereupon, on motion of the same gentleman, the House voted to reconsider its action of yesterday whereby the bill was passed to be engrossed.

On further motion of the same gentleman, the matter was tabled pending passage to be engrossed and specially assigned for Friday, May 7.

Mr. Eustis of Dixfield presented the following Order and moved its passage:

WHEREAS, Miss Andrea McGinley, daughter of Mr. and Mrs. James McGinley, of Dixfield, and a Junior at Dixfield Regional High School, has been awarded a \$500 National Science Foundation Scholarship, and

WHEREAS, Miss McGinley was chosen from 600 applicants, and is the first student from Dixfield Regional High School to receive this honor, and

WHEREAS, Miss McGinley, has been a recipient of the DAR History Award, and has participated in the All State Music Festival, and will represent her school at Girls' State in June.

BE IT ORDERED that the House of Representatives extend its congratulations to Miss Andrea McGinley, for having achieved this honor, and

BE IT FURTHER ORDERED that the Clerk of the House be directed to send an attested copy of this Order to Miss McGinley, her parents and to her school.

The Order received passage.

On motion of Mr. Nadeau of Biddeford, it was

ORDERED, that a list of registrations of former members of the Senate and Legislative Officers present for "Welcome Back Day" be made a part of "Appendix A" of the Journal of the House and also be made a part of the Legislative Record of the proceedings of that day.

#### **House Reports of Committees Leave to Withdraw**

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act to Author-



ize the Construction of a General Purpose Building for the University of Maine at Portland and the Issuance of Not Exceeding One Million One Hundred Thousand Dollar Bonds of the State of Maine for the Financing Thereof" (H. P. 441) (L. D. 596) reported Leave to Withdraw.

Mr. Dunn from same Committee reported same on Bill "An Act Appropriating Funds for Equipment and Repairs at Law School, University of Maine" (H. P. 442) (L. D. 597)

Mr. Healy from same Committee reported same on Bill "An Act to Authorize the Construction of a Science Building for the University of Maine at Portland and the Issuance of Not Exceeding One Million Three Hundred Thousand Dollar Bonds of the State of Maine for Financing Thereof" (H. P. 440) (L. D. 595)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass Printed Bill**

Mr. Champagne from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to Game Management Areas under Fish and Game Laws" (H. P. 1080) (L. D. 1463)

Report was read and accepted, the Bill read twice and assigned the next legislative day.

#### **Ought to Pass with Committee Amendment**

Mr. Birt from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation (H. P. 392) (L. D. 504) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 392, L. D. 504, Resolve, Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation.

Amend said Resolve in the 2nd line by striking out the figure "\$31,500" and inserting in place thereof the figure "\$15,000"

Further amend said Resolve by adding at the end, before the Statement of Facts, the following paragraph:

"The above appropriation is contingent upon additional moneys being provided, from whatever sources the town may find available, to supplement the state's contribution to complete the project, and at a total cost not to exceed \$30,000."

Committee Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

Mr. Dunn from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Improvements at Indian Reservation at Pleasant Point (H. P. 609) (L. D. 801) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 609, L. D. 801, Resolve, Appropriating Moneys for Improvements at Indian Reservation at Pleasant Point.

Amend said Resolve in the 2nd line by striking out the figure "\$10,000" and inserting in place thereof the figure "\$5,000"

Further amend said Resolve, in the Statement of Facts, by striking out all of the last 4 lines and inserting in place thereof the following:

- |                         |                |
|-------------------------|----------------|
| 1. Plumbing and basic   |                |
| water to 5 family units | \$1,500        |
| 2. Septic tanks         | 3,000          |
| 3. Paint for 10 homes   | 500            |
|                         | <hr/> \$5,000' |

Committee Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

Mr. Healy from the Committee on Appropriations and Financial Affairs on Resolve Appropriating

Moneys to Maine Educational Television Network for Outside Audience Training (H. P. 448) (L. D. 602) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

**COMMITTEE AMENDMENT "A"** to H. P. 448, L. D. 602, Resolve, Appropriating Moneys to Maine Educational Television Network for Outside Audience Training.

Amend said Resolve by striking out everything after the Title and inserting in place thereof the following:

**'Maine Educational Television network; appropriation.**

**Resolved:** That there is appropriated from the General Fund the sum of \$2,000 for the fiscal year ending June 30, 1966 to the Director of the Maine Educational Television Network to provide funds to employ part-time or seasonal secretarial help and to provide for other operating expenses in accordance with the following schedule:

**1965-66**

**MAINE EDUCATIONAL  
TELEVISION NETWORK**  
All Other \$2,000'

Committee Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

#### **Tabled and Assigned**

Mr. Cookson from the Committee on Inland Fisheries and Game on Resolve Directing a Study of the Moose Population in Maine (H. P. 226) (L. D. 293) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

**COMMITTEE AMENDMENT "A"** to H. P. 226, L. D. 293, Resolve, Directing a Study of the Moose Population in Maine.

Amend said Resolve in the Title by striking out the word "Moose" and inserting in place thereof the word 'Deer'

Further amend said Resolve by striking out in the headnote the underlined word "moose" and inserting in place thereof the underlined word 'deer'

Further amend said Resolve by striking out in the 3rd and 4th lines the word "moose" and inserting in place thereof the word 'deer'

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

**Mr. BENSON:** Mr. Speaker, Ladies and Gentlemen of the House: In reading the amendment under Filing No. H-270 to L. D. 293, I am left a bit confused. We started out with a study of the moose population in Maine. We ended up with a deer study of the State of Maine and when we make changes in the original bill that are suggested in the amendment we come out with a bill that reads that the Commissioner of Inland Fisheries and Game be directed to make a study to determine the number of deer in Maine and to recommend to the 103rd Legislature the feasibility of having an open season on deer, such feasibility to be based on the results of the study. Now, I don't know whether this was the intent of the committee or not. Then we come down to a statement of facts which refers once again to the moose population of Maine. So, possibly I could digest this if someone would explain it to me.

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

**Mr. BRAGDON:** Mr. Speaker, Members of the House: I just noticed this amendment and I would like to have somebody table it because I have come up with the idea that while we are about I would like to make an amendment that we study the elephant population along with the other two animals that we are talking about. If somebody will table it, I would very much appreciate it.

Thereupon, on motion of Mr. Ross of Brownville, the Resolve and accompanying papers was tabled pending the adoption of Committee Amendment "A" and

specially assigned for Tuesday, May 4.

Mr. Drouin from the Committee on Retirements and Pensions on Bill "An Act relating to Retirement Benefits for Fire Fighters under State Retirement System" (H. P. 534) (L. D. 708) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 534, L. D. 708, Bill, "An Act Relating to Retirement Benefits for Fire Fighters Under State Retirement System."

Amend said Bill in the 5th line by striking out the underlined figure "7%" and inserting in place thereof the underlined figure "8%".

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. Glazier from the Committee on Retirements and Pensions on Bill "An Act Increasing Retirement Benefits under State Retirement System" (H. P. 88) (L. D. 97) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 88, L. D. 97, Bill, "An Act Increasing Retirement Benefits Under State Retirement System."

Amend said Bill by striking out all of the 9th line and inserting in place thereof the following:

'(1) For membership service rendered before'

Further amend said Bill in the 13th line by striking out the underlined figure "1/60" and inserting in place thereof the underlined figure "1/65".

Further amend said Bill, in the 11th line of section 2, by striking out the underlined figure "1/69"

and inserting in place thereof the underlined figure "1/65".

Further amend said Bill, in the 10th line of section 3, by striking out the underlined figure "1/60" and inserting in place thereof the underlined figure "1/65"; and by striking out in the 18th line the underlined figure "1/60" and inserting in place thereof the underlined figure "1/65".

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Operation of Retail Stores on Sundays and Certain Holidays" (H. P. 745) (L. D. 982)

Report was signed by the following members:

Mrs. SPROUL of Lincoln  
Mr. JACQUES of Androscoggin  
—of the Senate.

Messrs. HUNTER of Clinton  
LIBHART of Brewer  
CONLEY of Portland  
Mrs. WHEELER of Portland  
Mr. BOISSONNEAU  
of Westbrook  
Mrs. BAKER of Orrington  
Mr. COTE of Lewiston  
—of the House.

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

Report was signed by the following member:

Mr. SHIRO of Kennebec  
—of the Senate.

Reports were read.

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

Mr. BOISSONNEAU: Mr. Speaker, I now move that we accept the Majority "Ought not to pass" Report.

Whereupon, on motion of Mr. Erwin of York, tabled pending the motion of Mr. Boissonneau of Westbrook to accept the Majority "Ought not to pass" Report and specially assigned for Thursday, May 6.

### Third Reader Tabled and Assigned

Bill "An Act relating to Disposal of Dangerous Buildings in Municipalities" (S. P. 515) (L. D. 1491)

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

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

Mr. BUSSIERE: Mr. Speaker and Members of the House: I would like to table this bill until May 14.

The SPEAKER: The gentleman from Lewiston, Mr. Bussiere, now moves that this matter lie upon the table assigned for May 14 pending its passage to be engrossed; and the Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. Baker then requested a division.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, asks for a division. All those in favor of this matter lying upon the table assigned for May 14 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Six having voted in the affirmative and ninety-three having voted in the negative, the motion to table did not prevail.

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

Mr. BUSSIERE: Mr. Speaker, I would like to table it until next Wednesday.

The SPEAKER: The gentleman from Lewiston, Mr. Bussiere, now moves that this matter lie upon the table assigned until Wednesday, May 5, pending its passage to be engrossed. Is this the pleasure of the House?

Mr. Libhart of Brewer then requested a division.

The SPEAKER: All those in favor of this matter lying upon the table assigned for next Wednesday will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-three having voted in the affirmative and fifty having voted in the negative, the motion to table did prevail.

### Third Reader Tabled and Assigned

Bill "An Act Providing for a Limited Open Season on Moose in Aroostook County for Conservation Research Purposes" (S. P. 518) (L. D. 1492)

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

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

Mr. ANDERSON: Mr. Speaker, I had intended to debate this question this morning but I have learned that the gentleman from Eagle Lake, Mr. Martin, is having throat trouble; so I would be pleased if somebody would table this until Tuesday.

Thereupon, on motion of Mr. Kittredge of South Thomaston, tabled pending passage to be engrossed and specially assigned for Tuesday, May 4.

### Passed to Be Engrossed

Bill "An Act to Authorize Corporations Without Capital Stock to Commingle Funds" (H. P. 279) (L. D. 361)

Bill "An Act relating to Organization of Lewiston Fire Department" (H. P. 351) (L. D. 454)

Bill "An Act relating to Amending Provisions of Charters and By-laws of Corporations Relating to Preemptive Rights" (H. P. 644) (L. D. 869)

Bill "An Act Appropriating Funds to Aid in Dredging the Harbor at Owl's Head" (H. P. 1059) (L. D. 1441)

Bill "An Act Increasing Salaries of Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives" (H. P. 1103) (L. D. 1502)

Resolve Appropriating Funds for Maine's Share of Financing a Permanent Secretariat to the New England Governors' Conference (H. P. 617) (L. D. 826)

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 Providing for New Ferry Landing at Forest City Landing, Peaks Island" (H. P. 113) (L. D. 137)

Bill "An Act relating to General Powers of Cities" (H. P. 642) (L. D. 867)

Bill "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers" (H. P. 674) (L. D. 901)

Bill "An Act relating to Licensing of Embalmers, Funeral Directors and Funeral Homes" (H. P. 964) (L. D. 1299)

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

Bill "An Act Authorizing Town of Island Falls to Construct Certain Road" (S. P. 492) (L. D. 1457)

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

Resolve Authorizing Improvements to Road to WCBB Transmitting Facilities in Litchfield (S. P. 171) (L. D. 537)

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

#### Passed to Be Enacted

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

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

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I don't wish to make any further arguments on this bill authorizing the appointment of the Commissioner of Agriculture by the Governor. I think I stated at one other occasion when it was before us that I saw no fault with the methods of the election of that officer by the Legislature as we have done in the past. I feel that we have had very good success in choosing competent Commissioners of Agriculture and I think I stated that I am reluctant to see the Legislature give up any powers that are now vested in them. So I am simply going to make a motion that this bill and all its accompanying papers be indefinitely postponed. I would request a division.

The SPEAKER: The question before the House now is on the motion of the gentleman from Perham, Mr. Bragdon, that this bill and its accompanying papers be indefinitely postponed and the gentleman has requested a division.

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

Mr. LEVESQUE: Mr. Speaker, when the vote to indefinitely postpone on this bill is had, I request that it be by the yeas and nays.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has requested that when the vote is taken that it be taken by the yeas and nays. In order for the Chair to order the yeas and nays, it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number rose.

The SPEAKER: Obviously more than one-fifth having arisen, the yeas and nays are in order.

The Chair recognizes the gentleman from Sanford, Mr. Bernard.

Mr. BERNARD: Mr. Speaker, may I inquire from the Chair, if this vote is taken is this with the amendments that have been presented to this bill?

The SPEAKER: The Chair will inform the gentleman this has been amended by Senate Amendment "A", Filing No. S-152, and the effect of the amendment says it is the intent of the Legislature that this act shall in no way affect the tenure of the office of the present Commissioner of Agriculture.

Is the House ready for the question?

The question before the House is on the motion of the gentleman from Perham, Mr. Bragdon, that this bill and its accompanying papers be indefinitely postponed. If you are in favor of this bill and its accompanying papers being indefinitely postponed, when your name is called you will answer "yes"; and if you are opposed to this bill and its accompanying papers being indefinitely postponed, when your name is called you will answer "no." The Clerk will call the roll.

### Roll Call

YEA — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cookson, Cressey, Cushing, Dunn, Erwin, Evans, Farrington, Gifford, Gilbert, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hawes, Hawkes, Haynes, Huber, Hunter, Clinton; Jalbert, Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Lincoln, Littlefield, Lycette, Meisner, Mil-lay, Mosher, Payson, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, Storm, Susi, Waltz, Ward, Watts, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

NAY—Anderson, Orono; Baldic, Beane, Bedard, Benson, Mechanic Falls; Bernard, Binnette, Bishop, Boissonneau, Bourgoin, Bradstreet, Brennan, Bussiere, Carroll, Champagne, Childs, Conley, Cote, Cottrell, Crommett, Curran, Danton, Dostie, Drigotas, Drouin, Dudley, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gillan, Glazier, Graham,

Harvey, Bangor; Harvey, Windham; Haugen, Healy, Jordan, Keyte, Knight, Laberge, Lebel, Lent, Levesque, Libhart, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Pitts, Poulin, Roy, Ruby, Sawyer, Searles, Starbird, Stoutamy, Sullivan, Wheeler, Wuori.

ABSENT — Blouin, Carswell, Crosby, D'Alfonso, Davis, Dickinson, Doyle, Harvey, Woolwich; Hoy, Hunter, Durham; Kilroy, Lane, Lund, Norton, Richardson, Cumberland; Truman.

Yes, 66; No, 69; Absent, 16.

The SPEAKER: The Chair will announce the vote. Sixty-six having voted in the affirmative and sixty-nine in the negative and sixteen being absent, the motion does not prevail.

Thereupon the Bill was passed to be enacted.

### (Off Record Remarks)

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby this bill was passed to be enacted.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that we reconsider our action whereby this bill was passed to be enacted. Is this the pleasure of the House? All those in favor will say aye; all those opposed will say no.

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

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

### Enactor 'Tabled and Assigned

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

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Wednesday, May 5.)

An Act Authorizing Public Utilities Commission to Revoke Dormant Truck Permit (S. P. 323) (L. D. 1020)

An Act Increasing Salary of Reporter of Decisions (S. P. 328) (L. D. 1050)

An Act Increasing Salaries of Clerks of the Law Court (S. P. 329) (L. D. 1051)

An Act Revising the Laws Relating to Registration of Physicians and Surgeons (S. P. 351) (L. D. 1126)

An Act relating to Ricker College (S. P. 482) (L. D. 1442)

An Act relating to Ricker Classical Institute (S. P. 511) (L. D. 1482)

An Act relating to Appointment of Town Clerk and Treasurer in the Towns of Castle Hill and Mapleton (H. P. 470) (L. D. 623)

An Act relating to Hunting by Nonresident Aliens (H. P. 699) (L. D. 937)

An Act Creating the Office of State Archivist (H. P. 768) (L. D. 1012)

### Finally Passed

Resolve to Provide Funds for a Training Vessel at Southern Maine Vocational Technical Institute in South Portland (H. P. 1090) (L. D. 1484)

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

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

An Act Repealing Compensation Limitation in Actions for Injuries Causing Death. (S. P. 202) (L. D. 583) the pending question being Passage to be Enacted, (Indefinite Postponement lost)

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

Mr. GAUDREAU: Mr. Speaker, I move that the rules be suspended whereby L. D. 583 was passed to be engrossed in order to offer an amendment.

The SPEAKER: The gentleman from Lewiston, Mr. Gaudreau, now moves that the rules be suspended. Is this the pleasure of the House? The Chair hears objection. All those in favor of the rules being suspended will kindly rise and remain standing until the monitors have made and returned the count and a two-thirds vote is necessary.

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

Mr. BERRY: Mr. Speaker and Members of the House: This item I am sure is clear in everybody's mind. I would like to sum up the position that I have on two particular points. I feel that for the protection of everybody in the State of Maine there should be a limitation in this bill. Now, we started out at \$10,000 some time ago and went to \$20,000, and a few years ago it went to \$30,000. The amendment was killed to put it to \$50,000. There is now an amendment before you, will be before you if we reconsider, to put the limit at \$100,000. I think I would be fair in stating my position that I would agree to any reasonable limitation, and why should there be a limitation in this case? There should be a limitation so that every person who has insurance of any kind can be sure that he is protected. This is the nub of the matter, ladies and gentlemen of the House. You can buy protection if there is a limit. I do not care what the limit is, but you cannot buy protection if there is no limit. This I feel is the issue. I hope you will support the move for reconsideration.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I oppose this motion for reconsideration, and I'll try to be brief and tell you why. The estimable gentleman from Cape Elizabeth when this bill first came up moved to kill it. Kill it, period. He failed. Then he moved to put an amendment on. He failed. Yesterday he moved to kill the bill, period, and he failed. Now, today he comes to us and says he wants reconsideration so

that there shall be a limit. Now, actually, ladies and gentlemen, all this bill does is to raise human life and human death to the same status as property. There is no limitation if anyone is mutilated. There is no limitation if any valuable property is concerned, and in logic and common decency there should be no limitation when death is involved.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker, I only wish to say "Amen."

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

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: Several days ago when this was under debate I took the liberty of speaking to several attorneys where we had heard primarily from attorneys in here favoring the bill. And I did so out in the corridor and I did so confidentially; therefore, I cannot and will not reveal their names. I asked them their personal opinion on removing the limit. Their personal opinion was this and it was unanimous and I say this from three attorneys. They said they were in favor of raising the limit but they were definitely opposed to removing it. They said that this was a very, very dangerous move for the Legislature to take and I hope that you will consider the remarks made by the gentleman from Lewiston, Mr. Jalbert, when he posed a hypothetical question to this body yesterday. I think you might very well place yourself in the embarrassing position of the person being awarded against by a court that has no limitation. Thank you.

The SPEAKER: The Chair at this time will have to rule that debating suspending the rules will not be in order. All those in favor of suspending the rules now will kindly rise and remain standing until the monitors have made and returned the count. A two-thirds vote is necessary.

A division of the House was had.

The SPEAKER: Fifty-six having voted in the affirmative and sixty-

nine — and fifty-six obviously not being two-thirds of those present and voting, the rules are not suspended.

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

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker, would I be in order if I asked that our action whereby we enacted this item one of unfinished business be reconsidered?

The SPEAKER: The gentleman is in order. The gentleman from Old Orchard Beach, Mr. Danton, now moves that we reconsider our action whereby item one was passed to be enacted.

Mr. DANTON: Mr. Speaker, I now move the action whereby we enacted item one in today's unfinished business be reconsidered and I hope everybody votes against me.

The SPEAKER: All those in favor of reconsidering whereby this bill was passed to be enacted will say aye.

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

Mr. BERRY: Mr. Speaker, in an attempt to keep this alive in order to put a limitation on here of some figure that would be agreeable to everybody concerned, I would hope that you would vote for the motion to reconsider which requires a majority vote.

The SPEAKER: The Chair will order a division. Is the House ready for the question? All those in favor of reconsidering our action whereby this bill was passed to be enacted will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-three having voted in the affirmative and sixty-five having voted in the negative, the motion did not prevail.

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

An Act relating to the Reporting of Traffic Accidents. (H. P. 1025) (L. D. 1388) the pending



question being Passage to be Enacted.

On motion of Mr. Scott of Wilton, retabled pending enactment and specially assigned for Wednesday, May 5.

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

Bill, "An Act relating to Compensation Rates in Certain Technical and Professional Classifications." (S. P. 438) (L. D. 1426) (Emergency)

Tabled—April 15, by Mr. Bishop of Presque Isle.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Grant a New Charter to City of Biddeford." (H. P. 1087) (L. D. 1475)

Tabled—April 20, by Mr. Nadeau of Biddeford.

Pending—Passage to be Engrossed.

Mr. Nadeau of Biddeford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1087, L. D. 1475, Bill, "An Act to Grant a New Charter to City of Biddeford."

Amend said Bill by striking out all of section 103 of Article I and inserting in place thereof the following:

**'Sec. 103. Mayor and city council.** The administration of all the fiscal, prudential and municipal affairs of the City of Biddeford with the government thereof, subject only to the limitations imposed by the Constitution and laws of the State and by this charter, shall be vested in one principal magistrate, to be styled the mayor, who shall execute the laws and administer the government of the city, and one board of 11 councilmen which shall constitute and be called the city council and which

shall exercise all legislative powers of said city and determine policies.'

Further amend said Bill by striking out all of section 301 of Article III and inserting in place thereof the following:

**'Sec. 301. Composition and qualifications.** The city council shall be composed of 11 members, all inhabitants of the city and registered voters therein, 4 of which number shall be chosen at large by the electors of the entire city and 7 of which number shall be chosen by and from the electors of each ward established as herein provided, all of whom shall be sworn to the faithful performance of the duties of their office. Any councilman chosen by the electors of an individual ward shall continue to be a resident of that ward during his term of office, and, upon failure to so reside in any such ward, his office shall be declared vacant. In the event that 2 or more individuals nominated or elected for the office of councilmen-at-large are residents of the same ward that individual receiving the greatest number of votes shall be considered the only duly nominated or elected candidate for the office from that ward.'

Further amend said Bill by striking out all of section 902 of Article IX and inserting in place thereof the following:

**'Sec. 902. General elections.** On the 2nd Monday in November following the passage and acceptance of this Act, the qualified electors of each ward shall ballot for a warden and ward clerk and one councilman, all residents of the said ward, a mayor, 4 councilmen-at-large, 3 members of the board of education and any vacancies in any unexpired terms of office. On the 2nd Monday in November of every 2nd year following the first election held under this charter, the qualified electors of each ward shall ballot for a warden and ward clerk and one councilman, all residents of the said ward, a mayor, 4 councilmen-at-large, such members of the board of education as may be necessary to fill the office of those whose terms would then expire and any vacancies in any unexpired terms of office.'

Further amend said Bill by striking out all of the next to the last sentence of section 907 of Article IX and inserting in place thereof the following:

‘Candidates for the following offices shall present a primary petition of at least the following number of names of enrolled members of the political party requesting such nomination:

For mayor and member of the board of education, 125; for councilmen-at-large, 50; for ward councilman, 25; for warden and ward clerk, 20.’

House Amendment “A” was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

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

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)

Tabled—April 21, by Mr. Bragdon of Perham.

Pending—Passage to be Engrossed.

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

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

Resolve, Providing Increase in Retirement Allowance for Fred G. Smith of Ellsworth. (H. P. 1060) (L. D. 1435)

Tabled—April 21, by Mr. Anderson of Ellsworth.

Pending—Passage to be Engrossed.

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

Mr. CROMMETT: Mr. Speaker and Members of the House: For the same reason offered previously, I do not think that we can vote intelligently on this bill until two others, namely, L. D. 316 and L. D. 675 are before us. I would request somebody to table this.

Thereupon, on motion of Mr. Anderson of Ellsworth, tabled

pending engrossment and specially assigned for Thursday, May 8.

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

HOUSE REPORT—“Ought not to pass”—Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council. (H. P. 375) (L. D. 477)

Tabled—April 22, by Mr. Mills of Eastport.

Pending—Acceptance.

On motion of Mr. Levesque of Madawaska, the “Ought not to pass” report was accepted and sent up for concurrence.

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

An Act to Eliminate Straight Ballot Voting in Elections. (S. P. 191) (L. D. 571)

Tabled—April 23, by Mr. Richardson of Cumberland.

Pending—Passage to be Enacted.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I would like for the purposes of offering an amendment, which could put the members of this House in a better position on the ballot, to have the rules suspended so that we could reconsider this matter whereby it was passed to be engrossed

Thereupon, on motion of Mr. Berman of Houlton, the House voted to suspend the rules and to reconsider its action whereby this bill was passed to be engrossed on March 31.

Mr. Berman of Houlton then offered House Amendment “A” and moved its adoption.

House Amendment “A” was read by the Clerk as follows:

HOUSE AMENDMENT “A” to S. P. 191, L. D. 571, Bill “An Act to Eliminate Straight Ballot Voting in Elections.”

Amerd said Bill in the Title by adding at the end before the

period the following 'and Order of Offices on Ballots'

Further amend said Bill by inserting after the enacting clause the following:

**"Sec. 1. R. S., T. 21, §701, sub-§3, amended.** Subsection 3 of section 701 of Title 21 of the Revised Statutes is amended to read as follows:

**'3. Order of offices.** The order of offices on the ballot is as follows: United States Senator, Governor and , Representative to Congress , **State Senator and Representative to the Legislature** followed by the other state and county offices.'

**Sec. 2. R. S., T. 21, §702, sub-§4, amended.** Subsection 4 of section 702 of Title 21 of the Revised Statutes is amended to read as follows:

**'4 Order of offices.** The order of offices on the ballot is as follows: President and Vice - President, United States Senator, Governor and , Representative to Congress , **State Senator and Representative to the Legislature** followed by the other state and county offices.' "

Further amend said Bill by re-numbering sections 1 and 2 to be sections 3 and 4.

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

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

**SENATE REPORT**—"Ought not to pass"—Committee on Taxation on Bill, "An Act Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes." (S. P. 326) (L. D. 1048)

Tabled—April 27, by Mr. Drigotas of Auburn.

Pending—Acceptance in concurrence.

On motion of Mr. Cottrell of Portland, retabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 5.

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

**HOUSE REPORT**—"Ought not to pass"—Committee on Public Utilities on Bill, "An Act relating to Hearings for Permits for Contract Carriers." (H. P. 712) (L. D. 950)

Tabled—April 22, by Mr. Gifford of Manchester.

Pending—Acceptance.

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

Mr. GIFFORD: Mr. Speaker, I now move this bill be recommitted to the Committee on Public Utilities.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, now moves that this bill be re-committed to the Committee on Public Utilities.

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

Mr. BOURGOIN: Mr. Speaker, I would respectfully request a division on the motion as it would accomplish no purpose whatever. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Manchester, Mr. Gifford, that this bill be recommitted.

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

Mr. GIFFORD: Mr. Speaker and Ladies and Gentlemen of the House: I would point out to you that L. D. 912, "An Act Relating to Transportation of Commodities for Hire by a Common Carrier" has also been recommitted to the Public Utilities Committee. These bills were heard together, considered together, and I feel should be reconsidered by the Committee together. If one is to be re-committed, so should both. I hope that the House will support the motion to recommit to the Public Utilities Committee.

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: This bill was unanimous "ought not to pass." I would just like to point that out—

The SPEAKER: The Chair will remind the members of the House the merits of the bill are not debatable, only whether it should be recommitted or not. Is the House ready for the question? The question before the House is recommitment.

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

Mr. BUSSIERE: Mr. Speaker, Members of the House. The Committee report "ought not to pass" and this will not accomplish any purpose. I am very much against the recommitting. And—

The SPEAKER: Is the House ready for the question? This is not a debatable matter. All those in favor of this bill being recommitment to the Committee on Public Utilities will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-one having voted in the affirmative and sixty-six having voted in the negative, the motion did not prevail.

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

Mr. GIFFORD: Mr. Speaker, I now move that we substitute the bill for the report and would speak to that motion.

The SPEAKER: The motion before the House now is the motion of the gentleman from Manchester, Mr. Gifford, that we substitute the bill for the report and the gentleman may proceed.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: In the beginning the trucking industry operated in Maine with no regulation other than that which applied to all forms of business. One was free to enter the business of transporting of freight by truck and to engage in it in any manner that he might choose. As the industry grew, however, it became evident that some order must be created out of the chaos that existed, and in 1933 the Legislature placed public carriage by motor truck under the regulation of the Public Utilities Commission. Two classes of public carriage were established, contract carriage and common car-

riage, and permits or licenses were required of those who would engage in either. As is customary at the time of enactment of such legislation, a grandfather clause, so-called, granted all then engaging in the trucking business the privilege of continuing what they were then doing. Faced with the almost impossible task of quickly determining what each and every trucker was then doing and of issuing specific permits therefore, the Commission simply issued to the contract carriers permits in very general language, and without specification, to in effect simply continue on with what they were then doing.

By 1941, however, the Legislature became aware that more than this was needed, and the law was amended to provide for clarification proceedings before the Commission and resultant specific permits, which would define the scope of the grandfather rights. Unfortunately, however, as to most of the contract carriers, these clarification proceedings have not, in the twenty-four years which have followed, been held.

Now, in 1965, the Commission proposes to clarify the permits, in accordance with the 1941 law, permits which were issued in 1933, thirty-two years ago. According to statute, as interpreted by the courts, the contract carriers must now go before the Commission and prove what they were doing thirty-two years ago and accept permits limited to doing only what they can prove they were then doing.

This will be for them an almost impossible and certainly a difficult undertaking. Records of thirty-two years ago have been lost or destroyed. Trucking businesses have been transferred to new owners. Operating personnel have died or moved away, and in thirty-two years even memories have faded. Operating for thirty-two years under vague and general permits, in a time of tremendous growth of the trucking industry, responding to the constantly changing demand for transportation service, many of the operations of the contract carriers have

undergone considerable change. To force these people to return, not only to what they were doing in 1933, but to what they can today prove that they were doing thirty-two years ago, will require them to give up trucking operations in which they have engaged for perhaps a number of years, certainly will impose hardships upon many and may well force some completely out of business.

L. D. 950 seeks to correct this unfortunate situation, by, in effect, up-dating their grandfather rights, granting them through clarification proceedings, specific permits to continue what they are now doing, not merely what they can prove that they were doing thirty-two years ago. Certainly some consideration is due them for the failure of the Commission to act for thirty-two long years.

I would hope that the House this morning would support the motion to substitute the bill for the committee report.

The SPEAKER: The Chair recognizes the gentlewoman from Windham, Mrs. Harvey.

Mrs. HARVEY: Mr. Speaker, Ladies and Gentlemen of the House: The "grandfather rights" bill, L. D. 950, if passed, would not change the present balance within the transportation business. It would only permit the contract carriers to continue what they are now doing, much of which they have now done for many years. In fact, a failure to pass L. D. 950 would result in drastic changes in the present motor carrier setup.

As my friend, Mr. Gifford, from Manchester has said, many contract carriers may have to go out of business, with economic loss to themselves, their employees, and the State. Common carriers, by rail and truck, will no doubt gain much of the transportation business lost, which explains why they oppose the contract carriers on this bill.

It is unfair and uneconomic to require the grandfather contract carriers to have their permits clarified under the existing law without passage of L. D. 950. These are mostly small carriers,

unused to legal and regulatory procedures, unlike the large common carriers. The Public Utilities Commission has had the right for twenty-four years to compel their clarification, while witnesses were still alive and records more available. The carriers have had no right to insist on clarification even had they been far-sighted enough to foresee its need. Is it not more unfair to put many common carriers out of business by requiring them to go back to their 1932 activities, if they could prove them, and some could not, when it is through no fault of their own that their clarification has been so long delayed.

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

Mr. SULLIVAN: Mr. Speaker and Members of Legislature: I agree and support Mrs. Harvey from Windham and what she said.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Erwin.

Mr. ERWIN: Mr. Speaker, Members of the House: As member of the Public Utilities Committee, I feel that I ought to explain the committee's position on this. If I recall correctly it was unanimous "ought not to pass" report. It was a long and involved hearing. There is no easy answer to the subject. The committee agonized over it and the statements which you have heard made to you today were also made to the committee and the committee did not feel, weighing everything in balance, that the bill should pass.

Now, if you stop to think about the reason for existence of grandfather clause—

The SPEAKER: Would the gentleman defer for one moment. The Chair does not like to interrupt him but there are some students here who are leaving and it has always been the custom of the Chair to recognize these students before they leave. The Chair apologizes to the gentleman from York, Mr. Erwin.

The Chair would like to recognize in the balcony of the House twenty-four pupils of the eighth grade of Hartland Consolidated

School, accompanied by their teacher Charles Wing. They are the guests of the gentleman from Moscow, Mr. Beane. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

The Chair again apologizes to the gentleman from York, Mr. Erwin. The gentleman may proceed.

Mr. ERWIN: Mr. Speaker, I am always glad to defer to the young people of the State of Maine. I have not prepared any presentation on this and if I am a little halting, I hope the House will bear with me.

But, the original reason for the grandfather clauses thirty-one years ago are quite apparent when you look at them. When the Legislature in its wisdom decided that the trucking industry was affected with the public interest and should be regulated, they of course didn't want to take away existing rights of people who had been in that business at that time. So, they provided these so-called grandfather clauses which in effect says you may continue doing the business which you are already engaged in and for the thirty-odd years that have passed this is what has occurred in large extent.

Now, at the time that the trucking industry came under the regulation of the Public Utilities Commission, every single one of these people operating under grandfather permits came in to a hearing before the Public Utilities Commission and there is a record of sorts, but a record, of the testimony taken at that time with respect to what they were doing. Now, we don't try to pretend that it is a complete record or voluminous in all cases but there is a record, and there is some reference in the files of what was being done thirty years ago.

Well, probably the real bugaboo in this is not the effect that this has upon the truckers who have continued in the line of succession the businesses which they had, but because, and I feel wrongfully, these truckers permits have been negotiable, and in many cases

people with grandfather rights who have gone out of business and retained the rights and negotiated them like notes in the market or like chattels which you and I can sell. Well, now naturally if you have peddled your right to do a certain kind of trucking over the years it is a good chance that the records have been lost or destroyed or that memories have faded. If I recall the testimony, there is something in the nature of sixty-five unclarified contract carrier permits still to be heard and determined by the Public Utilities Commission. And the Commission has assured the Committee that it will as expeditiously as possible and as reasonably as it may legally do so, review these unclarified grandfather rights with an idea to re-establishing the situation as it ought to be now to give us a completely controlled and licensed contract carrier industry.

If you pass this bill, which came out unanimously "Ought not to pass" you will in effect be completely wiping out grandfather rights which had their origin in good sense and reason and substituting in some cases a completely new standard for giving the permits to these truckers. Now, the committee was convinced, and remember please that the composition of the committee is bi-partisan and that we listened as intelligently as we could, the committee is convinced that very few if any of these truckers will be put out of business because we rely on the good faith and the expertise of the Public Utilities Commission to find a way out of a dilemma which admittedly should have been taken care of by past Public Utilities Commissions who did not do all that they might have. But, it's all very well to say they should have done it, they didn't do it. And we felt that leaving this dilemma to the Public Utilities Commission, to their good faith and their good judgment, was better than bringing in a bill which completely wiped out all of the original reasons for the grandfather clauses.

For that reason, I oppose the motion to substitute the bill for the report and I hope that you will go along with the committee.

The SPEAKER: The Chair would like to recognize in the balcony of the House ten pupils of the eighth grade Maine History Class at the Kenduskeag Consolidated School, accompanied by their Principal Stuart Salter. They are the guests of the gentleman from Glenburn, Mr. Cookson. On behalf of the House the Chair welcomes this group and we hope that your visit is both educational and enjoyable. (Applause)

The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker and Members of the House: I rise both as a member of the utilities committee and as a very much embarrassed former chairman of the Public Utilities Commission, who sat on that job for three years without doing anything about the grandfather clauses, following a precedent. I have been accused of laches by the gentleman from York, Mr. Erwin, and very properly so.

Now, the fact is that the Commission has finally taken hold of this rather tough metal and is now conducting the clarification proceedings in five of the sixty-two unclarified permits. As the gentleman from York, Mr. Erwin, said, this is a difficult question. It gets more and more difficult as time goes by and I am inclined to think that the passage of this bill would throw it back into complete chaos. I do hope that this legislature will allow the Public Utilities Commission to go on in what it has finally started and probably have these things pretty well clarified before the next session. Thank you.

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

Mr. GIFFORD: Mr. Speaker, Members of the House: In rebuttal to the remarks of the gentleman from York, Mr. Erwin and the gentleman from Lubec, Mr. Pike, I would submit to you that the failure of the Commission to

act for many long years places the industry in an almost identical position to the one it was in thirty-two years ago as to the need and necessity for grandfather rights based upon what the truckers are now doing.

I would also point out that while I too have a high regard for the Public Utilities Commission, they will be much more bound by the law and the courts than by their own good intentions to treat this matter in an equitable fashion. Only by amending the law, can we give them the freedom with which to treat it in that manner.

The SPEAKER: The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker, Members of the House: I have one of the oldest of these truckman affected by this legislation, living in the town adjoining mine and in one of the towns which I represent. That man has been in the business continually for some over forty years. In fact, he started his business with horses. That man is very much concerned in having this bill passed and for that reason I hope the House will go along with the motion of the gentleman from Manchester, Mr. Gifford.

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

Mr. SAHAGIAN: Mr. Speaker, Members of the House: I too arise in support of the talk that was made here by my colleagues, Mr. Erwin and Mr. Pike. I can't add any more than has already been said by these two gentlemen. But, if I am permitted, I would like to read at least one of the letters. I have five letters, two from a Democrat and three from Republicans in my district.

"Mr. Sahagian: Truckmen holding M.P.U. Contract licenses termed as Grandfather Permits are to be called up for reclassification under a bill number L. D. 950 in Legislature. If this bill is passed as written it would be of great concern to not only myself but many other truckers. All holders of this permit are to be reclassified large and small concerns, but a

small concern can in no way compete with the large ones. Therefore we do not understand why we should be cut down to restrictions that will hinder us in earning a living and paying for our equipment. We also have a large amount of money invested." Thank you very much.

Mr. Anderson of Orono requested a division.

The SPEAKER: A division has been requested. Is the House ready for the question? The question before the House is the motion of the gentleman from Manchester, Mr. Gifford, that we substitute the Bill for the Report, ought not to pass. All those in favor of substituting the Bill "An Act relating to Hearings for Permits for Contract Carriers" H. P. 712, L. D. 950 for the "Ought not to pass" Report will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-seven having voted in the affirmative and seventy-nine having voted in the negative, the motion did not prevail.

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

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

**DIVIDED REPORT — Majority (8) — Committee on Retirements and Pensions on Bill, "An Act to Liberalize Credit for Out-of-State Service Under State Retirement Law" (H. P. 367) (L. D. 469) reporting same in New Draft (H. P. 1047) (L. D. 1418) under title of "An Act to Liberalize Credit for Out-of-State Service for Teachers Under State Retirement Law," and that it "Ought to pass"—Minority (2)—"Ought not to pass."**

Tabled—April 22, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Kennedy of Milbridge to accept Minority "Ought not to pass" Report. (Assigned for Friday, April 30th)

Mr. Levesque of Madawaska requested a division on the motion.

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

Mr. PIKE: Mr. Speaker and Members of the House: I felt very strongly that we ought to attract and be very favorable to returning teachers. There was a question the other day about the cost of this bill. I have some figures which I am not going to guarantee, but apparently came from official source, that it would probably cost about \$25,000 to \$30,000 a year to get these folks back in here.

Now they take usually a \$2,000 or \$3,000 a year licking to come into the state, and we are always complaining about losing our teachers. It really seems to me that we ought to vote real strongly to get them back and keep them in the state and if they have earned pension rights in other states to allow them to pay as I believe the bill calls for, and carry on those rights along in our own retirement system.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Southport, Mr. Buck.

Mr. BUCK: Mr. Speaker, I agree with the previous speaker that we ought to attract out of state teachers to teach in the State of Maine. I think a diversification is very welcome. I, however, do disagree on a section of this bill which I do not believe that the State of Maine should pay. I have been given—it has been intimated to me by a member of the Maine Retirement System that if this bill is passed, we will—the State of Maine will be responsible for paying the five percent ten years back, that is, to 1955, and I did not know at the time how many teachers from out of state were hired each year. I have recently found out that 177 teachers were hired in 1964. I do not know the number of teachers in the last nine years, but supposing we take the 177, supposing they were getting from out of state about \$8,000. Five percent of that would be \$400 and 177 teachers would give us around \$70,800 which the State of Maine would be liable to pay into the retirement system from the gen-



eral fund of the state. This amount could well be the amount for the nine years previous to that, and I do not think that this Legislature ought to bind itself to pay about \$708,000 from the general fund of the State of Maine. If the bill was so written that the retroactive feature of it were removed, I would be in sympathy with it.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: I have just been doing a little adding up here, and as I recall the gentleman from Southport, Mr. Buck, said that this would cost some \$400 per teacher for 177 teachers, and I think he said \$708,000.

Mr. BUCK: \$70,800.

The SPEAKER: The gentleman will kindly not carry on such conduct. The gentleman may proceed.

Mr. HEALY: I stand corrected. The gentleman from Southport, Mr. Buck, is correct.

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

Mr. KITTREDGE: Mr. Speaker, I would like to ask a question to anybody in the House regarding this particular bill. What would happen to a Maine teacher that got a fellowship in another university or that desired to get a post-graduate course in another university outside of the State? Would this be considered out-of-state service, and would this teacher that desired to improve himself in his education, would he be penalized under this act?

The SPEAKER: The gentleman from South Thomaston, Mr. Kittredge, has posed a question to any member of the House and any member of the House may answer if he so desires.

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

Mr. GAUDREAU: Mr. Speaker, I had this tabled once before for the simple reason that the House Chairman, the gentlewoman from Portland, Mrs. Carswell, is not present, and she is very well informed on this and she has got

all the figures. A lot of figures have been batted around here that I don't know that I could agree with, but I wish that for the same reason that I did last time, somebody would table this until May 7 in order that the House Chairman of Retirements and Pensions could answer all these questions.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Kennedy of Milbridge to accept the minority report and specially assigned for Friday, May 7.

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

Bill, "An Act to Create a Department of Rehabilitation." (H. P. 1075) (L. D. 1455).

Tabled—April 22, by Mr. Binnette of Old Town.

Pending—Passage to be Engrossed. (Assigned for Friday, April 30th)

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

Mr. BINNETTE: Mr. Speaker, practically for the same reasons the gentleman from Lewiston, Mr. Gaudreau just enumerated, I feel as though if Mrs. Carswell the gentlewoman from Portland, were here, she would be in a better position to discuss this bill, and I thought at the time that I had tabled it that she would have been here, but unfortunately, she had to go to the hospital, and I really believe that she will be back here with us sometime this coming week. Therefore, I wish somebody would table this until May 13 please.

Thereupon, on motion of Mr. Ross of Bath, tabled pending passage to be engrossed and specially assigned for Thursday, May 13.

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

HOUSE REPORT—"Ought not to pass"—Committee on Appropriations and Financial Affairs on Resolve, in Favor of Reed Plan-

tation for School Construction Aid. (H. P. 34) (L. D. 46)

Tabled—April 23, by Mr. Storm of Sherman.

Pending—Acceptance. (Assigned for Friday, April 30th)

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

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

HOUSE REPORT — "Ought to pass" in New Draft (H. P. 1092) (L. D. 1488) under same title—Committee on Labor on Bill, "An Act relating to Time of Payments of Benefits Under Employment Security Law." (H. P. 824) (L. D. 1054)

Tabled—April 23, by Mr. Gifford of Manchester.

Pending—Acceptance. (Assigned for Friday, April 30th)

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

Mr. GIFFORD: Mr. Speaker, I move this matter be retabled until Friday, May 7.

Mr. Bussiere of Lewiston requested a division.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, moves this matter be retabled and specially assigned for Friday, May 7. A division has been requested. All those in favor of this matter being tabled until May 7 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Ninety-five having voted in the affirmative and seven having voted in the negative, the tabling motion did prevail.

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

Bill, "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$6,000,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 264) (L. D. 346) (C. "A" H-166)

Tabled—April 23, by Mr. Bishop of Presque Isle.

Pending—Motion of Mr. Graham of Freeport to Indefinitely Postpone Committee Amendment "A." (Assigned for Friday, April 30th)

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

Mr. JALBERT: Mr. Speaker and Members of the House: The amendment would take the University of Maine out of the Bureau of Public Improvements.

I can certainly be classified as one of the great friends of the University, and I am for this bond issue. As a matter of fact, I withdrew, when I found out that the gentleman from Freeport, Mr. Graham had the bill, I withdrew my own measure calling for a bond issue, in his favor.

Now I don't want to touch this vehicle. Besides, there is another bill that specifically spells out taking them out of the B. P. I. I think that's the time to go for or against taking them or not taking them out of the Bureau of Public Improvements. I certainly hope that the motion to indefinitely postpone will not prevail.

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

Mr. KATZ: Mr. Speaker, I move this lay upon the table until next Thursday.

The SPEAKER: The question before the House now is the motion of the gentleman from Augusta, Mr. Katz, that this matter lie upon the table assigned for next Thursday.

Mr. Jalbert of Lewiston requested a division.

The SPEAKER: A division has been requested. All those in favor of this matter being tabled assigned for next Thursday will kindly 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 seventy-three having voted in the negative, the motion did not prevail.

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

Mr. GRAHAM: Mr. Speaker and Ladies and Gentlemen: I opposed the amendment because it would put this academic project under the Bureau of Public Improvements. The University of Maine has its Trustees, its Supervisors and its Engineers. Why bring in a second team of engineers and supervisors that will only result in bureaucratic confusion, delay and added expense to the State of Maine?

This amendment is not adding something that was left out by accident. It is adding something that was not in there before. In 1959 when the Legislature authorized the prototype of this sort of self-liquidating loan for the same purpose, there was no such amendment in the bill. This earlier loan is now being paid off. The earlier loan did not, I say did not, have the provision that the work was to be supervised by the Bureau of Public Improvements. Why add that provision now?

It was a very carefully drawn bill. To add this amendment may snarl its legality and impair the salability of the bonds. The amendment is unnecessary, uneconomical and unwise.

I have learned in this House to have the greatest respect for the judgment and sagacity of the gentleman from Lewiston, Mr. Jalbert. I agree with him absolutely. I agree with him because he himself introduced a bill, L. D. 402 and with the utmost courtesy, later withdrew it out of deference to our bill which preceded it, but in this bill, L. D. 402, which the gentleman from Lewiston introduced himself, there is absolutely no mention of the Bureau of Public Improvements. The University of Maine is left to supervise its own project. I think the gentleman from Lewiston was absolutely right in writing the bill that way. I congratulate him.

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

Mr. JALBERT: Mr. Speaker, I appreciate the fact that the gentleman from Freeport, Mr. Graham, congratulates me, but it

stops right there as far as my agreeing with him this morning.

Now I wasn't going to cook up too much steam on this thing, but I mean how far can we go? Now what answer do we have if we take them out of B.P.I., what answer do we have to the teachers colleges? Now we have gone in excess of a million dollars on their current expenditures at the University of Maine and believe me, the affable Clerk often calls it the Home of the Blessed Virgin and I'm getting to believe him. Now we have gone way overboard and we are going to go quite a sum of money on the upgrade on the supplemental. We are talking about a crash program. This is a six million dollar bond issue. There is another one in the mill anywhere from eight to twenty million. I mean I think that's a fair enough shake. Either that, or if they aren't satisfied, we'll just adjourn here and move to Orono. I don't mind—I mean I know that according to this morning's paper that I have been doing a little hard lobbying, I mean I committed the great sin yesterday of going to a House member and telling that House member that I would appreciate her support, and it may have been a little strongly due to the fact that I was supporting her on a measure, and I wound up in the newspapers, but that doesn't bother me one iota. I don't like to be pummelled at the way I have been on this thing from the members of the alumni, and I happen to be one myself and so is my dear wife, and I think we have gone far enough. I am glad you agree with me in some of my comments. I drafted the bill. I assure you of one thing if I had kept my bill I assure you I can read and I assure you that the B.P.I. would have been in there.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I find myself in complete agreement with the gentleman from Lewiston, Mr. Jalbert, and with the unanimous report of the Commit-

tee on Appropriations and Financial Affairs, and I think I would like to — I may be possibly a little bit in error, but I have got to say it is nearly unanimous, and I haven't the record before me, and if anybody wishes to correct me after I get through, I am perfectly willing to abide by that.

However, I would like to shed a little light on this matter in my feeble way if I can. Back in the early '50's when this Legislature was somewhat—the deliberations were somewhat guided by no less a person than the Representative and later Governor and now United States Senator, Edmund S. Muskie, and at that time we had no less a man than the Honorable Bob Haskell, whom I consider one of the most astute students of state government probably in Maine today, we came up with a program which has in my opinion worked well, whereby we set up the Bureau of Public Improvements and the Bureau of the Budget to more or less take a look at all of these requests made by institutions, by the University of Maine, by the teachers colleges; the construction program under that setup is supervised to some extent by the Bureau of Public Improvements. I don't feel that they particularly hamper, we will say, the priorities within an institution like the University of Maine. However, my point is if we throw this over, and I think it has been working good, we may be making a rapid move in the wrong direction. If we abandon it now and this is an opening wedge, I just feel that regardless of who the group are that are receiving money from the state appropriations, that they should abide by all the rules that are set up for institutions. We have these men who are — the Commissioner, Walter Ulmer, and Dr. Fisher, they all have their requests and they are supervised by the Bureau of Public Improvements. I hate to see us depart from what I think has been a good setup over the past ten years, and I have seen it work perhaps closer than some because in that time I have served—I am

now serving my fifth term on the Committee on Appropriations and Financial Affairs where all these matters have been brought in the first instance.

I hope you will take a long look before you take this step. I certainly agree with the remarks of the gentleman from Lewiston, Mr. Jalbert, as I said before, and I have no misgivings as to the ability of the University of Maine to make their plans and carry them out, but however, I say let's all live by the same rules that we have set up. I think it's a good one.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Libhart.

Mr. LIBHART: Mr. Speaker, I was hopeful that we would not be debating the merits and demerits of the bill to exempt the University of Maine from the supervision of the B.P.I. this morning, because I am surely going to have a full debate on that issue later on.

It seems to me the answer to this amendment is quite simple. It seems to me that the amendment should be indefinitely postponed as is the motion before us, and for one very good reason. I studied the present law which includes, in my opinion, completely, the University of Maine in the supervision of B.P.I. Now I know there has been some question on it, but I think a careful reading, not even a close reading but a careful reading of the present law, would indicate to anyone that the University of Maine, including bond issues of this kind, is and must be under the supervision of B.P.I. Now regardless of what you think of the merits, whether or nor they should be there, if we pass this bill this morning with the amendment, and then we later exempt the University of Maine, this will throw a cloud on the situation which may make our bonds unmerchantable. Now there is no need to do this. We can pass the bill without the amendment. If we don't accept the University's request for the exemption, no harm done. If we

do accept it, still no harm done. As the law presently is, the University of Maine and issues of this kind must come under the supervision of B.P.I. This amendment does nothing to help the situation. It may very well do something to hinder it. Therefore, I am rising in support of the indefinite postponement of the amendment with the hope that we will pass the bill as written.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: The question as to whether or not the University should be divorced from B.P.I. is going to be a long and a difficult decision for this House to make, but one thing I think none of us want to do is to jeopardize the progress of the University, and I still feel we are going about this in an awkward manner, and prudence would indicate that we hold off any debate or any decision on this until the decision as to whether B.P.I. should continue to have jurisdiction is settled, and that is coming out this week. I still would hope that this be tabled at least briefly so that we can debate both together.

Thereupon, on motion of Mr. Jalbert of Lewiston, tabled pending the motion of Mr. Graham of Freeport that Committee Amendment "A" be indefinitely postponed, and specially assigned for Thursday, May 6.

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

**DIVIDED REPORT** — Majority (8)—"Ought not to pass" — Minority (2)—"Ought to pass" — Committee on Towns and Counties on Bill, "An Act relating to Expenses and Travel of County Commissioners of Aroostook County." (H. P. 900) (L. D. 1210)

Tabled—April 27, by Mr. Martin of Eagle Lake.

Pending—Motion of Mr. Crommett of Millinocket to accept Majority "Ought not to pass" Report. (Assigned for Friday, April 30th)

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: The situation which prompted this bill is again one of the unique features of Aroostook County and that is the great distances involved from the County Seat in Houlton to many of the other larger communities.

The practice up there has been for one of the Commissioners to act as the full-time executive officer and in the present instance he resides in Presque Isle and has to travel forty miles to Houlton and return each day, five days a week, with a total of 400 miles a week.

The present law prohibits the County Commissioners in any county from reimbursing themselves for travel from their homes. Now I recognize that this best could be solved by an amendment to the general law exempting all counties from this restriction. However, there didn't seem to be particular support for that because other counties apparently did not have as acute a problem as Aroostook; hence the present bill, and for that reason I hope that you will defeat the motion to accept the Majority "Ought not to pass" and accept the Minority "Ought to pass" Report.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: You will note that this report was eight "Ought not to pass" and minority two "Ought to pass." I am sure you listened with attention to the remarks of the gentleman from Presque Isle, Mr. Bishop. I will remind you, ladies and gentlemen, that the present commissioners of Aroostook County, when they offered themselves as candidates surely knew where the county seat was and no county pays their commissioners travel expenses. And I would also remind the Aroostook delegation that there is a provision for an increase in their salaries which will compensate to a certain extent

for the mileage. So, I would urge the members of this House to accept the "Ought not to pass" report.

The SPEAKER: The question before the House is on the motion of the gentleman from Millinocket, Mr. Crommett, to accept the Majority "Ought not to pass" Report.

Mr. Danton of Old Orchard Beach requested a division.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, has requested a division. All those in favor of accepting the Majority "Ought not to pass" Report will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred four having voted in the affirmative and eight having voted in the negative, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

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

Bill, "An Act relating to Appointment and Duties of Fire Department Officers as Forest Fire Wardens." (H. P. 105) (L. D. 113)

Tabled—April 28, by Mr. Hammond of Paris.

Pending — Passage to be Engrossed. (Assigned for Friday, April 30th)

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

Mr. HAMMOND: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this Legislative Document, "An Act relating to Appointment and Duties of Fire Department Officers as Forest Fire Wardens," I rise in opposition to this bill. I do so after being completely convinced that it is an unnecessary piece of legislation. This bill will only commit, create confusion. Now, ladies and gentlemen, this legislation would make mandatory the appointment of fire chiefs as fire wardens whether or not they wish to have

this position forced upon them. There are at the present time twenty-four towns in the State of Maine which have more than one fire department. You can easily see the confusion which would be created there.

Then, fire chiefs have consistently been appointed as fire wardens when they wished the position and the Department of Forestry has concurred in this and will continue in this practice. All they need to do is to have the approval of the municipal officers. The term of fire chief is usually for one year, whereas, the term of fire warden is for three years. And in the overall picture, more significant than anything else, there is a vote on record of the Western Maine Fire Association and the Penobscot County Firemen's Association as being completely opposed to this bill. This bill was given a complete full hearing before the Towns and Counties Committee and they came out with a report "Ought not to pass." We were asked to reconsider this bill, which we did thoroughly and again an "Ought not to pass" report was rendered.

Ladies and gentlemen of the House, in result of this situation which I believe that I have covered thoroughly, I now move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Paris, Mr. Hammond, that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I would heartily concur with my good friend, Mr. Hammond. However, the sponsor of the bill Mr. Hunter of Durham, is not present this morning and I would hope that someone might table this until he can be here.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker, out of courtesy to the gentleman from Durham, Mr. Hunter, who became ill during the early part of this session, I would like to have this tabled for one week.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Hammond of Paris to indefinitely post-

pone and specially assigned for Friday, May 7.

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(Off Record Remarks)

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On motion of Mr. Levesque of Madawaska,

Adjourned until Tuesday, May 4, at ten o'clock in the morning.