

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, May 5, 1965

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

Prayer by the Rev. Fr. Thomas Nelligan of St. Mary's Church, Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Senate Reports of Committees  
Leave to Withdraw  
Covered by Other Legislation**

Report of the Committee on Towns and Counties on Bill "An Act Increasing Salaries of Certain County Officials of Hancock County" (S. P. 49) (L. D. 220) reporting Leave to Withdraw, as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Increasing Salaries of Judge of Probate and Register of Probate of Penobscot County" (S. P. 102) (L. D. 269)

Report of same Committee reporting same on Bill "An Act Increasing Salary of County Attorney and Assistant County Attorney of Penobscot County" (S. P. 103) (L. D. 270)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Deputy Clerk of Courts of Cumberland County" (S. P. 330) (L. D. 1052)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of County Officials of Androscoggin County" (S. P. 387) (L. D. 1314)

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft  
Amended in Senate**

Report of the Committee on Judiciary on Bill "An Act Providing for Additional Trial Term in Penobscot County" (S. P. 211) (L. D. 592) reporting same in a new draft (S. P. 514) (L. D. 1486) under same title and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 514, L. D. 1486, Bill, "An Act Providing for Additional Trial Term in Penobscot County."

Amend said Bill in the 10th line by striking out the word "April" and inserting in place thereof the following: 'April June'

Senate Amendment "A" was adopted in concurrence and the New Draft assigned for third reading tomorrow.

**Ought to Pass**

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Election of Directors of Corporations" (S. P. 116) (L. D. 379)

Report of same Committee reporting same on Bill "An Act relating to Indemnification of Directors of Corporations" (S. P. 118) (L. D. 344)

Report of same Committee reporting same on Bill "An Act relating to Time of Terms of the Superior Court in Certain Counties" (S. P. 355) (L. D. 1119)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

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

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Retirement Allowances of State Employees Retired on Council Orders" (S. P. 334) (L. D. 1079) 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. 334, L. D. 1079, Bill, "An Act Increasing Retirement Allowances of State Employees Retired on Council Orders."

Amend said Bill in section 2 by striking out in the 2nd line the figure "\$9,200" and inserting in place thereof the figure '\$8,819.28' and by striking out in the 3rd line the figure "\$9,200" and inserting in place thereof the figure '\$8,819.28.'

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Retirement of Justices of the Supreme Judicial Court and Superior Court" (S. P. 347) (L. D. 1114) 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. 347, L. D. 1114, Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial Court and Superior Court."

Amend said Bill by striking out all of section 3 and inserting in place thereof the following:

**'Sec. 3. Appropriation.** There is appropriated from the General Fund the sum of \$8,500 for the fiscal year ending June 30, 1966 and the sum of \$8,500 for the fiscal year ending June 30, 1967 to

carry out the purposes of this Act. The breakdown shall be as follows:

<b>Department</b>	<b>1965-66</b>	<b>1966-67</b>
<b>SUPREME JUDICIAL AND</b>		
<b>SUPERIOR COURTS</b>		

All Other	\$8,500	\$8,500
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Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

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

Bill "An Act relating to Title References in Conveyances of Real Estate" (S. P. 399) (L. D. 1224) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on April 22.

Came from the Senate recommended to the Committee on Judiciary in non-concurrence.

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

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act relating to Legal Fees in Court Proceeding for Benefits under Employment Security Law" (H. P. 825) (L. D. 1258) which was passed to be engrossed as amended by House Amendment "A" in the House on April 27.

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

In the House: On the motion of Mr. Richardson of Cumberland, tabled pending further consideration and specially assigned for Friday, May 7.

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

An Act Establishing a Commercial Standard for Maine White-Cedar Shingles (H. P. 947) (L. D. 1283) which was passed to be enacted in the House on April 16 and passed to be engrossed as amended by Committee Amendment "A" on April 9.

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

In the House: On motion of Mr. Martin of Eagle Lake, the House moved to recede and concur with the Senate.

### Orders Tabled

Mr. Anderson of Orono presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to make a study in depth of the "State of Maine Laws Relating to Public Schools" as they pertain to general purpose aid;

AND BE IT ORDERED, that the study in depth should examine among others, the following factors: The provisions in the present law concerning such matters as foundation program content and allowances, bonuses for School Administrative Districts and other criteria related to the formation of such districts (Sinclair Law);

AND BE IT FURTHER ORDERED, that a report of such study together with any recommendations deemed necessary be made to the 103rd Legislature.

(On motion of Mr. Levesque of Madawaska, tabled pending passage and unassigned.)

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

Mr. JALBERT: Mr. Speaker, Members of the House: Speaking as a member of the Sub-Committee that retained Ernst and Ernst to do an evaluation of the Department of Economic Development, I would like to state that the report is out. It is a sixty-five page report and copies of it are going to be reproduced for every member of both branches as quickly as it can be done, as stated to me by the Chairman of the Sub-Committee this morning. And I hope that you will withhold your evaluation of it or comments on it until you have had time to read the report. I spoke to a very good friend of mine this morning. He said, what did you think of the Ernst and Ernst report? I gave him my

opinion very briefly. I asked him what he thought. He said well, I think we threw money down the drain. My next question was, have you read it? No. So before we make judgment, let's look at it, let's digest it, and let's read it and then let's comment.

Mr. Farrington of China was granted unanimous consent to address the House briefly.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I talked briefly about passing general laws in this Legislature. Whenever we find that we have passed laws to serve ninety percent of the people or to restrict ninety percent of the people for the benefit of ten percent of the people with different regulations, I believe this is a very deplorable situation. Now, Mr. Speaker, if I am in order I would like to ask if the House has in its possession L. D. 495.

The SPEAKER: Does the gentleman desire to make a reconsideration motion?

Mr. FARRINGTON: Yes.

The SPEAKER: It is not necessary to request unanimous consent for the purpose of making a reconsideration motion and the Chair will answer in the affirmative that this legislative document is in the possession of the House.

Mr. FARRINGTON: Mr. Speaker, I now move reconsideration of this matter whereby the majority report was accepted. And is this debatable, Mr. Speaker?

The SPEAKER: The gentleman from China, Mr. Farrington, now moves that we reconsider our action whereby we accepted the Majority "Ought not to pass" Report as of May 4 on Senate Paper 165, L. D. 495, Bill "An Act Repealing Law Regulating Business on Sundays and Certain Holidays," and the motion to reconsider is debatable. The gentleman may proceed.

Mrs. Baker of Orrington requested a division.

The SPEAKER: The gentleman from China, Mr. Farrington, may proceed.

Mr. FARRINGTON: Mr. Speaker, Members of the House: I have nothing further to say except that when the vote is taken I ask for a roll call.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from China, Mr. Farrington, that we reconsider our action whereby we accepted the Majority "Ought not to pass" Report. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call vote being taken on the reconsideration motion will kindly rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously less than one-fifth having arisen, the motion is not in order. The gentleman from Orrington, Mrs. Baker, has requested a division. All those in favor of reconsidering our action whereby we accepted 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.

Forty-six having voted in the affirmative and seventy-five having voted in the negative, the motion did not prevail.

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

Mr. BINNETTE: Mr. Speaker, I would like to inquire if Senate Paper 425, L. D. 1360, Bill "An Act Regulating Fly Fishing in Certain Portion of Kennebec River," is in possession of the House.

The SPEAKER: The Chair will answer in the affirmative.

Mr. BINNETTE: Mr. Speaker, I now move that we reconsider our action of yesterday whereby we accepted the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, now moves that we reconsider our action whereby we accepted the Majority "Ought not to pass" Report and the gentleman may proceed.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentleman: The State of Maine, as we all know it, is primarily billed as a "Vacationland," fishing and hunting being one of our most promoted sports. It is big business in Maine. Now, ladies and gentlemen of the House, I would want you to view this bill in terms of (1) being a sound business investment, and (2) being a conservation effort. Now let us look at it under the first point, (1) being a sound business investment. Most of our promotional activity is directed towards "out-of-staters" or "non-residents." But there is as you no doubt are aware, a great gap between the fishing and hunting seasons. Fishing ends September 15 and hunting usually starts November 1 on a state-wide basis, although some areas open October 15. Many would-be visitors who love both sports decide to go to our neighboring State of New Hampshire where fly fishing in October is state-wide, rather than come to Maine for one week of fishing in September and one week of hunting in November. Maine should be able to compete with New Hampshire.

I don't know just how much money this would create or generate, but I am sure it would be substantial along the entire Kennebec River Valley. Also, we have many Maine residents who love to fly fish. They spend their money in New Hampshire where the seasons extend throughout October on a state-wide basis as I have previously stated.

Now let us look at it on the second point. Being a conservation effort, now actually this is conservation in reverse. The Kennebec River is unique in itself. It used to be one of the better Atlantic salmon rivers, that is when it was wide open from tide-water up to Moosehead Lake. And I understand, we still have Atlantic salmon, sturgeon and certainly, of course, stripers, among others, in the tidewaters. However, no fish can go up the river, as there is not one fishway up to the Indian Pond Dam, a distance of one hundred miles or more. If you recall before 1936 there were

locks in Augusta but the great floods of that year took the locks with it. It was rebuilt and stopped further migrations up the river. All the fish in the area at present work themselves down from Moosehead Lake and if they are not caught on the way down they finally end up in waters that are highly polluted.

These fish benefit no one. The department says that they were not against this bill and nobody from the department appeared at the hearing to oppose it. The opposition to this bill was very weak. Only several objections were raised. One felt that the fish would be congregated on the spawning beds. Gentlemen, spawning is generally done in the tributaries and they are not open and furthermore a spawning fish will not rise to a fly. One felt that worm flies would be used. This I am sure was not meant that way as the warden service is more than capable to cope with the violators and has an excellent record to prove it.

The only apparently real objection was that there was no hearing conducted by the Fish and Game Department which they felt has the power to open and close any area after its findings at a hearing. But this is not the case, as the department can open or close or restrict an area only during the general season and this bill is to extend the general season but only for the Kennebec River.

I therefore submit to you that this is a good bill and that it will benefit the non-resident and resident sportsmen, and it also means added income for the business along the Kennebec River and is a sound conservation measure. This bill, however, I believe deserves your careful thought and study and I move for reconsideration and I hope that you will vote in favor of it.

The SPEAKER: The question before the House is on the motion of the gentleman from Old Town, Mr. Binnette, that we reconsider our action whereby we accepted the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Skowhegan, Mr. Poulin.

Mr. POULIN: Mr. Speaker, I would inquire if the House has possession of the amendment that was put on that bill?

The SPEAKER: The House would have in its possession also the Senate Amendment.

The Chair recognizes the gentleman from Moscow, Mr. Beane.

Mr. BEANE: Mr. Speaker, Ladies and Gentlemen of the House: We killed this bill yesterday. I hope that we will let it rest in peace.

Mr. Cookson of Glenburn requested a division.

The SPEAKER: All those in favor of reconsidering our action whereby we accepted 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.

Forty-three having voted in the affirmative and seventy-six having voted in the negative, the motion did not prevail.

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On motion of Mr. Palmer of Phillips, it was

ORDERED, that Craig Starbird of Strong be appointed to serve as Honorary Page for today.

The SPEAKER: Craig is the son of Virgil Starbird of the Starbird Lumber Company. He is the president of the Student Council of the Junior Class of Strong High School. On behalf of the House, Craig, the Chair welcomes you and we hope that you will enjoy your duties as honorary page for the day. (Applause)

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The SPEAKER: The Chair at this time would like to recognize in the balcony of the House thirty-four pupils of the Junior and Senior Classes of Strong High School, accompanied by their teachers Mr. Lloyd Davidson and Mrs. Reta Cook. They are the guests of the gentleman from Phillips, Mr. Palmer. On behalf of the House the Chair welcomes this group and hopes that your visit will be both educational and enjoyable. (Applause)

### House Reports of Committees Ought Not to Pass

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Provide for the Control of Air Pollution" (H. P. 115) (L. D. 139)

Report was read and accepted and sent up for concurrence.

### Tabled and Assigned

Mr. Dunn from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve to Provide Funds for Additional Personnel for the Southern Maine Vocational-Technical Institute at South Portland (H. P. 390) (L. D. 502)

Report was read.

(On motion of Mr. Haugen of South Portland, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 12.)

### Tabled and Assigned

Mr. Dunn from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Reestablishing Western Maine Sanatorium in Hebron as a Nursing Home for the Elderly" (H. P. 443) (L. D. 1010)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Benson.

Mr. BENSON: Mr. Speaker, I move that this matter lie on the table for one week.

The SPEAKER: The gentleman from Mechanic Falls, Mr. Benson, moves this matter lie upon the table assigned for May 12.

Mr. Jalbert then requested a division.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests a division. All those in favor of this matter lying upon the table assigned for May 12 pending the acceptance of the Committee Report will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-two having voted in the affirmative and forty-seven

having voted in the negative, the motion to table prevailed.

### Tabled and Assigned

Mr. Healy from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Funds for Regional Airport to Service Augusta, Waterville and Surrounding Areas (H. P. 307) (L. D. 410)

Report was read.

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

Mr. FORTIER: Mr. Speaker, I would like to have this item set aside until Friday of this week please.

Mr. Bishop of Presque Isle requested a division.

The SPEAKER: The question before the House is that this matter lie upon the table assigned for May 7. The gentleman from Presque Isle, Mr. Bishop, has requested a division. All those in favor of this matter lying upon the table assigned for May 7 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker, Ladies and Gentlemen of the House: Item 4 happens to be my bill and the reason why I wanted it tabled was because I have information I would like to have distributed to the members of the House. I would like to have somebody table this for me until tomorrow.

Thereupon, on motion of Mr. Conley of Portland, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Eligibility of State Employees for



Group Life Insurance" (H. P. 295) (L. D. 398)

Report was read.

The SPEAKER: Is it the pleasure of the House to accept the Committee Report? The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, everyone seems to be doing it this morning. This happens to be my bill and I think it has quite a bit of merit, but I realize the money problems we have before us this session. So, at this time I will move to accept the committee report.

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

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Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve to Provide Funds for a Gymnasium-Auditorium and a Physical Education Program at the Southern Maine Vocational-Technical Institute in South Portland (H. P. 451) (L. D. 605)

Mr. Brennan from the Committee on Judiciary reported same on Bill "An Act relating to Larceny of Rented Motor Vehicles" (H. P. 1081) (L. D. 1464)

Mr. Cottrell from the Committee on Taxation reported same on Bill "An Act relating to Sales and Use Tax Exemptions on Motor Vehicle Fuel" (H. P. 855) (L. D. 1152)

Mr. Curran from same Committee reported same on Bill "An Act relating to Persons Liable for Poll Taxes" (H. P. 859) (L. D. 1156)

Same gentleman from same Committee reported same on Bill "An Act relating to Sales Tax on Rooming House Rentals" (H. P. 934) (L. D. 1271)

Mr. Drigotas from same Committee reported same on Bill "An Act relating to Tax on Lobsters Shipped Beyond the State" (H. P. 938) (L. D. 1282)

Reports were read and accepted and sent up for concurrence.

### **Ought to Pass in New Draft New Drafts Printed**

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to the Employment Security Commission and the Department of Education to Match Federal Funds under Manpower Development and Training Act of 1962" (H. P. 675) (L. D. 902) reported same in a new draft (H. P. 1106) (L. D. 1512) under title of "An Act Appropriating Money to Match Federal Funds Provided under the Manpower Development and Training Act of 1962" and that it "Ought to pass"

Mr. McKinnon from the Committee on Business Legislation on Bill "An Act relating to Definition of Securities under Dealers in Securities Law" (H. P. 622) (L. D. 829) reported same in a new draft (H. P. 1107) (L. D. 1513) under title of "An Act Exempting Municipal Development Corporations from Fees under the Securities Law" and that it "Ought to pass"

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Arrests for Motor Vehicle Violations" (H. P. 637) (L. D. 862) reported same in a new draft (H. P. 1110) (L. D. 1516) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

### **Recommended**

Mr. Boissonneau from the Committee on Legal Affairs on Bill "An Act relating to Number of Members of Superintending School Committee of Town of Old Orchard Beach" (H. P. 744) (L. D. 981) reported same in a new draft (H. P. 1109) (L. D. 1515) under title of "An Act Amending Certain Provisions of the Charter of the Town of Old Orchard Beach" and recommending that same be printed and recommitted to the Committee on Legal Affairs.

Report was read and accepted and the new draft recommitted to the Committee on Legal Affairs and sent up for concurrence.

### Ought to Pass Printed Bills

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act to Provide Funds for the Continuing of Maine's Participation in the New England Pavilion at the New York World's Fair" (H. P. 616) (L. D. 825)

Mr. Jalbert from same Committee reported same on Bill "An Act Increasing Appropriation for Stipend Fund for Disbursements to Certain Agricultural Societies" (H. P. 794) (L. D. 1256)

Mr. Nadeau from the Committee on Highways reported same on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Nine Million Six Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" (H. P. 482) (L. D. 635) which was recommended.

Mr. Brennan from the Committee on Judiciary reported same on Bill "An Act relating to Appointment of Agent or Guardian Ad Litem in Actions for Equitable Relief in Mortgage Foreclosures" (H. P. 1016) (L. D. 1381)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

### Ought to Pass with Committee Amendment

Mr. Anderson from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Bureau of Public Administration at the University of Maine in Orono" (H. P. 439) (L. D. 594) 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. 439, L. D. 594, Bill, "An Act to Establish a Bureau of Public Administration at the University of Maine in Orono."

Amend said Bill by striking out in the 2nd and 3rd lines of section 2 the figure "\$25,000" and

inserting in place thereof the figure '\$20,000'

Further amend said Bill by inserting at the end the following:

"The breakdown shall be as follows:

DEPARTMENT	1965-66	1966-67
University of Maine		

All Other	\$20,000	\$20,000'
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Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Healy from the Committee on Appropriations and Financial Affairs on Resolve in favor of Marine Research Society of Bath for Support and Maintenance of Museum (H. P. 193) (L. D. 248) 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. 193, L. D. 248, Resolve, in Favor of Marine Research Society of Bath for Support and Maintenance of Museum.

Amend said Resolve by striking out in the 4th and 5th lines the words and punctuation ", and the sum of \$100 for the fiscal year ending June 3, 1967,"

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Longevity Pay for State Department Officers Whose Salaries are Fixed by Statute" (H. P. 970) (L. D. 1347) 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. 970, L. D. 1347, Bill, "An Act Providing for Longevity Pay for State Department Officers Whose Salaries are Fixed by Statute."

Amend said Bill by striking out in the 3rd line from the end the

figure "\$25,000" and inserting in place thereof the figure "\$17,000"

Further amend said Bill by adding at the end the following:

'The breakdown shall be as follows:

DEPARTMENT	1965-66
Employees Salary Plan	
Personal Services	\$17,000'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Classroom Building at Erskine Academy" (H. P. 444) (L. D. 598) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. DUQUETTE of York  
HARDING of Aroostook  
BROWN of Hancock  
— of the Senate.

Messrs. BISHOP of Presque Isle  
ANDERSON of Orono  
JALBERT of Lewiston  
HEALY of Portland  
— of the House.

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

Report was signed by the following members:

Messrs. DUNN of Denmark  
BRAGDON of Perham  
BIRT of East Millinocket  
— of the House.

Reports were read.

On motion of Mr. Bishop of Presque Isle, the Majority "Ought to pass" Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT  
"A" to H. P. 444, L. D. 598, Bill, "An Act Appropriating Funds for Classroom Building at Erskine Academy."

Amend said Bill by striking out in the 2nd line the figure "\$75,000" and inserting in place thereof the figure "\$40,000"

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Authorize the Establishment of an Area State Operated Vocational Technical High School in York County and the Issuance of Not Exceeding One Million One Hundred and Fifteen Thousand Dollar Bonds of the State of Maine for the Financing Thereof" (H. P. 673) (L. D. 900)

Report was signed by the following members:

Messrs. HARDING of Aroostook  
BROWN of Hancock  
— of the Senate.

Messrs. BISHOP of Presque Isle  
JALBERT of Lewiston  
ANDERSON of Orono  
HEALY of Portland  
BRAGDON of Perham  
BIRT of East Millinocket  
DUNN of Denmark  
— of the House.

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

Report was signed by the following member:

Mr. DUQUETTE of York  
— of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the "ought to pass" report and I would like to speak on it.

The SPEAKER: The question before the House now is on the motion of the gentleman from Saco, Mr. Bedard, that we accept the Minority "Ought to pass" report and the gentleman may proceed.

Mr. BEDARD: This is a bill for a vocational high school in York County at a high school level. This would take care of the pupils to start at the industrial high school

at the high school level to feed into the secondary level school. Now, there have been two other bills presented here and they have been accepted. This would be a relief for the dropouts of the school. This school would be operated by the state and it is estimated that the first year overall operational expenses for four hundred fifty pupils will be \$244,000 or approximately \$542.22 per pupil per year. This figure is approximately \$80 less than the amount a private school may legally, under state law, charge a local community per pupil for instruction at the secondary level. However, of this expenditure by the state to operate a vocational high school fifty percent is reimbursable through the federal funds, thus leaving a net cost to the state of \$132,000 yearly or roughly \$271 per pupil. With proposed new federal legislation, this figure may be even considerably lower.

Evening school and adult trade extension programs could be operated on a self liquidating basis by the use of industrial grants, federal funds and tuition. Ladies and gentlemen, this is a bill that will take care of the boy that wants to start a trade that doesn't feel that he could go to college. It is a very good bill. This is the only bill that has ever been presented for the high school level and I move for its passage by accepting that and when the vote is taken, I ask for a division.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can appreciate the remarks of my very good friend from Saco, Mr. Bedard, concerning vocational training. Any bill that has vocational training on it for my money is a good bill. In this particular instance here, this is a bill that can join itself with L. D. 44 which has already been passed by this House. L. D. 44 calls for area vocational training schools. L. D. 44 would call for the federal and state funds to supply seventy-five

percent of the money for construction; twenty-five percent would be encumbered by the area where the school is. And to reimburse the community where the school is, the tuition paid in by the students from the outside areas to the town or city where the school is, would enable eventually to wipe out the twenty-five percent of the cost to the school where it is located.

Now, the L. D. 44 means the construction of approximately six area schools, which would mean it would start on a local level. This bill here can come under that. In other words, under L. D. 44 the City of Saco or Biddeford or any community within the area can apply for a school construction program and it can be granted; and I am sure and certain that the area where my very good friend Mr. Bedard comes from would be recognized as one of the first areas who would be granted permission to construct and go into a program of vocational training on the high school level. And that is the reason why the report came out as it did in a nine to one form. And I hope that the majority report is accepted. I now move that the bill and both reports and the accompanying papers be indefinitely postponed.

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

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

Mr. BERNARD: Mr. Speaker and Members of the House: I would like to ask a question of Representative Jalbert of Lewiston. He says that this could be incorporated, this could be the same thing. I may be wrong in my thinking, but L. D. 44 incorporates half of this bill. I would like to ask the question of Mr. Jalbert, if his bill would allow pupils that can't go through the history classes, that may be flunking in English, that may be flunking classes in school, that can't keep

up with the other students, if these students would be allowed to go into these schools and take mechanics and take different courses on the vocational level?

The SPEAKER: The gentleman from Sanford, Mr. Bernard, poses a question through the Chair to the gentleman from Lewiston, Mr. Jalbert, who may answer if he so desires.

Mr. JALBERT: Mr. Speaker, Members of the House: I am not going to work myself up in a lather over this. First, before I answer the question I might state that the gentleman when he states that my bill or L. D. 44 would cover only in part, that is not right. L. D. 44 would cover wholly. Now, in answer to his question, the L. D. 44 would allow the juniors and seniors in high school to take advantage of vocational training. However, they would have, like any other state in the country that has this, they would have to keep up with the basic studies, such as possibly English and mathematics.

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

Mr. BERNARD: Mr. Speaker, and Members of the House: This is where this bill differs. Now, again Mr. Jalbert mentioned juniors and seniors in the high school. What about our pupils in the State of Maine that can't keep up with the other students? We certainly have a lot of young people in the State of Maine that could be terrific machinists, could be good welders, could acquire all kinds of good trades, but just because these pupils can't keep up with the juniors and seniors I don't see the reason why these pupils should be penalized. I think this is why Mr. Bedard's bill was put in and I think it is a good bill and I think the program should be started all throughout the State of Maine. They are talking about high school level, juniors and seniors. This is why I say there is a difference.

We are talking about school dropouts. What we do with these kids? Put them in reform school just because they can't keep up with the students, juniors and seniors?

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

Mr. ERWIN: Mr. Speaker, Members of the House: The County of York is a mild and peaceful place and perhaps we haven't learned a lesson of fighting hard enough for the things that we feel are right. I rise to support my friends from Saco and Sanford, and the other places in the County of York in support of this bill because we are being asked fundamentally to accept a promise, a future possibility in L. D. 44 for what might very well be a certainty in this particular legislation in front of you today.

At least one other bill, like this one, has already passed this House. The gentleman from Saco, Mr. Bedard, referred to two; I can't remember the other one but I do recall one from Penobscot County, and you are in the position that if you kill this bill of saying at least to York County, which is the fourth largest county in the State of Maine, it follows Aroostook by a very small margin in size, you are saying to the people of York County, yes vocational training for the children of Penobscot, but no, not vocational training for the children of York. This may seem like a minor consideration to many of you, but I think if you search your hearts you will find that it is a basic consideration.

I am not going to orate all morning on this. We ask you to let this go to the Appropriations table at least and then take its chances when finally decisions are made. We ask you to keep it alive so that we may have the same fair consideration that everyone else is having in this respect; and we ask you to remember that for all of the talk and all of the oratory, all of the promises of the future, about our children, the one neglected area in the State of Maine is vocational training. Vocational training cannot remain a promise much longer. This is one of the things that we are going to have to underwrite and we are going to have to pay for. So, we of York County ask you to help us in getting some of this into reality and

take it out of the realm of high scale language.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I want to correct two possible misapprehensions about this bill. I find nothing in it to indicate that the standards of admission or accomplishment would be any less than in any other school, whatever the intent of the proponents might be. The other thing is that to my knowledge there is no other state area technical high school in the state. So in that regard York County has not been discriminated against.

L. D. 44, which we approved, provides as Mr. Bernard has suggested a program which would be state-wide; and we feel that this is the approach that should be taken. The reason for it being that there are many communities which cannot afford a technical high school or a technical program in their high school, and the purpose of L. D. 44 is to have them in strategic areas throughout the state and I hope that you will go along with the majority report.

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

Mr. JALBERT: Mr. Speaker, first I would like to comment on the gentleman from York, Mr. Erwin, by stating that when we talk about Penobscot County we are talking about a post high school level program. Now this bill also involves sophomores, juniors and seniors but does not bring in freshmen. Another thing I want to remind the House, this bill does not meet the qualifications as set up by the federal government throughout these programs, so that there would be no federal funds. The state would pick up the entire tab as far as construction is concerned and we just can't afford to do it.

Now, the comments that we are possibly swapping a promise for a certainty is not so at all. Because believe me, you are more certain in York County of getting a vocational school under L. D. 44 than you are under this.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker, Ladies and Gentlemen of the House: This would go to a referendum, it is a bond issue of one million, one hundred and fifteen thousand dollars. So, therefore, right now the state has nothing to put in and this goes before the people of the state, whether York County would be entitled for what they are asking for.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: I should like to remind these fine gentlemen from York County that we have a vocational training institute in South Portland which is only fourteen, fifteen miles from their area and we have fine highways for them to travel on and about everybody is on wheels.

The SPEAKER: The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: I do not have the eloquence of the previous speakers on L. D. 900, but I feel that this is a good and necessary asset for the young people of York County. In reply to Mr. Healy from Portland, perhaps Saco is only fifteen miles from you, but there are many areas in York County that are many more miles than that from South Portland, and you have to go over poor roads to get there. Therefore, I support the minority "ought to pass" report.

The SPEAKER: The Chair at this time would request the Sergeant-at-Arms to escort the gentleman from Madawaska, Mr. Levesque, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Levesque assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Childs retired from the Hall.

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

Mr. BIRT: Mr. Speaker, Members of the House: At the time these bills came before the Appropriations Committee, we very seriously discussed the entire project and we felt that the program as outlined in L. D. 44 would adequately do the job and I would certainly support the remarks of the good gentleman from Lewiston and hope that the minority report is not accepted and then we will accept the majority "ought not to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Southport, Mr. Buck.

Mr. BUCK: Mr. Speaker, Ladies and Gentlemen: I believe that the young folks of the State of Maine ought to have an opportunity, whether or not they have graduated from high school, for vocational training. Any bill which you pass, which is hedged in by the qualification of a high school graduate, I believe is not justified. As probably some of you know, I have been a teacher for thirty-five years and I have found many of the youth of Maine who are far superior in physical ability to those who sit in their seats, study, memorize many things which they learn in books. I have found their physical ability far superior to the ordinary high school graduate. And I think that this type of individual ought to be given a chance. I heartily support Mr. Bedard's measure.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Bernard.

Mr. BERNARD: Mr. Speaker and Members of the House: I would like to just read one section on page two of L. D. 44. On L. D. 44, page 2, No. 3 it says "... or for qualified persons over 16 years of age who have left school prior to graduation from the secondary school."

Does this mean that if a boy could not attend classes at the high school, he could attend the vocational school?

The SPEAKER pro tem: Is this a question through the Chair?

Mr. BERNARD: Yes.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: That would be up to the administrative powers of the program.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madison, Mr. Stoutamyer.

Mr. STOUTAMYER: Mr. Speaker, Ladies and Gentlemen of the House: This Monday past I had quite a long conversation with a guidance counselor at our school and this very subject was discussed. Now according to him the present vocational schools we have their requirements are getting stricter and stricter all the time, until now a student unless they are capable practically of doing college work and have passed the subjects in high school that are of about the equivalent to college requirement they are not eligible for these vocational schools that we have now. And he called to my attention, the very great need that does exist for just this very type of school. I would hope the first one would be in our area, but I am not opposed to the first one being in York.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: What I had in mind to say the gentleman from Southport, Mr. Buck, expressed very eloquently. It seems to me that if we set as a criterion that a young person needs to know history, know English, know how to spell antidisestablishmentarianism before he learns a trade, I think we are being a little unfair to this group of individuals. I think that it is time that we faced reality and provided for the needs of this group of people. Every day we pass laws here in this House to provide for the needs of people who are more talented, they have been blessed by the heavens above with certain talents so that they can learn from books. But there are others who have needs who don't have this talent, they don't have these blessings, and I hope

that the motion of Mr. Bedard of Saco carries.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I too have been a school teacher and I find that many students get nothing from books but can be very apt in picking up some of the lesser skills, plumbing, electrical work and automobile mechanics and so forth. Now, if we don't give these dropouts a chance, they are going onto the streets and get into trouble. I go along with the gentleman from Lewiston, Mr. Bedard.

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of Mr. Bedard's motion that we accept the "Ought to pass" report. In our own School Union No. 3 in Kennebunk, we have had a limited vocational type training program under way for several years and it has been very successful, but as I say it is a very limited thing. And these children are doing very well. Some of them are cooks, some of them are training as carpenters, they work a few hours a day and they go to school the rest. I think this L. D. 900 would permit more young people on a county basis to enjoy this type of education. Therefore, I support this motion of Mr. Bedard, the "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Blouin.

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: I also rise here today in support of Mr. Bedard, not from Lewiston but from Saco. And I would like to move for a roll call.

The SPEAKER pro tem: The gentleman from Sanford, Mr. Blouin, requests a roll call. The Chair recognizes the gentleman from Portland, Mr. Sullivan.

Mr. SULLIVAN: Mr. Speaker, Members of the House: I too am a teacher, and I have listened

very carefully here to what has been said this morning and evidently those who oppose the motion of Mr. Jalbert, they appear to be very poorly informed. And there is no question about it, that Mr. Jalbert knows these vocational schools forward, backward, sideways and every other way. Now, if Mr. Bedard from York and his supporters, the next thing you will want them to do, they want to go down to the primary schools and start vocational training. The point is, the thing is absolutely ridiculous and as Mr. Jalbert points out, you do the same thing under L. D. 44, and besides it doesn't cost the state taxpayers any money. Now, we haven't—we are loading the taxpayers now with various bills which put an additional load on their backs. So I believe you should support the motion of Mr. Jalbert to indefinitely postpone the bill. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Members of the House: I voted "ought not to pass" on this because I believe that we have got to be a little bit practical here. We are starting major programs at our post secondary level and we are spending a lot of money in teachers colleges and along that way. Regardless of what the gentleman from Portland, Mr. Sullivan, just remarked, I believe that L. D. 44 will be a fairly expensive bill, but it does help at the high school level. I think it would be a grave mistake for the state to start building schools for high school age vocational programs at this time.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I think you know I am connected with education and that it would be very strange if I didn't express an opinion here this morning on this matter. I was trying to save my voice for these taxation matters which are coming up a little bit later, but I am certainly one who in the educational field is highly sympathetic with



this idea of vocational training in a technical high school; and to illustrate the need which is already developed, in the City of Portland we have already started what we call a work study program, where the sophomore, or juniors or seniors go to school in the morning for a couple of hours or so and then they go out and work in industries in the community for the rest of the day.

Now I do know this, that the Educational Department wants to get as fast as they can to vocational schools for the undergraduates of the regular high school. But the point is, what they are trying to do first is to get this program for the post graduate in the vocational school started and completed and the next major job on their list, I know, is to start these technical vocational high schools.

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

Mr. BIRT: Mr. Speaker, Members of the House: There are several points in L. D. 44 which seemingly to me cover most of the areas that have been discussed by the good gentleman from York County, and I would like to read a couple of paragraphs out of that. It says: "Regional center. It shall be a regional center for vocational or technical education."...

"It shall be established, maintained and operated only in accordance with a plan approved by the State Board of Education as to educational need, scope of program to be offered, location and area to be served."...

"It shall provide programs of education and training in trade, industrial, agricultural, business, distributive, technical and service occupations to persons in secondary school,..."

Seemingly this covers most of the area that has been under discussion this morning and I would certainly support the motion to indefinitely postpone L. D. 900.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Members of the House: I could

not in good faith go home and face my fellow citizens, ladies and gentlemen of the House, unless I get up here today and point out to you that we have had many fine speeches and in these speeches they have pointed out to you that there is a need, that we do need this in York County. And I am sure that if it was some other county asking for it, it would have had a lot more support than what I have seen here today. And I am very much surprised at our Appropriations Committee that they don't come out and get behind the ball here and let's help York County a little bit. It seems all they want from York County is our tax money, but when we come down here and ask for a little bit of something to help us out in York County the answer is no.

And I hope, ladies and gentlemen of this House, that you prove to the people of York County that they are a part of the State of Maine, that you don't just want their tax money, and that you are willing to give us a little something in return. And I hope that you will join with the good gentleman from Saco, Representative Bedard, and you will support him in his move.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I too would like to rise in support of Mr. Bedard. We have got a few boys and girls of the type that he described, Mr. Bernard of Sanford has described, that haven't had a chance to even go to high school, up my way. I think that this is a start in the right direction and I would like to support him wholeheartedly.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that this bill and its accompanying papers be indefinitely postponed.

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

Mr. BISHOP: Mr. Speaker, Members of the House: I hesitate to speak again on this but I do want to point out that if you should adopt this legislation, remember that you are embarking upon a program which is a break from tradition in this state. The state has not heretofore conducted schools at the secondary level. So be prepared if you do, to establish one of these in every county, and then be prepared to start establishing regular high schools.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this bill and its accompanying papers be indefinitely postponed and the gentleman from Sanford, Mr. Blouin, has requested a roll call. In order for the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present. All those who desire a roll call will rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER pro tem: Obviously less than one-fifth having arisen, a roll call is not in order.

Mr. Jalbert of Lewiston requested a division.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, has requested a division. All those in favor of this Bill "An Act to Authorize the Establishment of an Area State Operated Vocational Technical High School in York County and the Issuance of Not Exceeding One Million One Hundred and Fifteen Thousand Dollar Bonds of the State of Maine for Financing Thereof," House Paper 673, L. D. 900, and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-two having voted in the affirmative and eight-five having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and assigned for third reading tomorrow.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Inland Fisheries and Game on Bill "An Act Providing for Adequate Fishways in Dams" (H. P. 225) (L. D. 292) reporting same in a new draft (H. P. 1108) (L. D. 1514) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. McDONALD

— of Piscataquis  
MANUEL of Aroostook  
— of the Senate.

Messrs. COOKSON of Glenburn  
ANDERSON of Ellsworth  
ROBERTS

— of South Berwick  
BALDIC of Waterville  
GAUDREAU of Lewiston  
POULIN of Skowhegan  
CHAMPAGNE of Fairfield  
— of the House.

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

Report was signed by the following member:

Mr. HOFFSES of Knox  
— of the Senate.

Reports were read.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I signed this "Ought to pass" report, but after careful study I found that it would be very detrimental to many of our industries and also might place the Fish and Game Department in many embarrassing situations. I now reverse my decision and move that the "Ought not to pass" report be accepted.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I think that my friend from Ellsworth, Mr. Anderson's original inclination was the proper one. This bill does not place a hardship on any of our industries. There is upon the law books of the State of Maine at the present time, a law which provides

that those who maintain dams across waterways shall maintain in them fishways. It doesn't say adequate fishways. It simply says fishways. Now this has been the question over the years and it has never been tested in court. It seems to me that those who would dam our waters should be willing to pay the price of maintaining adequate fishways so that the other potential users of the same waterway rights would be protected.

You recall, of course, that the Penobscot River once was a great salmon water and with all due regard to the people who say that the solution to the problem of the Penobscot is purifying its waters, we know after adequate study by biologists that you wouldn't have to clean up Penobscot at all in order to induce the salmon to come back. The problem with the Penobscot is, as it is on many of our rivers, is simply that the fishways in those dams are inadequate. The old theory was that you built the fishways out to the side so that the fish would have an easy time to climb the ladder. We know, of course, that fish follow the strongest current in the stream and the fishways should be in the strongest current, where the most water is. This is why we have got no salmon fishing in the Penobscot.

It seems to me a reasonable request to the owners of the dams to require them to maintain adequate fishways and I hope that you will go along with the majority report of this committee.

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

Mr. LUND: Mr. Speaker, Members of the House: I rise in support of the motion to indefinitely postpone but not because I am opposed to fishways. I suspect that I must also differ with my good friend from Brewer, Mr. Libhart, because I think he perhaps is not aware that there is another provision in the statute which already provides that the Fish and Game Commissioner may upon hearing

order that a fishway be built. And as a matter of fact, there also has been a case in court under that law in which it has been held that the Commissioner must set forth how the fishway shall be built.

My opposition to this bill is not based on opposition to fishways, but upon the idea that as far as I can see this bill makes it more difficult for a determination to be made that a fishway must be built. Under the present law as I understand it, after a hearing the Commissioner may order a fishway to be built and the case has held that he must supply plans as to how it shall be built.

I call your attention to L. D. 1414, which was in the last group of L. D.s we received, and I call your attention to the last line on the page. It says: "After hearing, the commissioner, with the approval of the advisory council . . . ." That is the objection that I have to the bill. At the present time the commissioner may order the fishway. Under this legislative document you would have to have a concurrence of the advisory council.

Now, we have heard a good deal this session about the drawbacks of divided responsibility in having an executive who cannot carry out his functions without the concurrence of an advisory council. To my dismay I see that the same principle some people in this House are trying to get rid of at the top level in the state is creeping in at a lower level. I say that if the Fish and Game Commissioner is doing a good job but he isn't ordering fishways where we should have them, he should be gotten rid of and a new commissioner brought who will do the job right. I don't think we should divide responsibility among a group of the advisory council where you can't pin down the responsibility for failure to act. And for this reason I hope that this bill will be indefinitely postponed.

The SPEAKER pro tem: Does the gentleman make the motion

that this bill be indefinitely postponed?

Mr. LUND: Yes.

The SPEAKER pro tem: The prevailing motion now before the House is the motion of the gentleman from Augusta, Mr. Lund, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker, I would like to pose a question through the Chair if I may to Mr. Lund. I would like to ask Mr. Lund how many fishways have been built at the order of the Commission?

The SPEAKER pro tem: The gentleman from Winslow, Mr. Roy, has posed a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he so desires.

Mr. LUND: Mr. Speaker, the same question entered my mind this morning and I asked the Commissioner and he started to pull out a list. He had a sheet which had, I would say, a dozen or several dozen entries on it. I didn't go into it in detail, but having asked the question of the commissioner this morning, my impression is that a goodly number have been ordered to have been built and have been built.

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

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

The SPEAKER pro tem: The prevailing motion now is the motion of the gentleman from Brewer, Mr. Libhart, that this be tabled until the next legislative day, pending the motion of the gentleman from Augusta, Mr. Lund, that this bill be indefinitely postponed.

Mr. Littlefield of Hampden requested a division.

The SPEAKER pro tem: The gentleman from Hampden, Mr. Littlefield, has requested a division on the tabling motion. All those in favor of Bill "An Act Providing for Adequate Fishways in Dams," House Paper 1108, L. D. 1514, lying upon the table assigned the next legislative day

will kindly rise and remain standing until the monitors have made and returned the count.

Ninety-six having voted in the affirmative and seven having voted in the negative, the motion to table prevailed.

### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Exempt University of Maine from Laws Relating to Bureau of Public Improvements" (H. P. 715) (L. D. 953)

Report was signed by the following members:

Messrs. MAXWELL of Franklin  
WILEY of Hancock  
— of the Senate.

Messrs. KATZ of Augusta  
PITTS of Harrison  
STARBIRD  
of Kingman Township  
EDWARDS of Portland  
DOSTIE of Lewiston  
— of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
— of the Senate  
Messrs. BERRY of Cape Elizabeth  
LIBHART of Brewer  
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: I move the acceptance of the majority report.

The SPEAKER pro tem: The gentleman from Portland, Mr. Edwards, now moves that we accept the Majority "Ought not to pass" Report.

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

Mr. PIKE: Mr. Speaker, Members of the House: I introduced this bill. I think that it ought to pass. When this Bureau of Public Improvements was set up in I think 1957, one of the biggest operative departments of the state,

the Highway Commission, was exempted. My memory is that it was on the theory that they had a very competent set of engineers that were dealing with a pretty technical subject and that they could decide their priorities rather better than somebody who had only general knowledge.

Well, I think they made a mistake in not exempting the University too. I'll try to tell you why. In the first place, while the University of Maine is an agency of the state, it is not quite as much a part of the state, it is not quite wholly owned as most of these other things. Most of its income comes from the state or the biggest single chunk, I think, is about thirty-five percent. It does have, and to me this is quite important, an independent and extremely able board of trustees. I believe, eight of them are appointed by the Governor, two of them I think nominated by the Alumni and appointed by the Governor, and I believe the eleventh one is the Commissioner of Education.

Now, I don't question at all the power of the state to apply, to have the Bureau of Public Improvements apply its yardstick or rule of priorities to the University. I do question its wisdom. The University is a very complicated operation. It is going through now a period of vast change whether the present legislation now before us is passed or not. It has this board which I would guess would stand up well with any other board or council in the State. It has a former governor on it. It has some bankers. It has one of the best doctors in this state. It has some outstanding women. And as for engineers, they teach engineering. They have some of the best engineers in the state. Now, again, not questioning the power, I do question the wisdom of the use of that power. I think we all recognize the strong man who doesn't use his power except when needed.

We also recognize that when another man with strength uses his power regularly, he loses some respect. Discretion in the use of power, I believe, is fundamental to good citizenship and I don't

think that it is sensible to have this bill, all of us say, breathing down the neck and kibitzing on the University and the terrific task they have got before them. Now I do get from the President of the University, from several of his top officials and from several people on the Board of Trustees that this thing has become a real hindrance, a source of friction, and a matter of continual annoyance to the Board and the administration in trying to do their work. That was the reason that I introduced the bill, suggested by the University administration. I think we ought to undo what I regarded in 1957, and I still regard, an initial mistake in putting the University under the Bureau of Public Improvements.

And I hope that the motion of the gentleman from Portland, Mr. Edwards, does not pass. I would like to make a motion that the minority "ought to pass" report be accepted, but I am afraid I am out of order.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: This bill troubled the State Government Committee considerably and you can see the results, it's a divided report. Now, part of the reason for the divided report is that in attempting to amend the bill so that both parties, the BPI and the University of Maine, could be made happy, we failed. And I think because of that failure some of the members of the committee felt that if the parties were going to sit on their laurels and refuse to allow any kind of amendment then the bill shouldn't pass. Now, I disagree with that thinking. I think that we can be more logical than that.

Now as my friend from Lubec, Mr. Pike, has told you, the original setup of BPI exempted State Highway Commission for a very good reason. It seems to me the reasoning that allowed them to be exempted at the initial outset of this bill commends itself very much to the exemption of

the University of Maine now. The University of Maine is very well qualified on its own campus to supervise the construction, the great amount of construction that is going on up there. This perhaps is a minor thing, but to them it is something they want to do and they are qualified to do and it seems to me the BPI has enough to do without trying to remain in the position of being able to override the thinking on campus of these people who are watching the construction as it goes on.

Now let's analyze the thing if we can very briefly, but honestly and closely. BPI, a very fine section of our state government, a very necessary thing, is a unit of government composed primarily of engineers, and within the competency of their field they are excellent. Now you are going to hear an argument, I assume, that if we let the University of Maine be exempted the other state colleges are going to come in and ask to be exempted and so on and so on, and where do you stop? I don't think this is going to happen. All of the other state institutions we have talked to, particularly the colleges, the state teachers colleges who are now state colleges, agree the BPI has been very helpful to them. These colleges do not have on their campus the engineering staff the University of Maine has. And I think this is vital to the question. They are never going to have these engineering staffs and therefore, they are going to want the help the BPI can give them in the area of engineering.

Now the difficulty lies in this, and solely this, not only does the BPI provide engineering services to the various state institutions, it also is required to determine for budget purposes priorities; and here it seems to me is where the logic leaves us. What does the BPI have, in all logical honesty? What do they have to guide them to assign priorities for requests of capital improvements for such institutions as the University of Maine that puts their thinking ahead of the University of Maine?

What in their training would allow them for example to move a priority request from the Uni-

versity of Maine of a sewage treatment plant to top place and to take the University of Maine's top place of request for a renewal of the central section of the University's electrical system and put it down in the bottom place?

They didn't bother, they, the BPI didn't bother to find out this was a thing that was vitally necessary, must be done before this fall when the winter requirements of electrical draw on their system is going to probably reduce it to a state of incapacity. They put the sewage system treatment plant on top because they felt that the Governor and the Legislature were after cleaning up these rivers.

This was a very thoughtful thing to do, but it had no relationship to the needs of the priority system. Now I say that, in a situation of this kind, the University of Maine has its own competent people, a very good board determining the priorities of the needs of the University of Maine. They shouldn't be altered by a group of engineers who have no professional training in this area, have no real understanding of the needs professionally of the University of Maine, and who make decisions as to priorities based on what they think the Governor and the Legislature are thinking about.

Now to me this indicates a very vital weakness on their part. Now, the area of criticism that you find when you talk to the state teachers colleges, or the state colleges as they now are after we pass this bill to change their names, never criticizes the BPI for their engineering work. Here they are excellent, well within their competency, doing what they are trained to do and providing a vital function for us here in the state. But when they get out of their specially trained area and they start reassigning priorities, then they are very subject to err, and they have on many occasions in my opinion. And here is a problem for us and a problem that we must solve some day, but it is not part of this particular thing.

Now, it seemed to me, that the reasoning of the President of the University and the Board of Trustees that this bill should be passed

unamended commends itself to logical thought, for the reason that they are fully qualified to run their own show, fully qualified to assign their own priorities and fully qualified to make their requests to the Legislature without interfering with the priorities of all the other state institutions that are assigned by the BPI exactly the same as the State Highway Department is. They spend a lot of money like the State Highway Commission does and all of the things that commend the thinking that the State Highway Department should be exempt, commends itself to logical thought as far as the University of Maine is concerned.

Now I think in that nutshell lies the logical answer to this problem. We are not going to do any great harm to the system. Other departments are not going to come in and be exempted because they need the services the BPI provides. The University of Maine does not need these services. They are fully qualified. There is an antagonism there that has been going on for years; they can't get along. And in order to facilitate the continual improvement—and I mean this sincerely, the continual improvement of our state university, it seems to me that we in all logic, all intellectual honesty, should go along with this bill.

The SPEAKER pro tem: The prevailing motion before the House now is on the motion of the gentleman from Portland, Mr. Edwards, that we accept the "ought not to pass" report. The Chair recognizes the gentleman from Portland, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: As an alumnus of the University of Maine, you may wonder why I have taken the position I have since I think a great deal of the school. I will try to give you my reasoning.

There have been several attempts this morning to make the University of Maine analogous to the Highway Department. I would remind the members of this House that the Highway Department has its own funds. It has its own dedicated source of revenue and

that is spent nowhere but within the Highway Department. I think there is a great deal of difference between that and one of the largest institutions in the state, who comes for a drain on our General Fund. The purpose of the BPI, as you know, is to look at the overall needs of the entire state, co-ordinate these needs and then make recommendations to the Legislature as to how these needs can best be met.

If you take a large segment of the demanding part of our state out from under the Bureau of Public Improvements you are hampering them in a way where they can hardly do their job at all.

I offered, I think, somewhere in the neighborhood of four or five amendments to this bill trying to come up with a logical conclusion. Each one of these amendments said that the University of Maine's priorities would not be upset as they were established by the University, but that they would be integrated with the rest of the state's needs. I also put an amendment on which said the University could select its own architects and engineers. The University could make necessary changes in plans without having to come to the Bureau of Public Improvements. This was called by the University a whitewash job. I think the gentleman from Brewer, Mr. Libhart, hit the nail on the head. They don't get along.

Just because we have a conflict between two institutions that don't get along is no need for legislative action. I think it is time we instructed our department heads to act like men and get along. They are supposed to work together. You have heard a difference drawn up between the University and the state teachers colleges. I submit to you that they are both involved with education, and why should one be set apart as a separate powerful lobbying interest to lobby for its own needs against the Bureau and the needs of the rest of the institutions in this state? And this is exactly what will happen if you take the University out from under the BPI. They no longer will be on the Bureau's recommendation list and they will

be forced to come here and to lobby us as individuals and to spend a great deal of time and money here trying to get their programs through.

I guess we all know who attended — all of us that attended the legislative conference know the capabilities of the University when it comes to lobbying. I think it would be an unfair advantage to the smaller institutions who are opposed to this change.

We have heard it said that the University does not need the services of the Bureau. Perhaps this is so. I doubt it very much, but I'll tell you who does need the services of the University and that's this state and the people of this state. We need to have the University maintained and co-ordinated with the rest of the institutions of this state by the Bureau of Public Improvements.

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

Mr. GRAHAM: Mr. Speaker, Members of the House: We are all experts at something. If I specialize in anything, it is education. I once taught at a southern university and if there is one cross that the teachers at that university had to bear, it was interference by outside agencies. This interference weakened the education that was available. To sum up, the University of Maine is an educational institution. It has a splendid Board of Trustees, excellent administrators and engineers. It needs no interference by an outside agency, especially one that is not familiar with educational matters. To have the Bureau of Public Improvements intruding into the affairs of the University of Maine is unnecessary, a duplication of effort and unwise. I earnestly urge you to vote against the present motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the majority report on this bill, But I must state to the members of this House that I have been in

sympathy with the bill in the past. In my early sessions here I used practically the same arguments that have been used this morning in favor of such a bill, but in time I do learn some things and that is that this would be a dangerous precedent as has been brought out by the gentleman from Portland, Mr. Edwards, and I support every sentence that he has uttered here this morning relative to the University and the teachers colleges and our other activities.

I do feel that this would be a foot in the door, would be a dangerous precedent, and that we would have trouble in the future. And I would suggest to the members in this House, that the Board of Trustees at the University are human such as we and would be subject to pressure by the alumni and I am most happy this morning that there are alumni of the University of Maine that are opposed to such a bill taking them from within the bounds and the restrictions of the Bureau of Public Improvements.

This Bureau has worked well through the years and I think it has been an asset to the State of Maine. In the 100th session of the Maine Legislature I introduced a bill restraining this department in a certain area. I have never felt sorry for that, but I am not and will not be a party to abolishing the Bureau and this is one move toward that final goal of abolishing this department.

They are doing a good job and I will suggest again that the trustees of any unit, such as the University of Maine or any other activity would be subject to pressure, and we as legislators would not know just what priorities were, whether it would be pressure priorities or whether it would be an analysis such as we do get from the Bureau of Public Improvements, and I do support the majority report.

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

Mr. PIKE: Mr. Speaker, I don't have much quarrel with either view. I happen to take the view that the trustees should be more



independent than they are. I do believe on the whole that if you look over the United States that you will see that those state universities which are too closely under the thumb of the legislature, are those which have had the least success educationally. This is more or less true all over the place.

The comparison with the teachers colleges I don't believe is strictly accurate. The teachers colleges are owned outright by the state. The University was set up separately; it is a legal entity all its own; it does not get a majority of its funds from the state, although I must say the biggest single chunk comes from the state, and when the vote comes I ask for a division.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen: I think a couple of points that have been made in opposition ought to be corrected. First, it was stated that the difference between the State Highway Department and the University of Maine was that the Highway Department was operating on its own funds. First of all, I suggest that this is not true. They are dedicated funds, but they are not its own funds, they are funds from the people of the State of Maine paid to it by tax money. The mere fact that they are dedicated doesn't make them its own funds.

It also has been suggested that the University of Maine's funds are state funds. This again is not true as has been pointed out by my colleague from Lubeck, Mr. Pike. Additionally, it should be pointed out to you that these non-public funds which come into the University of Maine under the present law are completely controllable as far as capital improvements are concerned by the B.P.I. Thus, an alumni drive to raise funds for a swimming pool or something like this, completely non-tax money, would be subject to the complete control as far as architecture, designing, letting a

contract and this sort of thing, by the B.P.I. This is an unusual thing, just one of the many things that I see wrong with the University of Maine being a quasi-governmental entity. If it were a complete governmental entity, I don't think that I could argue logically against its inclusion under the B.P.I., I think I would then have to argue that the B.P.I. needs help, that it needs some specialists in the area of priority assignments, people who know something about educational needs, something about needs of our other branches, the Health and Welfare and this sort of thing, rather than purely and simply engineers. There is not a professional man in B.P.I. who is not an engineer, they have no other training, they have no other real specialty other than engineering.

Now it has also been said that B.P.I. has worked well. How can you say B.P.I. has worked well when ever since its establishment it has been completely unable to get along with the University of Maine? These are facts. I don't see how anybody can say it works well when they can't get along with one of our major institutions and two, they do not have the professional confidence in the area of priority assignment that is the very basis and reason for the establishment of the department in the first place. They are well qualified with engineers, well qualified with engineers, and there isn't much difficulty engineering-wise with its relation in all the departments of the state, but you can't find a department in the State of Maine that has not had trouble with them in the area of priority assignments. Every department head that I have talked to has admitted that they have had priorities overturned by the B.P.I. and their thinking, the B.P.I.'s thinking substituted for their thinking, and this has annoyed them. This is not a drive to abolish B.P.I., B.P.I. is an excellent institution. We are simply saying the University of Maine should not be under its jurisdiction for the very reason that they

are a quasi-state entity, that most of their funds do not come from the State of Maine; that they are perfectly capable of assigning their own priorities and perfectly capable of conducting their own engineering.

It distresses me to see alumni of this great institution going against the institution that has trained them. I wanted to go to the University of Maine; I wasn't allowed to go because I never graduated from high school. Yet I am here fighting for what they want, and I think that you folks that are alumni of the University of Maine should get your thinking caps on and analyze this situation and in this particular instance give them what they want.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: The question, I submit, is not whether or not one is or is not a graduate of the University of Maine. I happen to be but I don't think that makes any great difference as far as the question here involved.

The question is, can a great state university plan an ambitious program of development, can it make these plans only to have its plans reviewed by a bureau whose concern is probably not the University of Maine to the exclusion of all others, and whose view might be somewhat limited by the fact that they are not charged with the responsibility for educating young people of this state.

I have listened to this debate. I am fully in sympathy with the remarks made by the gentleman from Milbridge, Mr. Kennedy. I don't like to create exceptions, but in this instance I think an exception is clearly justified and I would urge you to defeat acceptance of the ought not to pass report and join with me in supporting the gentleman from Lubec, Mr. Pike, who I think is a thoughtful and intelligent person, in giving the University of Maine an opportunity to grow unfettered by a bureau here in Augusta.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am also a very recent graduate of the University of Maine and to some degree know what has been going on there.

I have to agree with the gentleman from Cumberland and say that this is an exception and it must be.

I would pose one question through the Chair to the signers of the majority report if they know how many times B.P.I. went to the University of Maine campus to supervise or review priorities as determined by the Board of Trustees and what was done at that point?

The SPEAKER pro tem: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to any member of the signers of the majority ought not to pass report who may wish to answer if they so desire.

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

Mr. BERRY: Mr. Speaker and Members of the House: I share the views of the gentleman from Lubec, Mr. Pike, who as a Bowdoin man I think we must realize certainly would look with a jaundiced eye on the University of Maine if perhaps he could, but he is a big man and I think perhaps he sees both sides of the picture.

The University of Maine is charged by law with educating our Maine children for higher education, and I think the nub of the problem is, are they doing the job? And if they are doing the job, are they doing it well, and if they are doing it well, can they do it any better? I have had some experience trying to get children into college lately and I find some rather dismaying statistics about how many deserving young people can't get into college. I see our great University turning worthwhile children away from the University because they don't have spaces for them; they don't have the classrooms, they don't have the teachers, they just can't handle them. We

are talking a crash program. Now a crash program is admittedly an inefficient costly way to solve a problem, and why are we faced with a crash program? We are faced with a crash program because we have not been able—I say not able, not that we haven't wanted to, we have not been able in the past to appropriate the money necessary to educate our children at the higher education level.

Now the University of Maine Trustees are charged with this responsibility. This is their sole purpose for being. They do have in a small way, in common with other state institutions such as the teachers colleges, the responsibility for educating students in the liberal arts, and certainly our study of higher education will explain to us and guide us how these programs may be integrated. But in the vast majority of its responsibilities the University does have unique responsibilities which it has, as I said before, been unable to adequately discharge. These are responsibilities in the field of providing students graduating from the college of technology; students who graduate from the college of agriculture; students who graduate from the college of education and specialized fields; students in the forestry field; students in the nursing field, and a host of other particular responsibilities which are alone the charge of a state university. The Board of Trustees have worked hard and diligently to perform this.

I would like to lay the facts before you this morning, and I would certainly feel that this House is and will make the right decision if you are in possession of all the facts. I think that this is our problem. I think it could be frankly said that the Bureau of Public Improvements has not to date put the University of Maine under its control as it is required by law to do. I think they should be commended for this, because as a result of the understanding attitude of the Bureau of Public Improvements there has been a live and let live attitude, I think the University has gone along with this, and I think that the state as a whole has

benefited by this amicable relationship which has existed to now, but I do wish to emphasize, ladies and gentlemen of the House, that this era of good feeling is about to end, and this is why a great deal of importance should be attached to this particular piece of legislation.

The potential of control over the University under the Bureau of Public Improvements Act as on the books now is tremendous, and as I said, its impact has not been felt merely because the Bureau of Public Improvements under a very, very capable director and staffed by capable understanding people has felt it not in the best interests of the state to live up to the letter of the law.

Now let me just quote you the letter of the law and a few things. Visualize yourself as a trustee of an institution charged with the responsibilities that the University is charged with, and you are doing your best to bring this about as any state official elected or appointed is trying to do. Now these are the restrictions which would be put upon you unless we pass this present law. The University is required to submit all its leases of grounds, buildings, facilities or office space to B.P.I. The University is required to submit to B.P.I. its contracts for telephone, telegraph, electricity, water, sewage or gas service for approval. And listen to this, the University is required to submit its plans for the operation, the repairs and the maintenance of its physical plant to B.P.I. for approval. Ladies and gentlemen of the House, how can you run a state university if you are required to submit your plans for operation to B.P.I.? I think that the many other points which have been brought out here will buttress the importance of your decision today, and I hope you will go along with this legislation.

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

Mr. ROSS: Mr. Speaker, I believe that last session was called the reversible 101st. Some people have questioned in the last few days what we were going to be

called. I heard it yesterday afternoon. I think we are bearing it out today. We are being called the talking 102nd. We have heard many delightful orations today. We are nowhere near through our today's calendar. I now move the previous question.

The SPEAKER pro tem: The gentleman from Bath, Mr. Ross, has moved the previous question. For the Chair to entertain the motion for the previous question it must have the expressed desire of one third of the members of the House.

The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson, and inquires for what purpose does the gentleman arise?

Mr. DICKINSON: Would I be out of order to make a comment before the vote is taken?

The SPEAKER pro tem: The question is not debatable before us now. When the main question is put, then you will be allowed five minutes to debate. In order for the Chair—the Chair recognizes the gentleman from South Thomaston, Mr. Kittredge, and inquires for what purpose does the gentleman arise?

Mr. KITTREDGE: A parliamentary inquiry, sir. When the—if we move the previous question we will only be allowed to discuss it for five minutes but not the merits of this debate, is that correct?

The SPEAKER pro tem: Only the question of shall the main question be put.

Mr. KITTREDGE: So if we want to debate the issue further we shouldn't vote for this motion?

The SPEAKER pro tem: You should not vote that the main question be put. The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, if perhaps I have made a mistake, I will withdraw that motion.

The SPEAKER pro tem: The gentleman from Bath, Mr. Ross, withdraws his motion for the previous question.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The debate has been long on this mat-

ter and somewhat perhaps tiring. I feel there is still some things that should be said. I had not intended to get into it. Perhaps I should say at the outset that I am in favor of the majority report of the committee. In listening to the gentleman from Cape Elizabeth, Mr. Berry, I was impressed by his remarks that to date the Bureau of Public Improvements has not interfered in the operation of the University of Maine. I submit to you that this could be a thing that could work in both directions. We could come into an area when the people of the State of Maine could feel that the Bureau of Public Improvements had reason perhaps to interfere. I submit that that reason has not existed to date and that probably is the reason why they have not. I say that they are a Board that should be with us to protect the interests of the people that furnish the money for this institution as well as other state agencies which we support.

I was in the State of New Hampshire a short time ago and I was somewhat impressed by an article that I read in the Manchester Guardian I believe it is, I wouldn't comment on this, except for the fact that I know that the gentleman, Mr. Pike, is going to vote against me anyway, so I will feel safe in reading this and perhaps will not lose any votes on account of it. It has to do with the fact that the State of New Hampshire is now going through the same period that we went through back in the early '50's up to '57 and so forth when this Bureau of Public Improvements was set up. The need that brought this about has been explained perhaps this morning and on other occasions, and I feel that the Bureau has done a tremendous job and it was a wise move when it was set up and I have said this before. Apparently New Hampshire is now coming to the stage in their state government that we approached those few years back, and if you will bear with me I would like to read this article. I will do it as promptly as possible. It is dated April 17. It says:

Governor John W. King said yesterday he is taking definite steps toward implementation of his previously stated conviction that intensive watchdogging of state budget expenditures is a must.

For the state to fail to do so, he declared, would be "fiscal negligence."

"Up-to-the-minute information on state business should be constantly available," he said, "so that the legislature, the governor, or anyone else could find out what they need to know at a moment's notice."

He revealed that he has requested his administrative counsel (Atty. Joseph Millimet of Manchester) to take steps towards instituting legislation which would provide personnel to fill what he termed "this critical need."

At present, the governor said, much of the state's business is virtually a mystery with intensive research necessary to obtain data on almost any needed point.

His proposed action "is a necessity if New Hampshire is going to keep its budget in line and avoid broad base taxes in the future. We have to know where every penny is going," he continued, adding:

"It is foolish for the legislature to vote a multi-million dollar budget, for instance, and then just turn the money over to the various departments without some means of close checking exactly what is being done with it."

He referred specifically to the University of New Hampshire budget request of \$15.6 million in operating funds for the University and the Keene and Plymouth State Colleges for the next biennium, an increase of \$5.5 million, plus a \$27 million bond issue.

Whatever amount is finally voted, he said, should not be "just handed over. The people of New Hampshire should know how the money is being used."

Therefore, Gov. King insisted, the state should have people specifically employed to expedite and follow through not only budgetary factors, but also the

status of the many state projects underway at any certain time.

"Any citizen of the state should be able to find out what he needs to know, for instance, about a new state building going up . . . what the architect is doing, if plans have been approved, completion date, anything," he explained.

"As it is now, such information usually entails a number of phone calls or visits to any number of people."

Gov. King concluded by stating that:

"Not to have any such means of checking is fiscal negligence.

"I have asked my administrative counsel to look into legislation on this matter."

Again I reiterate that I hope the majority report of this committee will be accepted this morning.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker, I greatly appreciate the gentleman from Bath, Mr. Ross, withdrawing his motion. My comments will be brief. I merely want to say that after listening to the explanations, I have reached the conclusion that restrictions which tend to hamstring operations of the University which has demonstrated its ability to handle such matters should be removed. Therefore, I would hope that the motion to accept the Majority Report would be defeated.

The SPEAKER pro tem: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, I would like to bring out one point here today. When we came down here we had forty-three or forty-four million dollars worth of capital construction projects dumped in our laps, or would have if we didn't have them sorted over here and some guide lines drawn. I almost shudder to think of what might happen if they were just dumped in your lap without this table set up and the priority set to such an extent that you would pick up the ones that were ab-

solutely necessary. I believe if it was left to us that there would be a lot of very necessary projects that would fall by the wayside and some of the ones would be passed that weren't quite as necessary. I back this wholeheartedly to keep the bureau the way it is.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Portland, Mr. Edwards, that we accept the Majority "Ought not to pass" Report on Bill "An Act to Exempt University of Maine from Laws Relating to Bureau of Public Improvements," H. P. 715, L. D. 953. The gentleman from Lubec, Mr. Pike, has requested a division. All those in favor of accepting the Majority "Ought not to pass" Report will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-three having voted in the affirmative and thirty-nine having voted in the negative, the motion did prevail.

Sent up for concurrence.

At this point, Speaker Childs returned to the rostrum.

SPEAKER CHILDS: The Chair at this time would like to thank the gentleman from Madawaska, Mr. Levesque, for acting as Speaker pro tem and for the excellent job that he did.

Thereupon, the gentleman from Madawaska, Mr. Levesque was escorted to his seat on the Floor by the Sergeant-at-Arms amid applause of the House and Speaker Childs resumed the Chair.

The SPEAKER: Is there objection at this time to taking up out of order a matter which is not on today's advance calendar, a communication from a head of a department? The Chair hears none. The Clerk will read the communication.

**Tabled and Assigned  
STATE OF MAINE  
DEPARTMENT OF  
THE ATTORNEY GENERAL**

May 4, 1965

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

Dear Mr. Childs:

On February 24, 1965, Representative Melvin Lane of Waterville, in speaking on his bill to transfer the duties of Liquor Inspectors to the State Police, made certain charges and allegations in the House of Representatives concerning law enforcement in the state. On March 3, Chief Inspector Timothy J. Murphy requested me to make a study of these remarks, and to take appropriate action after evaluating the same. In view of the widespread publicity given to this incident and subsequent developments, I deem it advisable to make this report of our study to the Legislature, the State Liquor Commission, and the public.

At the outset, it should first be borne in mind that this office is neither equipped nor designed to undertake widespread investigations of any nature. We are not authorized, nor do we desire, to act as efficiency experts overseeing the administration of other state departments. Our function in the criminal law field is to assist and cooperate with the varied law enforcement officials at the local, county and state level. Nevertheless, because of the nature of the charges and the form in which made, we have attempted to analyze the situation as thoroughly as possible in the time available and in the midst of other equally pressing and important matters.

It is important to bear in mind that I have restricted this study to the remarks of February 24 insofar as possible, subject to the qualifications mentioned later herein. In view of the clamor and the uproar which followed, many people have lost sight of, or have forgotten, where this all started.

It might be well, then, to begin at the beginning, the legislative record of February 24, 1965. Mr. Lane then made the following

specific accusations concerning law enforcement, particularly liquor law enforcement:

(1) "As far as I know, we don't have enforcement in the State of Maine today. We are in trouble with our youth."

(2) "Kids can go any place in this state from twelve years old up and buy beer and liquor any place in the State of Maine."

(3) "He (Murphy) has got forty men that are not doing anything, because Murphy tells them not to do anything. The only places he will go in is legitimate places. Once in a while he will go in a club and stop them maybe for a few days, but a place that is selling liquor day and night to minors, he will not go in."

(4) "I have talked to the director of enforcement maybe a hundred times — (telling him of problems existing all over the state and in Waterville)—He says he cannot enforce it. He has men in the City of Waterville; I have talked to those men—and they tell me the Director of Enforcement tells them not to go to those places."

(5) "We have a place in Waterville, in the City of Waterville, they are bootlegging liquor there, day and night, seven days a week; even on Christmas, or New Years, they don't stop. Mr. Murphy knows that place and he tells me he can't go into that place."

(6) "I told him of places where they have young girls, ladies and gentlemen, and this is true, young girls, girls from fourteen, fifteen, sixteen and seventeen years old, and they take them into those places, and we all know what they do with them, what they use them for. Mr. Murphy knows about those things. Mr. Murphy told me every time he gets a complaint about it, he calls them up and tells them to cut it out."

I interviewed Mr. Lane personally on March 3 and April 30. Investigators from my department interviewed him on March 24, when he declined to have the interview recorded; on April 29, and were present at the April 30th session. Members of the Bureau of Criminal Investigation of the State Police also spoke with him. The ob-

ject of these conferences was to develop any specific substantiation of the charges and to initiate any criminal prosecution which might seem warranted. Various specific allegations, in all but one instance based on hearsay, were made; and purported sources of information were given. These sources have been checked; some given April 30 are still being checked. Certain conclusions can be reached based on legal evidence.

With reference to charges 1, 2, and 3 above, relating to minors and to the lack of activity in enforcement, Representative Lane presented no specific evidence although he from time to time indicated that he would shortly produce witnesses. He stated he had letters of complaint from various people, and gave the name of one individual who called him April 29th concerning a minor daughter drinking. There was absolutely no evidence produced by anyone with respect to the purchase of liquor by twelve year olds.

I do not intend hereby to minimize the importance and seriousness of the acquisition and use of liquor by minors. There is no doubt that this exists in varying degrees all over the State and indeed, the United States. I reiterate that this report is restricted to the charges of lax enforcement and our attempt to develop proof of the same.

The records of the Liquor Commission provide some interesting statistics. First of all, the enforcement division numbers twenty-three men, not forty as alleged. They supervise the activities of three thousand two hundred twelve licensees or permit holders, including 180 hotels, 110 clubs, 69 Class A restaurants, 409 malt restaurants and 2130 take-out stores. Their work records indicate that each inspector worked an average of 9.7 hours daily, and that their combined 1964 mileage was over 525,000 miles. During the year, over 55,000 inspections of licensed premises were made. Approximately 3,500 field interviews of local officials and others concerning local conditions were conducted as appears by Commission reporting forms.

In the enforcement field, the inspectors made 125 attempted purchases from suspected bootleggers and 76 attempted purchases from suspected Sunday sellers, resulting in 41 and 5 court cases, respectively. During the year, 238 criminal warrants were obtained by the enforcement division, and an additional 503 in cooperation with other agencies for a total of 741 arrests. The great percentage of these involved minors.

Many people do not realize that, due to a change in our liquor law some years back, most violations by licensees can only be dealt with through a hearing process seeking to suspend or revoke the license, and not in the criminal court. In this area, 305 hearings were held in 1964, resulting in 200 suspensions totalling about 1500 days, and revocations totalling eleven years. These hearings originated in eighty-one communities throughout the sixteen counties of the State. Forty-seven out of one hundred ten clubs were held in violation with an average suspension of 15 days.

It should also be noted that the enforcement division presents these cases to an administrative hearing officer appointed by the Governor, and he sits as a judge and makes the sole determination as to the suspension, or punishment.

Of these administrative hearings, 164 involved minors. **Two hundred fourteen minors** appeared as purchasers or witnesses, **with an average age of 18.1 years.** Fifty-five were age 20, 67 age 19, 40 age 18, 35 age 17, and 17 age 16. Forty-one were military personnel and thirty-six were students. As to the type of establishment involved in minor sales, 101 were take-out stores, 46 were "beer joints", 14 were hotels, and 3 were clubs.

Twenty-five percent of the enforcement division's time was spent on problems involving minors, and over half of the licensee hearing time was so spent.

Additional statistics are readily available, but the foregoing sum-

mary should permit you to make a reasonable judgment as to liquor enforcement activity or the lack of it.

Charge Number 4 set forth above relates to complaints to Mr. Murphy of "maybe a hundred times", and of preventing inspectors from performing their duties. This is perhaps the most serious charge directly affecting the enforcement chief. On April 30, Representative Lane recalled only two occasions when he complained directly to Mr. Murphy — once in 1957, and once in January, 1965. He stated he complained to a local inspector perhaps a dozen times over the years. Mr. Murphy states Representative Lane complained perhaps six times in eight years about five specific licensed premises and one non-licensed premises. It appears clear from both that these complaints were general and based largely on second-hand information.

The publicity surrounding this incident brought complaints and information from various other sources to my attention concerning the supervision and administration of the enforcement division. These were all carefully checked and evaluated. It would be fair to say that Mr. Murphy is a hard taskmaster and has not too often won popularity contests, either with his subordinates or licensees. However, I can only conclude that these are administrative matters, which are not properly my business. The complaints of this nature I might add, which recurred during the course of this affair, have all been previously considered by others in times past. I see nothing to be gained by a repetition here, except to add that this charge is emphatically denied by Mr. Murphy.

Charge Number 5 relates to a place allegedly bootlegging day and night, seven days a week. We were provided specific testimony of one instance concerning this place, but it was over six years old, and beyond the statute of limitations. On April 30, I was given the names of four alleged patrons, which are being checked,



but as of now we have no evidence of such an operation, past or present. The enforcement director denies any knowledge of the premises until this January, 1965, conference with Representative Lane, who agrees he said nothing to Murphy until that time.

Charge Number 6 relates to the alleged use of very young girls for immoral purposes and reported to Murphy without action. We have not been furnished with, nor have any law enforcement agencies discovered, any evidence to substantiate this charge. It is apparently based solely on the following incident. Seeking to establish the truth of such rumors, a woman called a local establishment several years ago, pretending to be a young girl from Canada desiring to engage in prostitution, and allegedly received encouragement. It appears, however, that the proprietor immediately reported the call to the Federal Bureau of Investigation, and was advised to report any further calls.

The foregoing covers what I conceive to be the limits of my responsibility with regard to the February 24th House debate. Since that time, other allegations, complaints, and charges, both public and private, regarding crime and law enforcement have been made. The investigation of some of these is continuing. I have been assisted in this matter by the Kennebec County Attorney's office, the Kennebec County Sheriff, the Waterville and Augusta Police Departments, the State Police, and Federal Narcotics Officers. We have conferred with and kept advised the foreman of the Kennebec County Grand Jury. None of these agencies has as yet uncovered evidence warranting presentation to the Grand Jury.

It should be noted that Representative Lane emphasized to us that at no time did he intend to suggest or insinuate that Mr. Murphy was in any way dishonest or corruptible.

During the course of this study, it has become apparent that at

least two stumbling blocks to more effective liquor law enforcement exist. One is a reluctance to become involved. Many parents express concern with teenage drinking in a general way, but once a young person is directly embroiled in a violation, officials are almost universally met with a refusal to disclose information about source of supply, etc. It is interesting to note that during this two-month period, I have received only three written communications (two of these from church groups), two personal contacts, and two telephone calls. The second obstacle is the liquor law itself which has developed spasmodically through the biennial legislative battle between wets and dries for 32 years. These laws could stand a major, objective overhaul.

In conclusion, I would state that while no law enforcement is perfect, improvement in this field should be, and I would strongly hope is, the goal of all law enforcement agencies on every level. If any laxity or neglect of sworn duty is found, it should and will be dealt with harshly. In this instance, however, after intensive study, we conclude that the evidence does not establish any basis for action against the agency involved.

Respectfully submitted,

(Signed)

RICHARD J. DUBORD  
Attorney General

On motion of Mr. Anderson of Orono, tabled pending reproduction and tomorrow assigned.

### **Divided Report**

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Imposing Tax on Cigars and Tobacco Products" (H. P. 662) (L. D. 889)

Report was signed by the following members:

Messrs. MAXWELL of Franklin  
LETOURNEAU of York  
WILLEY of Hancock  
—of the Senate.  
Messrs. DRIGOTAS of Auburn  
COTTRELL of Portland  
CURRAN of Bangor

MARTIN of Eagle Lake  
ROSS of Bath

—of the House

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WOOD of Webster

HANSON of Gardiner

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Wood.

Mr. WOOD: Mr. Speaker, I move that the Minority "Ought to pass" Report be accepted and I would like to speak to my motion.

I was very pleased when I was asked to sponsor L. D. 889, imposing a tax on cigars and tobacco products. As sponsor of this measure, I feel an obligation to briefly explain why in my opinion this legislation should become a law.

First of all, let me say that in the years gone by when I was a boy, I could travel through any city or town in the State of Maine and wherever I went I knew which stores sold tobacco and which ones did not, and this was because in front of a great many of the tobacco stores was the famous wooden Indian. Today, there are no wooden Indians to be seen in Maine, but we still have cigars and pipe smokers in the State of Maine and tobacco products are just a sideline today. In our committee hearing, the main speaker who opposed this tax of fifteen per cent on retail value on the sale of tobacco products would have you think that the tax would ruin the economy of the state. I would say for a guess that tobacco products would be about five percent of the sales. That is, the largest dealers in Maine. The others would be much smaller.

My reasons for desiring passage of this proposed legislation are basically two-fold. Unless this bill is passed Maine may be confronted with either passage of a personal income tax, or an increase in the sales tax. I feel

very strongly that our job as responsible legislators is to keep Maine an attractive area with a favorable tax climate in order to secure new industries in the state. Certainly an increase in the sales tax, or the creation of a state income tax, cannot be the most wanted type of tax either for industries presently located in Maine or for those considering opening up a new business venture in our fine state. And not to mention of course, Maine residents, who I am sure want neither a state income tax nor an increase in the sales tax.

Secondly, as we look over to our neighboring sister States of New Hampshire and Vermont, they have already passed into law the same kind of a tax that my legislation proposes and other states it would appear are also following the same line of action. The opponents of this legislation will say that the enforcement of the tobacco tax would be difficult to police and collect, because of the possibility of purchasing tobacco and cigars by mail order outside the state.

The opponents of this bill may point to the fact that from 1947-1955 Maine had a similar tax on tobacco products, and at that time the tobacco tax did not have a public hearing. However, we have had a public hearing on this measure and the present Federal Jenkins Act which now applies to cigarettes is being revised in Washington to also include other tobacco products. This would control the problem of mail order deliveries because it would require the party shipping tobacco products into the state, to notify the state authority of the quantity of the merchandise and the consignee. Failure to comply would be a federal violation.

Lastly, if this legislation is enacted it could raise up to a million dollars or even more in the next two years.

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

Mr. ROSS: Mr. Speaker, Members of the House: Without debating the merits of this bill and you will note that I signed the majority

"ought not to pass." I would like to call to the attention of the House certain financial aspects of the next three items on our agenda today. This bill, a tobacco tax, is estimated to bring in four hundred thousand dollars the first year and four hundred thousand dollars the second year. The next divided report would cost the state one hundred thousand dollars the first year and a hundred and twenty thousand dollars the second year. The third item would bring into the state seven hundred and thirty thousand dollars the first year and nine hundred and thirty dollars the second year.

Now, since tax measures originate in this House, it would seem appropriate to me that all of these bills lie on our table unassigned so we could retain control of these measures until we know the exact amount of new money needed for the current biennium. And I would trust that somebody would make the tabling motion.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question through the Chair to any member of the Taxation Committee. From the time this tax was first put on in 1947 until it was taken off in 1955, is it not a fact that it depreciated in revenue to the tune of two hundred thousand dollars?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member of the Taxation Committee and any member may answer if he so desires.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I don't know the exact figures, but it did depreciate the revenue. It not only did that, it drove out of the state the cigar manufacturers that we did have in the state in that it was very punitive on the tobacco industry. There are many things that I can say about this, but it sort of involves the whole tax program. But we felt that this had been tried for eight years and after trying it for

eight years from all the stand-points, from the bringing in of cigars and the depreciation of the business, that it should not be passed again.

A bill was mentioned that there would be perhaps a bill in Congress passed to prohibit the, what we would call the bootlegging of cigars into Maine, but it has not been passed yet and under the conditions, that was the thinking of the majority of the committee on this particular bill.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, I move that this item lie upon the table unassigned.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The question before the House now is the motion of the gentleman from Wilton, Mr. Scott, that this matter lie upon the table unassigned. The gentleman from Madawaska, Mr. Levesque, has requested a division. All those in favor of this bill lying upon the table unassigned will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

Mr. PIKE: Mr. Speaker, Members of the House: I think there is some merit in looking at these tax bills together. I just don't know how we would do it, but it seemed to me for some time that if we had been real smart we would have forgotten this bill, which doesn't yield very much and is opened up to all sorts—it costs a lot to collect and is opened up to all sorts of bootlegging, I think we would have been really smart if we had gone over where the money is in the tobacco business and kicked up the cigarette tax from six cents to ten cents.

Now don't gasp, I have smoked fifty Camels a day for fifty years and would pay a good deal of it. But really this is a little tax and a nuisance tax. The cigarette tax, if you put it up, I believe as New York has just done, they went from five to ten cents right away. If the sales kept up we would take in a lot of money. If the sales dropped off we would save a lot of lives from lung cancer.

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

Mr. MARTIN: Mr. Speaker, Members of the House: In view of the eight to two majority "ought not to pass" report of the committee, I move for the indefinite postponement of this bill.

The SPEAKER: The question before the House now is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this bill and its accompanying papers be indefinitely postponed. Is the House ready for the question?

All those in favor of this Bill "An Act Imposing Tax on Cigars and Tobacco Products," House Paper 662, L. D. 889 and its accompanying papers being indefinitely postponed will say aye; all those opposed will say no.

A viva voce vote being taken, the motion prevailed.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 782) (L. D. 1035)

Report was signed by the following members:

Messrs. LETOURNEAU of York  
WILLEY of Hancock  
— of the Senate.

Messrs. COTTRELL of Portland  
DRIGOTAS of Auburn  
CURRAN of Bangor  
WOOD of Webster  
MARTIN of Eagle Lake  
ROSS of Bath  
— of the House.

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

Report was signed by the following members:

Mr. MAXWELL of Franklin  
— of the Senate.

Mr. HANSON of Gardiner  
— of the House.

Reports were read.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: In view of the fact that the hour is getting along, I hope the members of this august body will accept the committee ought not to pass report, and there is a reason for it. I won't try to explain it now as it is getting late.

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, moves the acceptance of the Majority "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act Repealing Certain Exemptions from Sales Tax" (H. P. 1007) (L. D. 1339) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. LETOURNEAU of York  
— of the Senate.

Messrs. DRIGOTAS of Auburn  
COTTRELL of Portland  
WOOD of Webster  
CURRAN of Bangor  
MARTIN of Eagle Lake  
ROSS of Bath  
— of the House.

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

Report was signed by the following members:

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

Mr. HANSON of Gardiner  
— of the House.

Reports were read.

(On motion of Mr. Levesque of Madawaska, tabled pending acceptance of either report and specially assigned for Thursday, May 6.)

#### **Passed to Be Engrossed**

Bill "An Act relating to Discontinuance of Highways and Town and County Roads" (S. P. 488) (L. D. 1451).

Bill "An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants (H. P. 445) (L. D. 599)

Bill "An Act relating to Inspection of Certain Farm Trucks" (S. P. 1104) (L. D. 1508)

Resolve Directing a Study of the Moose Population in Maine (H. P. 226) (L. D. 293)

Resolve Repealing Authorization for Disposal of Western Maine Sanatorium (H. P. 1096) (L. D. 1493)

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

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

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure Tabled and Assigned**

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

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

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

Mr. STORM: Mr. Speaker and Members of the House: This bill in question disturbs me to a certain extent, both in the haste in which it has been introduced and put through this Legislature, and in regard to the topsy-like way that it has grown during its course through the Legislature.

This bill was presented in the unmentionable branch at the other end of the corridor on April 9, apparently at the request of one man in the Town of Island Falls. That one man was the only one who appeared at the hearing before the Towns and Counties Committee in favor of it. I was not particularly disturbed by the fact that it was presented in the other branch of the House, and I, as a Representative of that Town had not been contacted. However, a couple of days ago I did become concerned when I found out that the Chairman of the Board of Selectmen of the Town of Island Falls and the Town Manager had no knowledge of the bill having been presented. I then began to look into it, and that's when I became concerned about the growth of it.

The original bill called for the expending of \$2,132.00. Shortly after that a committee amendment appeared which trebled that figure to the amount of \$6,396.00. A few days after that a Senate Amendment appeared which increased that figure to \$10,192.50. Apparently, this is a scheme of only one man in the Town of Island Falls who is a member of the Board of Selectmen, and it has been shoved through to this stage without the knowledge of any of the rest of them.

Now I don't think this is good legislation to push it through this way without the townspeople at home being aware of it. I would like to have a chance to discuss this with them over the weekend, and also to discuss with the Highway Commission how they feel about allocating — this Legislature allocating Town of Island Falls state-aid road funds to be used

outside of the Town of Island Falls, and I would hope that some kind friend will table this bill for a week until I have a chance to find out what the story is.

Thereupon, on motion of Mr. Dickinson of Mars Hills, tabled pending enactment and specially assigned for Wednesday, May 12.

### **Constitutional Amendment Tabled and Assigned**

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)

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 and Members of the House: I want to register my opposition to this constitutional amendment. Probably my main reasons are that I am very jealous of the rights of the Legislature. I have sat here through several sessions and I have seen by a system of give and take over a period of three or four or five months the Legislature, the two branches of the Legislature come up with a budget. Somehow or other I still feel that I would like to have it remain so that the Executive must accept the findings of the Legislature without going through and picking out pieces that he objects to. I feel that it is weakening the legislative body and I am definitely very much against it.

(On motion of Mr. Anderson of Ellsworth, tabled pending final pas-

sage and specially assigned for Thursday, May 6.)

### **Passed to Be Enacted**

An Act to Grant a New Charter for the Town of Scarborough (H. P. 361) (L. D. 486)

An Act Providing for a Council-Manager Form of Government for Town of Limestone (H. P. 520 (L. D. 693)

An Act relating to Funeral Expenses of Recipients of Aid to the Aged, Blind or Disabled (H. P. 578) (L. D. 770)

An Act Increasing Certain Fees to Town Clerks (H. P. 869) (L. D. 1166)

An Act relating to Penalties for State House Parking Violations (H. P. 1005) (L. D. 1338)

An Act Permitting Municipalities to Designate Historic Areas (H. P. 1008) (L. D. 1340)

### **Finally Passed**

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

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.

### **House at Ease**

Called to order by the Speaker.  
(Off Record Remarks)

On motion of Mr. Levesque of Madawaska,

Adjourned until nine-thirty o'clock tomorrow morning.