

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, January 31, 1961

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

Prayer by the Rev. Mr. Andrew F. Cone of Gardiner.

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

The journal of the previous session was read and approved.

The SPEAKER: At this time, the Chair will declare a half hour recess for the purpose of holding a Republican caucus here in this House. This is a closed caucus so we will have to ask everybody who are not Republican representatives to leave, please.

After Recess

The House was called to order by the Speaker.

Papers from the Senate

From the Senate:

Joint Resolution Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Granting of Representation in the Electoral College to the District of Columbia (S. P. 312)

STATE OF MAINE

Ratification of Amendment to the Constitution of the United States Relating to the Granting of Representation in the Electoral College to the District of Columbia.

In the Year of Our Lord One Thousand Nine Hundred and Sixty-One.

RESOLUTION, Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Granting of Representation in the Electoral College to the District of Columbia.

WHEREAS, The Eighty-sixth Congress of the United States of America, at the second session begun and held at the City of Washington on Wednesday, the sixth day of January, one thousand nine hundred and sixty, by a constitutional two-third vote in both Houses adopted a Joint Resolution proposing an amendment to the Constitution of the United States, to wit:

Joint Resolution

Proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

"A number of Electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

"SECTION 2. The Congress shall have power to enforce this article by appropriate legislation."

THEREFORE, be it

RESOLVED, that the Legislature of the State of Maine hereby ratifies and adopts this proposed Amendment to the Constitution of the United States.

RESOLVED, that the Secretary of the State of Maine notify the President of the United States, the Secretary of State of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Administrator of General Services of the United States,

and each Senator and Representative from Maine in the Congress of the United States of this action of the Legislature by forwarding to each of them a certified copy of this Resolution.

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

From the Senate:

Bill "An Act Appropriating Funds for Relocation and Construction of a Boys Training Center" (S. P. 246) (L. D. 763)

Bill "An Act Appropriating Monies for Completion of Music Section of Multi-Purpose Building at Aroostook State Teachers College" (S. P. 247) (L. D. 764)

Resolve Appropriating Funds for Operating Expenses for University of Maine (S. P. 248) (L. D. 765)

Resolve Providing for Emergency Renovation of Existing Facilities at the Maine State Prison (S. P. 249) (L. D. 766)

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

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

From the Senate:

Bill "An Act to Incorporate International Mortgage Corporation (Maine)" (S. P. 250) (L. D. 767)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Resolve to Reimburse General Beverages, Inc. of Auburn for Unused Liquor License (S. P. 251) (L. D. 768)

Came from the Senate referred to the Committee on Claims.

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

From the Senate:

Bill "An Act Concerning Qualifications of Municipal Court Judges and Associate Judges" (S. P. 252) (L. D. 769)

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 253) (L. D. 770)

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 relating to Duties of Department of Labor and Industry Concerning Industrial Safety" (S. P. 254) (L. D. 771)

Bill "An Act relating to Employment of Minors in Establishments Selling Frozen Dairy Products" (S. P. 255) (L. D. 772)

Bill "An Act relating to Employment of Minors in Automatic Laundries" (S. P. 256) (L. D. 773)

Came from the Senate referred to the Committee on Labor.

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

From the Senate:

Bill "An Act relating to Plantations Organized Upon Application of Three or More Citizens" (S. P. 257) (L. D. 774)

Bill "An Act Increasing Indebtedness of Town of York School District" (S. P. 258) (L. D. 775)

Bill "An Act relating to Retirement Benefits for Members of the Lewiston Police Department" (S. P. 259) (L. D. 776)

Bill "An Act relating to Retirement Benefits for Members of the Lewiston Fire Department" (S. P. 260) (L. D. 777)

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

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

From the Senate:

Bill "An Act to Bring State Police, Coastal Wardens and Fish and Game Wardens Under Personnel Law" (S. P. 261) (L. D. 778)

Resolve Proposing an Amendment to the Constitution to Provide for the Apportionment of Senators for and Within Each County (S. P. 262) (L. D. 779)

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

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

From the Senate:

Bill "An Act relating to Motor Vehicle Excise Tax" (S. P. 263) (L. D. 780)

Came from the Senate referred to the Committee on Taxation.

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

From the Senate:

Bill "An Act Increasing Payments to Law Library at South Paris, Oxford County" (S. P. 229) (L. D. 762)

Bill "An Act Increasing Salaries of Judge and Recorder of Lincoln Municipal Court, Lincoln County" (S. P. 264) (L. D. 781)

Bill "An Act relating to Completion of the York River Project in York" (S. P. 265) (L. D. 782)

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

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

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Resolve Providing for a Pension for Almon Wentworth of Palermo (S. P. 6) (L. D. 6)

Report of the Committee on Sea and Shore Fisheries reporting same on Bill "An Act Regulating Digging of Clamworms in Washington County" (S. P. 15) (L. D. 15)

Came from the Senate read and accepted.

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

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

Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating

to Foreign Corporations" (S. P. 36) (L. D. 78)

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

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

Non-Concurrent Matter

Bill "An Act Permitting Counties to Expend Money for Advisory Organizations" (H. P. 354) (L. D. 506) which was referred to the Committee on State Government in the House on January 18.

Came from the Senate referred to the Committee on Towns and Counties in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Operating Automatic Laundries and Holding Auctions on Sundays" (H. P. 460) (L. D. 660) which was referred to the Committee on Business Legislation in the House on January 24.

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

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

Petitions, Bills and Resolves Requiring Reference

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

Appropriations and Financial Affairs

Resolve Appropriating Moneys to Match Federal Funds Provided under Title X of the National Defense Education Act (H. P. 724) (Presented by Mr. Bradeen of Waterboro)

(Ordered Printed)

Resolve to Provide for One Additional Staff Member to the Maine Port Authority to Evaluate Existing Commercial Water Front Facilities Along the Coast of Maine (H. P. 725) (Presented by Mr. Danes of South Portland)

(Ordered Printed)

Resolve Appropriating Funds for Development of Moose Point State Park (H. P. 726) (Presented by Mr. Edwards of Stockton Springs) (Ordered Printed)

Resolve for Development of Revenue-Producing Park Facilities on Mt. Battie (H. P. 727) (Presented by Mr. Hardy of Hope) (Ordered Printed)

Resolve Providing for Purchase of "Breath-Test-Meters" (H. P. 728) (Presented by Mr. Smith of Strong) (Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Incorporate the Domestic Finance Corporation of Kennebunk" (H. P. 729) (Presented by Mr. Noel of Waterville) (Ordered Printed)

Bill "An Act to Incorporate the Domestic Finance Corporation of Dexter" (H. P. 730) (Presented by same gentleman) (Ordered Printed)

Bill "An Act to Incorporate the 'Allied Finance Co.'" (H. P. 731) (Presented by Mr. Plante of Old Orchard Beach by request) (Ordered Printed)
Sent up for concurrence.

Claims

Resolve to Reimburse the Town of Bingham for Snow Removal Costs (H. P. 732) (Presented by Mr. Beane of Moscow) (Ordered Printed)

Resolve in favor of Arthur R. Gould Memorial Hospital of Presque Isle (H. P. 733) (Presented by Mr. Prue of Ashland) (Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act relating to School Administrative Districts Contracting for Secondary Education with other Administrative Units" (H. P. 734) (Presented by Mr. Bearce of Bucksport) (Ordered Printed)

Bill "An Act Authorizing School Administrative Units to Contract for Driver Education Courses" (H. P. 735) (Presented by Mr. Curtis of Bowdoinham) (Ordered Printed)

Bill "An Act relating to Use of Appropriation for Education of Physically Handicapped and Exceptional Children" (H. P. 736) (Presented by Mrs. Hanson of Lebanon) (Ordered Printed)

Bill "An Act to Authorize Enfield, Greenbush, Greenfield, Howland, Maxfield, Passadumkeag, LaGrange and Seboeis Plantation to Form a School Administrative District" (H. P. 737) (Presented by Mr. Hichborn of Medford Township) (Ordered Printed)

Sent up for concurrence.

Tabled

Bill "An Act to Authorize the Withdrawal of the Town of Brooks from School Administrative District No. 3" (H. P. 738) (Presented by Mr. Wood of Brooks)

(On motion of Mr. Wood of Brooks, tabled pending reference to committee and unassigned.)

Election Laws

Bill "An Act Repealing Law Regulating Change of Address of Voters" (H. P. 739) (Presented by Mr. Noel of Waterville) (Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act Increasing Renewal Fee of Certificate of Registration for Barbers and Operators of Hair-dressing and Beauty Culture" (H. P. 740) (Presented by Mr. Tyndale of Kennebunkport) (Ordered Printed)

Bill "An Act Clarifying the Plumbing Law" (H. P. 741) (Presented by Mr. Wheaton of Princeton) (Ordered Printed)

Bill "An Act relating to License Fees of Recreational and Eating Places" (H. P. 742) (Presented by same gentleman) (Ordered Printed)
Sent up for concurrence.

Tabled

Resolve Permitting Demolishing Certain Building at Maine State Prison (H. P. 743) (Presented by Mr. Winchenpaw of Friendship)

(On motion of Mr. Whitman of Woodstock, tabled pending reference to committee and unassigned.)

Highways

Bill "An Act Establishing Minimum Pay for Persons Hauling Gravel on State and Municipal Contracts" (H. P. 744) (Presented by Mr. Curtis of Bowdoinham)
(Ordered Printed)

Resolve Designating a Third Traffic Lane for Waterville-Winslow Bridge (H. P. 745) (Presented by Mr. Dostie of Winslow)
(Ordered Printed)

Resolve Authorizing Study of Road from Allagash Plantation to the Canadian Border (H. P. 746) (Presented by Mr. Gallant of Eagle Lake)
(Ordered Printed)

Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across Taunton River (H. P. 747) (Presented by Mr. Young of Gouldsboro)
(Ordered Printed)
Sent up for concurrence.

Industrial and Recreational Development

Resolve Providing for Study of Maine's Water Recreational Needs (H. P. 748) (Presented by Mr. Humphrey of Augusta)
(Ordered Printed)
Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act Repealing Grassy Pond Game Preserve and Gribbel Game Preserve" (H. P. 749) (Presented by Mr. Hardy of Hope)
(Ordered Printed)

Bill "An Act Increasing Bounty on Bobcat" (H. P. 750) (Presented by Mr. Whitney of Winn)
(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act relating to Allegation of Prior Conviction in Criminal Cases" (H. P. 751) (Presented by Mr. Cox of Dexter)
(Ordered Printed)

Bill "An Act Repealing Law Providing for Additional Court Review in Public Utility Cases" (H. P.

752) (Presented by Mr. Haughn of Bridgton)

(Ordered Printed)

Bill "An Act relating to Canes Carried on Public Streets or Highways by Blind Persons" (H. P. 753) (Presented by Mrs. Hendricks of Portland)

(Ordered Printed)

Bill "An Act relating to the Distribution of Certain Proceeds to Persons Outside the United States" (H. P. 754) (Presented by Mr. Hinds of South Portland)

(Ordered Printed)

Bill "An Act relating to Rulings on Admissibility of Evidence by Public Utility Hearing Examiners" (H. P. 755) (Presented by Mr. Pike of Lubec)

(Ordered Printed)

Bill "An Act Prohibiting the Taking of Certain Land Products" (H. P. 756) (Presented by Mr. Plante of Old Orchard Beach)

(Ordered Printed)

Bill "An Act Changing Name of Norway Municipal Court to South Paris Municipal Court and its Location to South Paris" (H. P. 757) (Presented by Mr. Sirois of Rumford by request)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Permitting Injured Employee under Workmen's Compensation Act to Choose Physician from Panel Named by Employer" (H. P. 758) (Presented by Mr. Binnette of Old Town)

(750 copies Ordered Printed)

Bill "An Act relating to Employment of Minors under 16 Years of Age" (H. P. 759) (Presented by Mr. Hardy of Hope)

(750 copies Ordered Printed)

Bill "An Act Shortening Waiting Period under Workmen's Compensation Act" (H. P. 760) (Presented by Mr. Noel of Waterville)

(750 copies Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Charter of the City of Calais" (H. P. 761) (Presented by Mr. Davis of Calais by request)

(Ordered Printed)

Bill "An Act Repealing Law Enabling School District Number One

in Gorham to Hold Trust Funds for Educational Purposes" (H. P. 762) (Presented by Mr. Hague of Gorham)

(Ordered Printed)

Bill "An Act relating to Superintending School Committee of Town of Gorham" (H. P. 763) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Power of Universalist Church of Maine to Hold Property" (H. P. 764) (Presented by Mr. Knight of Rockland)

(Ordered Printed)

Bill "An Act to Revise the Charter of the Universalist Church of Maine" (H. P. 765) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Operating Business on Memorial Day and Veterans Day" (H. P. 766) (Presented by Mr. MacGregor of Eastport by request)

(Ordered Printed)

Bill "An Act relating to Single Tax Assessor and Board of Assessment Review for City of Waterville" (H. P. 767) (Presented by Mr. Noel of Waterville)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Prevent Pollution of Halfmoon Pond in Waldo County" (H. P. 768) (Presented by Mr. Edwards of Stockton Springs)

(Ordered Printed)

Bill "An Act to Prevent the Pollution of the Waters of Oyster River Pond, Knox County" (H. P. 769) (Presented by Mr. Knight of Rockland)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Incorporate the Calais Water District" (H. P. 770) (Presented by Mr. Davis of Calais)

(Ordered Printed)

Bill "An Act to Create the Gorham Sewerage District" (H. P. 771) (Presented by Mr. Hague of Gorham)

(Ordered Printed)

Bill "An Act to Incorporate the Boothbay Harbor Water and Sewer District" (H. P. 772) (Presented by Mrs. Sproul of Bristol)

(Ordered Printed)

Bill "An Act to Create the Boothbay Harbor Sewer District" (H. P. 773) (Presented by same member)

(Ordered Printed)

Sent up for concurrence.

Retirements and Pensions

Bill "An Act relating to Fish and Game Warden Benefits under Maine State Retirement System" (H. P. 774) (Presented by Mr. Wade of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Increasing Compensation of Members of Maine Employment Security Commission" (H. P. 775) (Presented by Mr. Estey of Portland)

(Ordered Printed)

Bill "An Act relating to Salary of Commissioner of Education" (H. P. 776) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Increasing Salaries of Members of Public Utilities Commission" (H. P. 777) (Presented by Mr. Haughn of Bridgton)

(Ordered Printed)

Bill "An Act Increasing Salary of Commissioner of Inland Fisheries and Game" (H. P. 778) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Authorizing State of Maine to Convey Knox Arboretum, Knox County" (H. P. 779) (Presented by Mr. Knight of Rockland)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution Repealing Limitation of Number of Representatives from One City (H. P. 780) (Presented by Mrs. Hendricks of Portland)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to Reimbursement of Fuel Tax for Miles Travelled on Maine Turnpike" (H. P. 781) (Presented by Mr. Berry of Portland)

(Ordered Printed)

Bill "An Act Exempting Estates of Blind Persons from Taxation"

(H. P. 782) (Presented by Mr. Philbrick of Augusta)
(Ordered Printed)
Sent up for concurrence.

Towns and Counties Tabled

Bill "An Act Permitting Counties to Reimburse Other Counties When Court Cases Transferred" (H. P. 783) (Presented by Mr. Berry of Portland)

(On motion of Mr. Berry of Portland, tabled pending reference to committee and unassigned.)

Bill "An Act Authorizing Sagadahoc County to Reimburse Cumberland County for Certain Court Costs" (H. P. 784) (Presented by Mr. Crockett of Freeport)

(Ordered Printed)

Bill "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Cumberland County" (H. P. 785) (Presented by Mr. Danes of South Portland)

(Ordered Printed)

Sent up for concurrence.

House at Ease

Called to order by the Speaker.

House Report of Committee on Elections

The following Report:

January 26, 1961

The Committee on Elections to which was referred the petition of Andrew A. Karkos, Sr. of Lisbon, praying that he may be admitted to the seat now held and claimed by Frank M. Bowie of Durham, from the class district composed of the towns of Durham and Lisbon, having had the matter under consideration, and after hearing the evidence in the case and the arguments of counsel, the Committee conducted a recount of ballots which was held on January 26, 1961. The recount was conducted by Representatives of the Committee and under the supervision of the Secretary of State, in which it was determined that Frank M. Bowie received 1320 votes and Andrew A. Karkos, Sr. received 1318 votes. In addition, 179 ballots were set aside at the request of the parties as being disputed. The Committee inspected and made the

determination that 98 votes were for Andrew A. Karkos, Sr. and 72 were for Frank M. Bowie, and that 9 were void; therefore, the Committee has determined that Frank M. Bowie received a total of 1392 ballots and Andrew A. Karkos, Sr. received a total of 1416 ballots, and therefore, the Committee unanimously reports that the said Andrew A. Karkos, Sr. of said Lisbon was legally elected as Representative from the class towns of Durham and Lisbon to the 100th Legislature of the State of Maine and should be seated as Representative of said class district and from henceforth be and become the duly elected Representative of said class district in the 100th Legislature of the State of Maine.

COMMITTEE ON ELECTIONS

(Signed) By JOHN L. KNIGHT
John L. Knight,
Chairman

The Report was read.

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

Mr. KNIGHT: Mr. Speaker and Ladies and Gentlemen of the House: In the matter of the contest of the seat of Frank M. Bowie by Andrew Karkos of Lisbon, the parties appeared before the Elections Committee of the House, and it was claimed that the committee had no jurisdiction to decide this matter whereas Mr. Karkos had failed to give notice of his intention to contest the election to Mr. Bowie.

In an effort to be entirely fair, the committee formed a set of questions concerning this technicality and you, the Members of the House, sent these questions to the Supreme Judicial Court for an opinion.

The opinion came back that Mr. Karkos had not complied with the statute involved and therefore had not given proper notice. The Court went on further, however, and stated that even though Mr. Karkos did not comply with the statute the committee still had jurisdiction to entertain his petition.

The Supreme Court said, "It follows therefore that the Committee on Elections, like the House for which it acts, may in an appropriate case disregard technical non-

compliance with the statutory notice and determine a case upon its merits. The test would be whether substantial justice would be established by hearing and determining the case."

When the opinion was received, the committee determined this case as they felt upon its merits. There were no allegations of fraud, and therefore the ballots were counted, and the man with the most votes was elected.

Certain ballots were disputed for the reason that they were in ink. The Supreme Court has already answered the question about these, and in an opinion of the Justices in 124 Maine, Page 489, it says in effect ballots marked in ink should be counted.

Certain ballots were disputed because the lines were extended beyond the squares. These ballots should be counted.

Now we have counted the ballots fairly and honestly; and we have before us the fact that we should determine the vote by the opinions expressed at the polls by the people from Lisbon and Durham and not by our own political opinions, not from our own feelings, and not from any other expression except the expression of the voters.

It is not easy to sit in judgment of one who has been seated among you for some four weeks, and find against him. The Committee on Elections and particularly myself sympathize most sincerely with Mr. Bowie, but under the circumstances could act in no other way.

I move that the Committee report be accepted.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that the Committee report be accepted. Is it the pleasure of the House?

The motion prevailed.

Mr. Knight of Rockland thereupon presented the following Resolution, and moved its adoption:

House Resolution

BE IT RESOLVED, that it is the judgment of this House that Frank M. Bowie, the sitting member from the class district composed of the Towns of Durham and Lisbon, in the County of Androscoggin, was not legally elected and shall not longer act as the

Representative from said class district and that Andrew A. Karkos, Sr. of said Lisbon 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 henceforth be and become the duly accredited Representative from said class district.

The Resolution was adopted.

The SPEAKER: At this time the Chair would like to make a few remarks: We have had an unusual situation in this session. It didn't happen in the 99th session, and I don't know when it has happened before; but we have had four situations of, we will say, more or less contested elections. One of them being the situation in Auburn of the gentleman from Auburn, Mr. Pontbriand, and the gentleman from Auburn, Mr. Waterman. In that case, the very fine gentleman from Auburn, Mr. Pontbriand, conceded. And then the case in Portland, we had a contest between the gentleman from Portland, Mr. Hanscomb, and the gentleman from Portland, Mr. Kellam. And in Woolwich, the gentleman from Woolwich, Mr. Reed, and the gentleman from Woolwich, Mr. Schulten. In this case, the very fine gentleman from Woolwich, Mr. Reed, conceded.

And now we have this situation here, the contest between the gentleman from Lisbon, Mr. Karkos, and the gentleman from Durham, Mr. Bowie. Two of the cases they conceded because, after counting the votes, it was easily determined that one should concede. In the other two instances there was a question. And so it went to decision. At this time I would like to compliment the Committee on Elections for the very fine work that they have done on these contests in addition to the work they are doing on the Judiciary Committee. And furthermore, I would like to state that many of these papers have been prepared by the Clerk and by members of the Clerk's Office; and his long experience in the Legislature has come in very handy at this particular time, because he could go back through the pages and find where we have had other disputed elec-

tions in this State and use them for the preparation of the papers.

The Chair will appoint the gentleman from Lewiston, Mr. Jalbert, as a committee of one to take the gentleman from Lisbon, Mr. Karkos, to the Governor, in order to take and subscribe the oath necessary to qualify him to enter upon the performance of his duties. I will have to state at this time that the Governor is not available at the moment, and it may be necessary that the report be made of the swearing in by the gentleman from Lewiston, Mr. Jalbert, tomorrow. But as soon as the Governor is available they will have the gentleman from Lisbon, Mr. Karkos, sworn in and he will be seated.

House Reports of Committees Ought Not to Pass

Mr. Brewer from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Perry W. Judkins of Mechanic Falls for Sick Leave Pay (H. P. 10) (L. D. 29)

Mr. Hutchins from same Committee reported same on Resolve in favor of Lyndon O. Goodell of Hampden (H. P. 45) (L. D. 86)

Mr. Johnson from same Committee reported same on Resolve in favor of the Town of Hancock (H. P. 89) (L. D. 129)

Mrs. Sproul from the Committee on Legal Affairs reported same on Bill "An Act Authorizing Displays of Fireworks by Certain Organizations" (H. P. 160) (L. D. 223)

Mr. Albair from the Committee on Taxation reported same on Bill "An Act relating to Interest on Inheritance Taxes" (H. P. 177) (L. D. 240)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Dennison from the Committee on Highways on Bill "An Act Eliminating the Tolls from Bridge Across Jonesport Reach" (H. P. 90) (L. D. 130) reported same in a new draft (H. P. 786) (L. D. 922) under title of "An Act relating to Tolls on Bridge Across Jonesport Reach" and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Gallant from the Committee on Claims reported "Ought to pass" on Resolve in favor of David A. Hickland of Milbridge (H. P. 12) (L. D. 31)

Mr. Gill from the Committee on Health and Institutional Services reported same on Bill "An Act relating to Certain Standards for Nursing Homes" (H. P. 13) (L. D. 32)

Mr. Carter from the Committee on Highways reported same on Bill "An Act relating to Maintenance of the Waldo-Hancock Bridge" (H. P. 195) (L. D. 290)

Mr. Dennison from same Committee reported same on Bill "An Act relating to Bank Checks with Bids on Highway Construction" (H. P. 196) (L. D. 291)

Mr. Nadeau from same Committee reported same on Resolve Designating Winslow Bridge as "The Fort Halifax Bridge" (H. P. 136) (L. D. 199)

Mr. Berman from the Committee on Legal Affairs reported same on Bill "An Act relating to Limit of Endowment Fund of Foxcroft Academy" (H. P. 153) (L. D. 216)

Mr. Minsky from same Committee reported same on Bill "An Act Increasing Number of Trustees and Executive Committee of Lincoln Academy" (H. P. 155) (L. D. 218)

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

Mr. Stewart from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Incorporate the Town of Bucksport School District" (H. P. 117) (L. D. 157)

Report was read and accepted and the Bill read twice.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Bearce.

Mr. BEARCE: Mr. Speaker, I want to hold that bill up and put an amendment on it.

The SPEAKER: The Chair would like to advise the gentleman from Bucksport, Mr. Bearce, and others

can bear this same thing in mind if they wish, that the third reading of all the bills is on the next legislative day and you will be given an opportunity at that particular time at the end of the third reading to introduce amendments, table bills, or move that they ought not to pass.

Mr. BEARCE: I would move that this be tabled because we can't get the amendment in by that time.

The SPEAKER: You will have an opportunity tomorrow to table the measure if you wish. Does that satisfy the gentleman from Bucksport, Mr. Bearce?

Mr. BEARCE: Yes.

Thereupon, the Bill was assigned for third reading tomorrow.

Mr. Letourneau from the Committee on Taxation reported "Ought to pass" on Bill "An Act relating to Payments to Maine Forestry District for Fire Protection Within Indian Township" (H. P. 123) (L. D. 163)

Mr. Maxwell from same Committee reported same on Bill "An Act relating to Request for Payment to the Town of Limestone of Poll Taxes Collected by State from Residents of Connor" (H. P. 176) (L. D. 239)

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

Ought to Pass with Committee Amendment

Mr. Morse from the Committee on Business Legislation on Bill "An Act relating to Use of Names by Corporations Organized under the General Law" (H. P. 88) (L. D. 128) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

Committee Amendment "A" to H. P. 88, L. D. 128, Bill "An Act Relating to Use of Names by Corporations Organized Under the General Law."

Amend said Bill by striking out the second paragraph after the enacting clause and inserting in place thereof the following paragraph:

'Sec. 10-A. Prior and exclusive use of names. No corporation organizing under this chapter shall assume, adopt or use the name of a corporation incorporated under the laws of the State of Maine, or a name so nearly resembling the name of such corporation as to be a colorable imitation thereof or calculated to deceive any person.'

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

Mr. Hughes from the Committee on Claims on Resolve in favor of R. E. Hopkins of Hampden (H. P. 69) (L. D. 111) 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. 69, L. D. 111, Resolve in Favor R. E. Hopkins of Hampden.

Amend said Resolve, in the title by inserting before the words "R. E. Hopkins," the words 'Estate of.'

Further amend said Resolve, by striking out the figure "\$1000," in the second line, and inserting in place thereof the figure '\$500.'

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

Committee Amendment Indefinitely Postponed

Mr. Winchenpaw from the Committee on Labor on Bill "An Act relating to Compensation for Certain Policemen under Occupational Disease Law" (H. P. 151) (L. D. 214) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, maybe I could ask a parliamentary question through the Chair. This amendment isn't exactly as we intended to have it, and now is it necessary to table this until tomorrow or can we prepare a new amendment and present it

tomorrow? We do not want this amendment as it is.

The SPEAKER: The motion will be placed here on the adoption of the amendment, and at that particular time you can move for indefinite postponement of the amendment and then tomorrow at third reading if you wish you may introduce another amendment.

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

COMMITTEE AMENDMENT
"A" TO H. P. 151, L. D. 214, Bill "An Act Relating to Compensation for Certain Policemen under Occupational Disease Law."

Amend said Bill by striking out all of the 2nd column numbered 16, and inserting in place thereof the following:

'16. Caused to an active member of an organized fire or police department while participating at fires while engaged in active duty, and developing within 6 months of such participation.'

On motion of Mr. Winchenpaw of Friendship, Committee Amendment "A" was indefinitely postponed and the Bill assigned for third reading tomorrow.

Mr. Berman from the Committee on Legal Affairs on Bill "An Act to Increase Indebtedness of the Town of Wiscasset School District" (H. P. 154) (L. D. 217) 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. 154, L. D. 217, Bill "An Act to Increase Indebtedness of the Town of Wiscasset School District."

Amend the title of said Bill by inserting before the word "Indebtedness" the word 'the'.

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

Tabled

Mr. Stewart from the Committee on Legal Affairs on Bill "An Act relating to Annual Meeting of Bayville Village Corporation" (H. P. 49) (L. D. 90) reported "Ought

to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mrs. Sproul of Bristol, the Report and Bill were tabled pending acceptance of the Committee Report and unassigned.)

Passed to Be Engrossed

Bill "An Act to Allocate Money from the General Highway Fund for State Aid Construction" (S. P. 66) (L. D. 166)

Bill "An Act Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations" (S. P. 73) (L. D. 173)

Bill "An Act relating to Sale by Forest Commissioner of Gravel on State Lands" (S. P. 74) (L. D. 174)

Bill "An Act Repealing the Time Limitation on Statute Repealing the Two Inch Clam Law" (H. P. 47) (L. D. 88)

Bill "An Act relating to Mailing Divorce Judgment When Duty to Support" (H. P. 97) (L. D. 137)

Bill "An Act to Prohibit the Taking of Lobsters and Crabs During the Hours of Darkness" (H. P. 206) (L. D. 301)

Bill "An Act to Change the Date of Election of Town Meeting Members in the Town of Caribou" (H. P. 210) (L. D. 305)

Bill "An Act relating to Sick Pay for County Clerical Help" (H. P. 722) (L. D. 789)

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

Tabled and Assigned

Bill "An Act relating to Uniforms for Deputy Sheriffs" (H. P. 723) (L. D. 790)

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

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: This Bill pretty nearly slipped by me on its third reading, so what it contains I think is imperative enough to bring to the attention of my delegation from Cum-

berland County. I believe this bill needs some looking into, in my opinion, because it comes out of the County budget. Now up to this time I know my own delegation, at least I myself speak for myself, are not informed of the costs of what is applied to our budget. So therefore, to have ample time to take it up with our caucus and with our County delegation, I move this Bill be tabled pending acceptance of the third reading until Thursday, February 9, for the purpose of going into it a little deeper.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that in reference to L. D. 790, that it be tabled and specially assigned for Thursday, February 9, pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Resolve Authorizing the Department of Inland Fisheries and Game to Convey Certain Land in Town of Salem (S. P. 31) (L. D. 53)

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

Amended Bill

Bill "An Act relating to Notification of Appointment and Compensation for Special Deputies" (H. P. 165) (L. D. 223)

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

Orders of the Day

Mr. Fogg of Madison was granted unanimous consent to address the House.

Mr. FOGG: Mr. Speaker and Members of the House: First, I would like to commend the Committee on Elections on the way it has performed its duties during this legislative session. I realize they have had some very difficult decisions to make and I feel that they have been fair about making them.

Now what I would like to call to your attention is this green booklet which has been put on your

desks today. This is Problems and Prospects for the mentally retarded in Maine. This is the Annual Report of the Maine Committee on Problems of the Mentally Retarded. I was recently appointed to this committee and even though I must confess I don't know as much about its functions as I hope to later on, I have been asked to call this report to your attention and sort of just briefly review it as far as to the functions of the Committee.

On page 5 of this report is the introduction. That covers the origin of the Committee and a brief history. It tells you why the Committee was first created and about the activities of the Committee and what their aims are as far as the mentally retarded. On page 7 through 9 is a review of the public responsibility towards the mentally retarded, not only from the standpoint of Christianity, but also from the standpoint of society. That is, these people are handicapped, and if we don't sympathize with their problems and help them, they can become delinquents.

One of the bits of information which has been revealing to me is that three percent of the child population is retarded to some extent: five out of every six of these retarded children are what they call educable, that means that they can receive knowledge when it is imparted to them under the proper circumstances and by the proper people. One out of every seven is trainable, that is, they can be trained to do simple things, to look after themselves. One out of every thirty is to be kept in custody, they have to be looked after.

Pages 10 through 14 reviews the work of the committee; tells what it has done in the past and what it hopes to do in the future and the impact that the committee has upon the society as a whole.

Pages 16 through 28 is the report of the committee accomplishments and findings. That goes on even further telling what the committee has done, studies it has made and the changes that have been brought about in the State.

Pages 33 through 56 cover the public laws and amendments pertaining to the mentally retarded.

Pages 57 through 60 is a list of the publications which come from the Pine State Hospital for the mentally retarded. As I understand, this list of publications is something which is unusual. Very few states have a mental hospital which has these publications, and I have gathered so far in my connection with this Committee that the State of Maine has progressed to the point where it is considered one of the more advanced states in the handling of its mentally retarded people.

As I say, I hope to know more about the problems of the mentally retarded after I have been on this Committee, but the Executive Secretary asked me if I would call your attention to this booklet with the hope that you would go through it thoroughly and read it. Thank you.

The SPEAKER: The Chair does not like to read names from the rostrum. However, this is important, I would say. There are a few bills and private and special laws in the office of Sam Slosberg, the Director of Legislative Research, and there is a time limit on those, they have to be in here today. I am not going to read the names but there are six names on here, there are six to be picked up, so you better check. If you have any question as to whether your name is on the list or not, you can pick it up here immediately following the session or I will tell you whether your name is on it or not. There is a time limit on these, they must be in today.

The SPEAKER: The Chair has the sad duty of announcing the death last night in the Augusta General Hospital of one of our colleagues, and fellow legislators, Lester E. Brown of Cape Elizabeth. Last summer, Lester and I had the pleasure of going to the Hebron Sanatorium in Hebron and making an inspection of that facility. That simply typifies his interest in State and Legislative matters.

On motion of Mr. Danes of South Portland, the following Resolution:

STATE OF MAINE
100th LEGISLATURE
HOUSE RESOLUTIONS

January 31, 1961

WHEREAS, the members of the House of Representatives of the One-hundredth Legislature have learned with profound sorrow of the death yesterday of an esteemed colleague, Honorable Lester E. Brown, Representative from Cape Elizabeth, and a member of the House of Representatives in 1959;

AND WHEREAS, in his association with the members of this House he was ever honorable and kindly, being highly regarded for his character and sterling qualities of mind and heart;

AND WHEREAS, the members of the House of Representatives sense in his passing a personal loss and a genuine grief;

NOW, THEREFORE, BE IT RESOLVED: That the State of Maine mourns the loss of a faithful and valued public servant, and the members of the House of Representatives lament the departure of an esteemed and trusted friend;

AND BE IT FURTHER RESOLVED: That these Resolutions be entered in the Journal of the House and an engrossed copy of these Resolutions be sent to the family of the deceased;

AND BE IT FURTHER RESOLVED: That as a further token of respect the House do now stand adjourned.

Was received out of order under suspension of the rules, read and adopted.

In accordance with the above Resolution, the House stood adjourned, the time being tomorrow morning at ten o'clock.