

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, January 17, 1961

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

Prayer by the Rev. Mr. Anson Williams of the Riverside Congregational Church, Vassalboro.

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

The journal of the previous session was read and approved.

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

Mrs. HANSON: Mr. Speaker, I wish to announce that the Representative-elect from Kennebunkport, the Honorable Elmont S. Tyndale, is present and ready to receive the oath necessary to qualify him as a member of the House of Representatives of the 100th Legislature.

The SPEAKER: The gentlewoman from Lebanon, Mrs. Hanson, moves that the gentleman from Kennebunkport, Mr. Tyndale, be escorted to the Governor for the purpose of taking the oath necessary to qualify him for the performance of his duties. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: Pursuant to that motion, the Chair will appoint the gentlewoman from Lebanon, Mrs. Hanson, a committee of one to escort the gentleman from Kennebunkport, Mr. Tyndale, to the Governor, and will also request that the Sergeant-at-Arms escort the two.

Subsequently the gentlewoman from Lebanon, Mrs. Hanson, reported she had performed the duty with which she was charged, and that Representative-elect Tyndale had taken and subscribed the oaths necessary to qualify him to enter upon his duties.

**Papers from the Senate**

From the Senate:

Bill "An Act relating to Permits for Applicants to Practice Barbering" (S. P. 93) (L. D. 189)

Came from the Senate referred to the Committee on Health and Institutional Services.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

From the Senate:

Bill "An Act Authorizing State Park Commission Fees for Services and Accommodations" (S. P. 83) (L. D. 184)

Came from the Senate referred to the Committee on Industrial and Recreational Development.

In the House, referred to the Committee on Industrial and Recreational Development in concurrence.

From the Senate:

Bill "An Act Providing for Appointment of Clerks of Courts by Chief Justice of Supreme Judicial Court" (S. P. 89) (L. D. 185)

Bill "An Act relating to Order of Divorce Concerning Minor Children" (S. P. 95) (L. D. 190)

Came from the Senate referred to the Committee on Judiciary.

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

From the Senate:

Bill "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels" (S. P. 90) (L. D. 186)

Bill "An Act relating to Inspection and Exemptions in Boilers and Unfired Steam Pressure Vessels Law" (S. P. 91) (L. D. 187)

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

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

From the Senate:

Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (S. P. 92) (L. D. 188)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

**Non-Concurrent Matter**

Bill "An Act relating to Certain Standards for Nursing Homes" (H. P. 13) (L. D. 32) which was re-

ferred to the Committee on Business Legislation in the House on January 10.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

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

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

Report of Interim Committee on Subjects of the Second Injury Fund and Revisions of Workmen's Compensation Coverage Rules (H. P. 178) which was referred to the Committee on Labor in the House on January 11.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

In the House: On motion of Mr. Baxter of Pittsfield, the House voted to insist on its former action.

The SPEAKER: At this time the Chair will assign the gentleman from Kennebunkport, Mr. Tyndale, to seat 141. The Chair will also make assignments to committees for the gentleman from Kennebunkport, Mr. Tyndale, and to the Committee on Public Utilities he is assigned as the third ranking member; and to the Committee on Sea and Shore Fisheries, the fifth ranking member.

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

#### **Petitions, Bills and Resolves Requiring Reference**

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

##### **Agriculture**

Bill "An Act Revising the Maine Milk Law" (H. P. 219) (Presented by Mr. Gardner of Orono)

(750 copies Ordered Printed)

Bill "An Act Revising the Maine Economic Poisons Law" (H. P. 220)

(Presented by Mr. Gardner of Orono)

(Ordered Printed)

Sent up for concurrence.

#### **Appropriations and Financial Affairs**

Bill "An Act relating to the Harbor Project in the Town of Wells" (H. P. 221) (Presented by Mrs. Hanson of Lebanon)

(Ordered Printed)

Bill "An Act Providing for Construction of a Women's Physical Education Building at University of Maine at Orono" (H. P. 222) (Presented by Mrs. Harrington of Patten)

(Ordered Printed)

Bill "An Act Providing for the Construction of an Engineering Building at the University of Maine in Orono" (H. P. 223) (Presented by Mr. Pike of Lubec)

(Ordered Printed)

Bill "An Act Providing Equipment for the College of Education Building at University of Maine in Orono" (H. P. 225) (Presented by Mr. Wellman of Bangor)

(Ordered Printed)

Bill "An Act to Construct Wing on Stevens Hall, North at the University of Maine in Orono" (H. P. 226) (Presented by same gentleman)

(Ordered Printed)

Resolve Appropriating Funds for Advisory Committee on Education (H. P. 227) (Presented by Mr. Estey of Portland)

(Ordered Printed)

Sent up for concurrence.

#### **Business Legislation**

Bill "An Act relating to Location of Office of Maine Indemnity Company" (H. P. 228) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Bill "An Act relating to Name and Powers of Augusta Mutual Plate Glass and Insurance Company" (H. P. 229) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

#### **Claims**

Resolve Authorizing John W. McGuire to Bring Action Against the State of Maine (H. P. 230) (Presented by Mr. Berman of Houlton)

(Ordered Printed)

Resolve in favor of Town of Lyman for Certain Erroneous Tuition Payment (H. P. 231) (Presented by Mr. Hartshorn of Buxton)

(Ordered Printed)

Resolve to Reimburse Edward M. Healy for Repairs to Androscoggin Lake Dam (H. P. 232) (Presented by Mr. Thaanum of Winthrop)

(Ordered Printed)

Resolve in favor of Myron Reynolds of Brooks (H. P. 233) (Presented by Mr. Wood of Brooks)

(Ordered Printed)

Sent up for concurrence.

### Highways

Bill "An Act relating to Snow Removal and Maintenance of Certain Portions of Controlled Access Highways" (H. P. 234) (Presented by Mr. Crockett of Freeport)

(Ordered Printed)

Resolve Designating Bridge at North Rumford as "Howe Bridge" (H. P. 235) (Presented by Mr. Jobin of Rumford)

(Ordered Printed)

Sent up for concurrence.

### Inland Fisheries and Game

Bill "An Act Repealing Salmon Pond Game Preserve" (H. P. 236) (Presented by Mr. Anderson of Greenville)

(Ordered Printed)

Bill "An Act Prohibiting Hunting Near Occupied Dwellings" (H. P. 237) (Presented by Mr. Brown of Cape Elizabeth)

(Ordered Printed)

Bill "An Act relating to Open Season for Fishing on Brooks and Streams in Cumberland County" (H. P. 238) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Killing Deer which Damage Crops and Orchards" (H. P. 239) (Presented by Mr. Thaanum of Winthrop by request)

(Ordered Printed)

Resolve Regulating Fishing in North Inlet, First Roach Pond, Piscataquis County" (H. P. 240) (Presented by Mr. Anderson of Greenville)

(Ordered Printed)

Resolve Closing South Brook, Piscataquis County, to all Fishing

(H. P. 241) (Presented by same gentleman)

(Ordered Printed)

Resolve Regulating Fishing in Moose River, Somerset County (H. P. 242) (Presented by same gentleman)

(Ordered Printed)

Resolve Opening Aroostook River to Ice Fishing (H. P. 243) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Resolve Closing Hayden Brook, Somerset County, to All Fishing (H. P. 244) (Presented by Mr. Fogg of Madison)

(Ordered Printed)

Resolve Regulating Fishing in Bugeye Pond, Franklin County (H. P. 245) (Presented by Mr. Hutchins of Kingfield by request)

(Ordered Printed)

Resolve Regulating Fishing in Little Jim Pond, Franklin County (H. P. 246) (Presented by same gentleman by request)

(Ordered Printed)

Sent up for concurrence.

### Judiciary

Bill "An Act relating to Municipal Ordinance Enactment Procedure" (H. P. 247) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Bill "An Act relating to First Baptist Church of Kittery Point" (H. P. 248) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Destroying Timber, etc. on Land of Another" (H. P. 249) (Presented by Mr. Haughn of Bridgton)

(Ordered Printed)

Bill "An Act relating to Qualifications of Licensed Private Detectives" (H. P. 250) (Presented by Mrs. Hendricks of Portland)

(Ordered Printed)

Bill "An Act relating to the Control of Malfunctioning Disposal Systems" (H. P. 251) (Presented by Mr. Matheson of Mexico)

(Ordered Printed)

Bill "An Act Defining Residence of Military Personnel for Mortgage Purposes" (H. P. 252) (Presented by Mr. Minsky of Bangor)

(Ordered Printed)

Bill "An Act relating to Recording of Conditional Sales" (H. P.

253) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

#### **Labor**

Bill "An Act relating to Employment of Minors under 18 Years of Age" (H. P. 254) (Presented by Mr. Hancock of Nobleboro)

(Ordered Printed)

Bill "An Act relating to Costs of Witness and Attorney Fees under Workmen's Compensation Act" (H. P. 255) (Presented by Mr. Levesque of Madawaska)

(Ordered Printed)

Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act relating to Unprotected Wells" (H. P. 256) (Presented by Mr. Brown of Cape Elizabeth)

(Ordered Printed)

Bill "An Act to Increase Borrowing Capacity of City of Calais School District" (H. P. 257) (Presented by Mr. Davis of Calais)

(Ordered Printed)

Bill "An Act relating to Municipal Regulation of Subdivisions of Land" (H. P. 258) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Bill "An Act relating to Appointment of the Commissioner of Public Works in Town of Kittery" (H. P. 259) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Superintending School Committee of Town of Winslow" (H. P. 260) (Presented by Mr. Dostie of Winslow)

(Ordered Printed)

Bill "An Act relating to Police Power Ordinances for Ogunquit Village Corporation" (H. P. 261) (Presented by Mrs. Hanson of Lebanon)

(Ordered Printed)

Bill "An Act relating to the Ogunquit Village Corporation" (H. P. 262) (Presented by same member)

(Ordered Printed)

Bill "An Act relating to Appointment of Town Clerk of Town of Wells" (H. P. 263) (Presented by same member)

(Ordered Printed)

Bill "An Act Increasing Indebtedness of Fort Fairfield School Dis-

trict" (H. P. 264) (Presented by Mr. Hopkinson of Fort Fairfield)

(Ordered Printed)

Sent up for concurrence.

#### **Natural Resources**

Bill "An Act Amending the Christmas Tree Law" (H. P. 265) (Presented by Mr. Hardy of Hope)

(Ordered Printed)

Sent up for concurrence.

#### **Retirements and Pensions**

Resolve Providing for State Pension for Clyde P. Walker of Stratton (H. P. 266) (Presented by Mr. Hutchins of Kingfield)

(Ordered Printed)

Resolve Increasing Pension of Maurice Albert of Madawaska (H. P. 267) (Presented by Mr. Levesque of Madawaska)

(Ordered Printed)

Resolve Changing Survivor Payments to Mrs. Anita K. Lyons of Bangor, as Guardian for Minors (H. P. 268) (Presented by Mr. Philbrick of Bangor)

(Ordered Printed)

Sent up for concurrence.

#### **Sea and Shore Fisheries**

Bill "An Act Increasing Lobster and Crab Fishing License Fee" (H. P. 269) (Presented by Mr. Brown of Cape Elizabeth)

(Ordered Printed)

Bill "An Act relating to Lobster and Crab Fishing License Fees" (H. P. 270) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

#### **State Government**

Bill "An Act Transferring Duties of Atlantic Sea Run Salmon Commission to Department of Inland Fisheries and Game" (H. P. 271) (Presented by Mr. Brown of Cape Elizabeth)

(Ordered Printed)

Bill "An Act to Provide for Additional Group Life Insurance Coverage for State Employees and Teachers" (H. P. 272) (Presented by Mr. Chapman of Gardiner)

(Ordered Printed)

Bill "An Act to Exempt University of Maine from Laws Relating to Bureau of Public Improve-

ments" (H. P. 273) (Presented by Mr. Pike of Lubec)  
(Ordered Printed)  
Sent up for concurrence.

### **Towns and Counties**

Bill "An Act relating to Salaries of Certain Officers of Cumberland County" (H. P. 274) (Presented by Mr. Brown of Cape Elizabeth)  
(Ordered Printed)

Bill "An Act relating to Fees of Deputy Sheriffs for Court Attendance" (H. P. 275) (Presented by same gentleman)  
(Ordered Printed)

Bill "An Act Increasing Salary of Sheriff of York County" (H. P. 276) (Presented by Mr. Hartshorn of Buxton)  
(Ordered Printed)

Bill "An Act relating to Rental of Space in County Buildings by State Departments" (H. P. 277) (Presented by Mr. Haughn of Bridgton)  
(Ordered Printed)

Bill "An Act relating to Expend- ing Aroostook County Funds for Maine Potato Blossom Festival" (H. P. 278) (Presented by Mr. Hopkinson of Fort Fairfield)  
(Ordered Printed)

Bill "An Act relating to Allow- ance for Uniforms of the Police Department of the City of Lewiston" (H. P. 279) (Presented by Mr. Tardiff of Lewiston)  
(Ordered Printed)

Bill "An Act to Incorporate Bar- ing, Washington County, into an Or- ganized Plantation" (H. P. 280) (Presented by Mr. Wheaton of Princeton)  
(Ordered Printed)  
Sent up for concurrence.

### **Transportation**

Bill "An Act relating to Regis- tration of Saddlemount Motor Ve- hicles" (H. P. 281) (Presented by Mr. Chapman of Norway)  
(Ordered Printed)

Bill "An Act relating to Spot or Auxiliary Lights on Motor Vehicles and Lights on Snow Removal Equipment" (H. P. 282) (Presented by Mr. Hague of Gorham)  
(Ordered Printed)  
Sent up for concurrence.

### **Veterans and Military Affairs**

Bill "An Act relating to the Use of Armories for Military Purposes" (H. P. 283) (Presented by Mr. Brown of Cape Elizabeth)  
(Ordered Printed)  
Sent up for concurrence.

### **Orders**

Mr. Knight of Rockland present- ed the following Order and moved its passage:

WHEREAS, In connection with the proposed examination by the House Committee on Elections in- to the ballots cast in the general election of November 8, 1960 for the House seat from the Class towns of Durham and Lisbon, cer- tain questions have arisen with re- gard to the contest by Andrew Kar- kos of Lisbon, Maine of the seat certified to Frank M. Bowie of Dur- ham, Maine; and

WHEREAS, Hearing was held in this matter on Wednesday, Janu- ary 11, 1961, at which time Mr. Bowie appeared specially in order to contest the jurisdiction of the Committee to hear the merits of this dispute; and

WHEREAS, The Committee de- cided that it should hear all the available evidence, while at the same time reserving to Mr. Bowie his right to a determination of Committee jurisdiction; and

WHEREAS, Evidence showing the following sequence of events was received and acknowledged as ac- curate by both parties to this con- test;

(1) Mr. Karkos sent the notice of contest to Mr. Bowie by regis- tered mail, return receipt request- ed.

(2) Mr. Karkos placed the said notice in the United States Mails on December 19, 1960.

(3) This notice was addressed to Mr. Bowie at Durham, Maine, whereas Mr. Bowie's mailing ad- dress was Auburn, RFD No. 1.

(4) The return receipt indicated that Mr. Bowie received this said notice December 27, 1960, less than ten days before the organization of the House of Representatives; and the Committee on Elections may be without jurisdiction to inquire into the certified results; and

WHEREAS, It is Mr. Bowie's contention that Mr. Karkos has

failed to comply with the provisions of Chapter 5, Section 89 of the Revised Statutes, relating to the service of said notice, which section is as follows:

"When any person intends to contest before the House of Representatives the right of any other person to his seat therein, he shall serve notice thereof upon such person which notice may be served at any time after the election and shall be served at least 10 days prior to the organization of the House of Representatives. He shall present his petition to the House of Representatives within 3 days after its organization, stating the grounds upon which he proposes to contest such seat, and all testimony on either side shall be by depositions taken in the manner authorized by chapter 117 in cases of contested senatorial elections, or by parol evidence, and shall be presented to the House of Representatives within 3 days from the commencement of the session. If this law is not strictly complied with, except in extreme cases where injustice would be done if a continuance were not allowed, the party neglecting shall be denied a postponement, and the committee on elections shall proceed to determine the case by the testimony before them."; and

WHEREAS, It appears to the members of the House of Representatives of the One-Hundredth Legislature that questions of law have arisen which make this occasion a solemn one;

NOW THEREFORE, be it ordered, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give this legislature their opinion on the following questions:

## I

In an election contest such as the one outlined above, has the contestant complied with the provisions of Chapter 5, Section 89, of the Revised Statutes when he deposits the notice of contest in the United States Mails within the prescribed time limit, but the notice is not received until after the expiration of that limit?

## II

If the answer to question number I above is in the negative, does the Committee on Elections have any jurisdiction to entertain the contestant's petition?

## III

In what way, if any, would the answers to either of the above questions be affected if it is shown that Mr. Bowie was informed orally, before the expiration of the time limit, that Mr. Karkos intended to contest his election to the House of Representatives?

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, very simply stated, this is asking the Supreme Judicial Court to render an opinion as to whether our Committee had authority to conduct a hearing, and also to render an opinion as to whether the Committee on Elections had jurisdiction or has jurisdiction to entertain the contest that was placed before it. I would now move that House Rule 46 be suspended and that the House act on this Order today.

The SPEAKER: The gentleman from Rockland, Mr. Knight, has moved that House Rule 46 be suspended. Is this the pleasure of the House?

The motion prevailed.

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

Mr. PHILBRICK: Mr. Speaker, I don't have my copy of the 99th Legislature's rules, and if we could have Rule 46 read to us, I think we would be in a better position to vote on it.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: I would be very happy to comply with that request, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. WHITMAN: Rule 46, a proposition to require the opinion of the Judges of the Supreme Court as provided by the Constitution, shall not be acted upon until the next day after such proposition is made.



The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, all that we are attempting to do here is to speed up the matter of seating a member in this House, a fellow member to represent the class towns involved, rather than wait for the matter to be placed before the House tomorrow.

The SPEAKER: The Chair would like to remind the House that Rule 46 has been suspended. Is it now the pleasure of the House that this Order receive passage?

The motion prevailed.

#### House Reports of Committee on Elections

The following Report:

The Committee on Elections to which was referred the return of the votes cast for Representative to the Legislature have had the same under consideration and beg leave to report that it appears from their canvass of said returns that the several persons named in the communication of the Secretary of State addressed to Harvey R. Pease, Clerk of the House of Representatives of the Ninety-ninth Legislature, and dated January 4, 1961, made in compliance with Section 1, Chapter 10 of the Revised Statutes, were duly elected Representatives to the Legislature and should be declared to be legal members of the Legislature, with the exception of four Representatives representing the Legislative Classes of 1. Arrow-  
sic, Phippsburg, Topsham, West Bath, Woolwich, 2. Auburn, 3. Durham and Lisbon, 4. Portland.

That of the four contested seats your Committee is filing today its reports covering two of the contests.

As a result of its canvass your Committee recommends, therefore, that the House declare as legal members of the House all persons listed in the communication of the Secretary of State made in compliance with Section 1, Chapter 10 of the Revised Statute except T. Tarpy Schulten of Woolwich, Fernand L. Pontbriand of Auburn,

Frank M. Bowie of Durham and John R. Hanscomb of Portland.

COMMITTEE ON ELECTIONS  
(Signed) By C. MARTIN BERMAN  
C. Martin Berman  
Acting Chairman

The Report was read.

On motion of Mr. Berman of Auburn, the Report was accepted, its recommendations adopted, all persons listed in the communication of the Secretary of State made in compliance with Section 1, Chapter 10 of the Revised Statutes were declared as legal members of the House, except T. Tarpy Schulten of Woolwich, Fernand L. Pontbriand of Auburn, Frank M. Bowie of Durham and John R. Hanscomb of Portland.

The following Report:

January 12, 1961

The Committee on Elections to which was referred the petition of Carlton Day Reed, Jr. of Woolwich, praying that he may be admitted to the seat now held and claimed by T. Tarpy Schulten of Woolwich, from the class district composed of the towns of Arrow-  
sic, Phippsburg, Topsham, West Bath, and Woolwich, having had the matter under consideration, and after hearing the evidence in the case and the arguments of counsel, beg leave to report that the said T. Tarpy Schulten received 1592 votes and that the said Carlton Day Reed, Jr. received 1578 votes, and that therefore the said T. Tarpy Schulten of said Woolwich was legally elected as Representative from the said class district to the One-Hundredth Legislature of Maine and shall be seated as said Representative and from henceforth be and become the duly accredited Representative from said class district.

COMMITTEE ON ELECTIONS  
(Signed)

By C. MARTIN BERMAN  
C. Martin Berman  
Acting Chairman

The Report was read.

On motion of Mr. Berman of Auburn, the Report of the Committee was accepted and T. Tarpy Schulten who was listed in the communication of the Secretary of

State, dated January 4, 1961, of names and residences of representatives-elect, was declared to be a member of the House representing the class towns of Arrowsic, Phippsburg, Topsham, West Bath, and Woolwich.

The SPEAKER: The gentleman from Woolwich, Mr. Schulten, was present at the time the House was organized, and therefore did take the oath at that time. However, the Chair will assign the gentleman to seat 18. The Chair will also assign the gentleman from Woolwich, Mr. Schulten, as the sixth ranking member on the Joint Standing Committee on Natural Resources.

The Chair recognizes the gentleman from Woolwich, Mr. Schulten.

Mr. SCHULTEN: Mr. Speaker, I would like to express my thanks to the 100th Legislature for the action they have now taken.

The SPEAKER: The Chair understands that the gentleman from Woolwich, Mr. Schulten, asked unanimous consent of the House and that it was granted, to express his words of appreciation. (Applause)

The SPEAKER: At this time, the Chair will assign the gentleman from Portland, Mr. Briggs, as the seventh ranking member on the Joint Standing Committee on Legal Affairs.

Mr. Berman of Auburn was granted unanimous consent to address the House out of order.

Mr. BERMAN: Mr. Speaker, the Committee on Elections wishes the record to show that the action it took in certifying T. Tarpy Schulten was unanimous action on behalf of all members of that Committee.

The SPEAKER: The Clerk will make a note of that.

The following Report:

January 12, 1961

The Committee on Elections to which was referred the returns of the votes cast for Representatives to the Legislature, and the communication from the Secretary of State transmitting the letter of Fernand L. Pontbriand, have had the same under consideration and beg leave to report that;

According to the official canvass of the contest for Representative to the Legislature from the city of Auburn Charles E. Waterman received 5,337 votes and Fernand L. Pontbriand received 5,391 votes. An inspection of said ballots held on December 12, 1960, indicated that Charles E. Waterman received 5,523 and Fernand L. Pontbriand received 5,371. Mr. Pontbriand having indicated his intention to withdraw from the contest, the Committee recommends, therefore, that Charles E. Waterman be seated as the duly elected Representative to the Legislature from the city of Auburn.

#### COMMITTEE ON ELECTIONS

(Signed)

By C. MARTIN BERMAN  
C. Martin Berman,  
Acting Chairman.

The Report was read.

On motion of Mr. Berman of Auburn, the Report was accepted, its recommendations adopted, and Charles E. Waterman declared a member of the House representing the city of Auburn in place of Fernand L. Pontbriand who was listed in the communication of the Secretary of State, dated January 4, 1961, of names and residences of representatives-elect.

On further motion of same gentleman, that member was appointed to escort Mr. Waterman to the Governor to receive the oaths necessary to qualify him to enter upon his duties. Subsequently Mr. Berman reported that the necessary oaths had been taken by Mr. Waterman.

The SPEAKER: On January 10, 1961, the House passed an Order approving the appointment of a Joint Select Committee of four on the part of the House and three on the part of the Senate, to study the disposition of property owned by the State of Maine, formerly occupied by the Western Maine Sanatorium.

Pursuant to that Order, the Chair will appoint the following members on the part of the House to that Committee:

Messrs. WHITMAN of Woodstock  
Chairman  
GILL of South Portland

BRADEEN of Waterboro  
MAXWELL of Jay.

### Orders of the Day

The SPEAKER: The House is now proceeding under Orders of the Day.

The Chair now lays before the House the first tabled and today assigned matter, Resolve, Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry, Senate Paper 1, Legislative Document 1, tabled on January 12 by the gentleman from Perham, Mr. Bragdon, pending the motion of the gentleman from Pittsfield, Mr. Baxter, to refer to the Committees on Appropriations and Financial Affairs and Industrial and Recreational Development, jointly, in non-concurrence.

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

Thereupon, on motion of that gentleman, the Resolve was tabled unassigned pending reference.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, Bill "An Act Relating to Brunswick, Topsham and Harpswell High School Pupil Tuition Authorization," House Paper 191, tabled on January 12 by the gentleman from Brunswick, Mr. Lowery, pending reference to Committee; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Lowery of Brunswick, the Bill was tabled unassigned pending reference to Committee.

On motion of Mr. Baxter of Pittsfield, the House voted to take from the table the first tabled and unassigned matter, Bill "An Act relating to Second Injury Fund and Vocational Rehabilitation Under Workmen's Compensation Act," Senate Paper 37, Legislative Document 79, tabled on January 11 by that gentleman pending reference in concurrence, which in the Senate was referred to the Committee on Legal Affairs.

On further motion of the same gentleman, the Bill was referred to the Committee on Labor in non-concurrence and sent up for concurrence.

The SPEAKER: At this time, the Chair will assign the gentleman from Auburn, Mr. Waterman, to seat 126. The Chair would also request that the gentleman from Auburn, Mr. Waterman, see the Speaker concerning Committee assignments.

There will be a caucus of all House Republicans in this House this evening at 7:30.

The Chair would like to call your attention to an item on the blue sheet, being the last item, which reads: "Members will find on their desks official order blanks for weekly newspapers. Weekly newspapers must be ordered through the Clerk's office\*\*," so this must go through the Clerk's office as do other matters of a similar nature in order that the Clerk may know what is going on. Up to this moment he knows everything that is going on, and he would like to keep that way.

The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I would like to inquire what weekly newspapers this has reference to?

The SPEAKER: The gentleman from St. Albans, Mr. Hughes, has asked a question through the Chair and anyone may answer it who chooses.

The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I think I can answer that question, it pertains to any weekly newspaper that is printed in this state.

The SPEAKER: The Clerk will read the order.

The CLERK: Yesterday the following Order was passed. "On motion of Mr. Anderson of Greenville, Ordered, that each member and officer of the House be furnished with one copy each of two weekly newspapers published in the State, to be selected by them."

Mr. Waterman of Auburn was granted unanimous consent to briefly address the House.

Mr. WATERMAN: Mr. Speaker, I wish to express my sincere thanks to the Committee on Elections and to the members of this House, and thank them for accepting me as a member. (Applause)

The SPEAKER: Now leadership and the Clerk's Office and the Senate President and the Senate leaders, we are all doing everything possible to expedite legislation in this, the 100th Legislature. We have just completed the second week of our session, and we again received some favorable comment in the papers upon our doings. Let's hope that at the end of the third, fourth, fifth, sixth and seventh weeks and so on that we are progressing in an ever increasing satisfactory manner, and that we may bring eventually to a very satisfactory and worthwhile conclusion, this, the 100th Legislature of the State of Maine, and let me assure you, that every effort is going to be made on the part of leadership to see that this is done, and I am very, very happy with the number of people that have approached me and said that they would do anything that they possibly could in the back-

ground to facilitate matters, and I have simply told them that there is nobody in the background, we are all in the foreground and that's the way we are going to operate.

---

Mr. Tyndale of Kennebunkport was granted unanimous consent to address the House briefly.

Mr. TYNDALE: Mr. Speaker, I wish also to thank my colleagues of the 100th Legislature for their kindness, and also for some of the cards they sent me while I was ill, and for accepting me as a member, and I can also say that I am very proud to be a member of this 100th Legislature. Thank you. (Applause)

---

On motion of Mr. Baxter of Pittsfield,

Adjourned until ten o'clock tomorrow morning.