

# 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

Wednesday, February 15, 1961

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

Prayer by the Rev. Mrs. Winifred Reynolds of Gardiner.

The journal of yesterday was read and approved.

### Papers from the Senate

From the Senate:

Bill "An Act Revising Dog Registration and Licensing Laws" (S. P. 400) (L. D. 1347)

Bill "An Act relating to Collection of Dues by Milk Dealers for Cooperative Dairy Farmers Corporations" (S. P. 401) (L. D. 1344)

Bill "An Act relating to Payment by Dealers to Producers for Milk Purchased" (S. P. 402) (L. D. 1345)

Came from the Senate referred to the Committee on Agriculture.

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

From the Senate:

Bill "An Act Revising the Savings and Loan Laws" (S. P. 404) (L. D. 1386)

Bill "An Act relating to Form of Standard Fire Insurance Policy" (S. P. 405) (L. D. 1346)

Bill "An Act relating to Authorized Insurers False Advertising Process Act" (S. P. 406) (L. D. 1348)

Bill "An Act Regulating Collection Agencies" (S. P. 407) (L. D. 1349)

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:

Bill "An Act to Correct Errors and Inconsistencies in the Educational Laws" (S. P. 409) (L. D. 1456)

Bill "An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities" (S. P. 410) (L. D. 1351)

Bill "An Act relating to Tuition for Students Attending Secondary Schools Outside the State" (S. P. 411) (L. D. 1352)

Bill "An Act Authorizing Department of Education to Join Educational Organizations" (S. P. 412) (L. D. 1353)

Came from the Senate referred to the Committee on Education.

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

### Tabled and Assigned

From the Senate:

Bill "An Act Establishing Regional Technical and Vocational Centers" (S. P. 413) (L. D. 1455)

Came from the Senate referred to the Committee on Education.

In the House, on motion of Mr. Whitman of Woodstock, tabled pending reference in concurrence and specially assigned for tomorrow.

From the Senate:

Bill "An Act Providing for School Bus Shelters for School Children" (S. P. 414) (L. D. 1354)

Came from the Senate referred to the Committee on Education.

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

From the Senate:

Bill "An Act Revising the Law Relating to Board of Visitors for Institutions within Department of Mental Health and Corrections" (S. P. 415) (L. D. 1355)

Bill "An Act Revising Laws Relating to Barbers and Hairdressers" (S. P. 416) (L. D. 1457)

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 relating to Outdoor Advertising on the Interstate System" (S. P. 417) (L. D. 1356)

Came from the Senate referred to the Committee on Highways.

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

From the Senate:

Bill "An Act Including Piers and Terminals in Maine Industrial Building Authority Act" (S. P. 418) (L. D. 1357)

Bill "An Act to Create the Maine Recreational Facilities Authority Act" (S. P. 419) (L. D. 1358)

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.

The SPEAKER: The Chair at this time recognizes the presence in the gallery of a group of eighth grade students from the Riverside Grammar School of Livermore, Maine, accompanied by their Principal, Mr. Gordon Crossman.

Also, the Chair would recognize a group of pupils from the seventh and eighth grades of the Riverside School in Vassalboro, accompanied by a teacher, Mr. William Olsen.

On behalf of the House, the Chair extends to you all a most hearty and cordial welcome and we hope you will enjoy and profit by your visit with us here today. (Applause)

From the Senate:

Bill "An Act Creating an Administrative Code for State of Maine" (S. P. 396) (L. D. 1343)

Bill "An Act relating to Reckless Homicide and Death Caused by Violation of Law, by Vehicle Operator" (S. P. 422) (L. D. 1388)

Bill "An Act relating to Immunity from Prosecution for Giving Testimony" (S. P. 425) (L. D. 1389)

Bill "An Act Creating District Courts" (S. P. 427) (L. D. 1458)

Bill "An Act to Further Regulate the Sale of Malt Liquor Between Manufacturers and Wholesalers" (S. P. 438) (L. D. 1359)

Came from the Senate referred to the Committee on Judiciary.

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

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

From the Senate:

Bill "An Act Regulating Mechanical Rides by Insurance Department" (S. P. 408) (L. D. 1350)

Bill "An Act relating to Control of Missiles and Rockets" (S. P. 430) (L. D. 1390)

Bill "An Act relating to Number of Members of Superintending School Committees" (S. P. 431) (L. D. 1391)

Bill "An Act Prohibiting Unfair Photographic Sales Practices" (S. P. 432) (L. D. 1392)

Bill "An Act relating to Obscene Printed or Written Matter or Material" (S. P. 433) (L. D. 1393)

Bill "An Act Authorizing Creation of Municipal Sewerage Systems" (S. P. 434) (L. D. 1387)

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 relating to Shipments of Malt Liquor into the State" (S. P. 439) (L. D. 1394)

Came from the Senate referred to the Committee on Liquor Control.

In the House, referred to the Committee on Liquor Control in concurrence.

From the Senate:

Bill "An Act relating to Jurisdiction of Public Utilities Commission over Motor Vehicles Carrying Passengers for Hire" (S. P. 440) (L. D. 1395)

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

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

From the Senate:

Bill "An Act relating to the Shucking of Shellfish" (S. P. 442) (L. D. 1396)

Came from the Senate referred to the Committee on Sea and Shore Fisheries.

In the House, referred to the Committee on Sea and Shore Fisheries in concurrence.

From the Senate:

Bill "An Act Providing an Interstate Welfare Compact" (S. P. 443) (L. D. 1397)

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

In the House, on motion of Mr. Storm of Sherman, referred to the Committee on Welfare in non-concurrence and sent up for concurrence.

From the Senate:

Bill "An Act Increasing Salaries of Members of Industrial Accident Commission" (S. P. 444) (L. D. 1398)

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 Establishing Fees to be Collected by Registers of Probate" (S. P. 447) (L. D. 1399)

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

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

From the Senate:

Bill "An Act relating to Fee for Registration of Farm Trailers" (S. P. 452) (L. D. 1400)

Came from the Senate referred to the Committee on Transportation.

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

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

Report of the Committee on Liquor Control on Bill "An Act Permitting Bars in Hotels and Class A Restaurants" (S. P. 177) (L. D. 423) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

#### **Ought Not to Pass**

Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating

to Business Hours of State Liquor Stores" (S. P. 178) (L. D. 424)

Report of same Committee reporting same on Bill "An Act relating to State-wide Sale of Liquor" (S. P. 119) (L. D. 264)

Came from the Senate read and accepted.

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

#### **Ought to Pass Indefinitely Postponed**

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act Changing Name of Portland Symphony Orchestra to Maine Symphony Orchestra" (S. P. 103) (L. D. 248)

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

In the House, the Report was read.

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: I realize this probably is not the most momentous bill that will come before this body in this session; however, some of us do feel that there is some principle involved. That basically is loaning the official State name to any local activity. Now the Portland Symphony Orchestra I know to be a very fine symphony orchestra, but there are also two other symphony orchestras existing in the State. There is one in Waterville and there is one in Bangor. I know a little of the background of the Bangor orchestra. I would like to inform the House of that.

The Bangor orchestra was formed in 1896. It is now the third oldest continuing orchestra in the United States. In addition, it is now in its sixty-fifth year. In addition to that, I would point out that the Bangor Symphony, although it very happily retains the name Bangor Symphony, hardly represents only that community. I would like to point out that the members of that orchestra come from Carmel, Waterville, Brewer, Ellsworth, Castine, Farmington, Orono, Bar Harbor, Dexter, as well as from Bangor. So there is represented in the Bangor Sym-

phony Orchestra ten different communities and four different counties.

I am sure something very similar takes place in Waterville, for their orchestra, no doubt, represents individuals from many different communities and several different counties. As I said, I don't really believe that any activity taking place in one part of the state should bear the state name.

Now the Legislature many years ago provided that before the state name was to be used they had to each receive permission from this body. I think that was done with cause. I would like to quote, if I could just briefly, one sentence made in the Senate by the chairman of this committee. He said this, "I think they also felt that this was on a first-come first-served basis," and this was the explanation why it received the report that it did. I respectfully submit that I don't think the use of the state name should be on a first-come first-served basis. I don't believe that the Bangor Symphony Orchestra is entitled to the name Maine Symphony Orchestra, I don't think the Waterville Symphony Orchestra is entitled to the name Maine Symphony Orchestra. And likewise, I don't think the Portland Symphony Orchestra is entitled to the name Maine Symphony Orchestra.

On this grounds, I would like to move that this Report be indefinitely postponed.

Mr. SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Minsky, that this report be indefinitely postponed.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to this issue for just a moment, if you please. Mr. Minsky pointed out that this was a request on a first-come first-served basis. This bill has been through the entire process of both the House and the Senate without opposition until it reached the Senate for enactment.

The Portland Symphony Orchestra is probably, without a doubt, one of the greatest cultural assets

this State has. A few years ago they reorganized and through some re-financing have built their orchestra with a New England reputation. They have played a number of concerts under the guest directorship of Mr. Gregorian from the Boston Symphony. And they are playing state-wide concerts. In the near future their itinerary will take them outside of the State of Maine for guest appearances. The Portland Symphony Orchestra now pays its members for rehearsals and for travel as well as for concerts. This is a highly professional cultural group. They recruit their members from all over the State of Maine serving with membership from a number of counties. There is a direct conflict and the reason for this bill is that there is conflict in the promotion and the publicity of this orchestra with the Portland, Oregon Orchestra. With the Waterville and the Bangor Symphonies, there is no direct conflict because they serve principally as a community concert group.

I would also call your attention that this is not to be known as the State of Maine Symphony, but only the Maine Symphony Orchestra. Recently, I understand that their orchestration has been rated as fine as that of the Rochester Philharmonic. Now I know that there are many large city orchestras of world-wide reputation, the Philadelphia Philharmonic, the New York Symphony, and the Boston Symphony, but there is no conflict again in the names of these orchestras, and they have world-wide reputation.

I would therefore, Mr. Speaker, move for a division.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: With all due regards to my colleague from Bangor, Mr. Minsky, I will have to concur with the remarks made by my colleague from Portland, Mr. Estey, because in the State of Maine we have several cases where the word Maine is used for industry and other purposes, but does not state "the State of Maine;" so there-

fore, I do not believe we are infringing upon their rights and principles up in Bangor or Waterville and I have high regards and respect for their orchestras, but the points have been brought out I think very clearly by both Mr. Estey and Mr. Minsky, and I hope that the motion before this House does not prevail.

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will not take much of your time but I would like to point out that one of the problems that is facing the Portland Symphony Orchestra, and it is a problem, is the use of the name Maine. Now from time to time it has been suggested, and it was suggested at the hearing, that perhaps Southern Maine or some such word might be usable by them. This suggestion was rejected by them. So, therefore, I join with my colleague from Bangor and, to hasten harmony in this House, I also move for a division.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Moore.

Mr. MOORE: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a little skulduggery afoot here. Been a pretty active morning. Mr. Minsky from Bangor says it's the principle involved. I think the principle involved is that he didn't think of it first. I wouldn't be too surprised, in two years from now, to see a bill introduced by the Bangor boys to change theirs to the State of Maine if we don't get this through. I hope you will vote against indefinite postponement.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: It seems in this bill the Symphony in Portland is only asking for a corporate name, which is available to any groups or anybody in the State. I notice in the telephone book, Lewiston-Auburn, there are quite a few listings under the heading of Maine. I do not wish to go through them, but there are

over a dozen of them. So it does seem to me that it is quite permissible for them to ask for this.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: As a matter of information for this House, I think they should know there is a bill that has received the unanimous "Ought to pass" in this session, that if it is enacted into law will prohibit two organizations with the same corporate name. It was placed in the hopper at the request of the Attorney General's office, so if one group receives a certain corporate name no other group, if this bill is enacted, can ever have that same corporate name.

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

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: It has been a puzzle to me why this hassle should blow up when it seemed very simple to keep from confusion with Portland, Oregon, which was named after Portland, Maine, on a close vote they didn't know whether to call it Portland or Boston, and they ended up with Portland. They ought to call it just the Portland, Maine Symphony Orchestra and that ought to make the Bangor boys happy and keep the Portland boys from being too upset over the confusion with their sister city out on the west coast. It is not legal to introduce an amendment, but it seems that ought to clear up all the difficulty.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Minsky, that the "Ought to pass" Report on Bill "An Act Changing Name of Portland Symphony Orchestra to Maine Symphony Orchestra," Senate Paper 103, Legislative Document 248, be indefinitely postponed, and a division has been requested.

All those in favor of the indefinite postponement, please 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 sixty-seven having voted in the negative, the motion prevailed and the Report and Bill were indefinitely postponed in concurrence and sent up for concurrence.

#### **Ought to Pass (Cont'd.)**

Report of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act to Extend the Charter of the R. and T. Cement Railroad Company" (S. P. 202) (L. D. 535)

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.

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

Report of the Committee on Labor on Bill "An Act Clarifying the Time of Payment of Wages" (S. P. 22) (L. D. 47) 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. 22, L. D. 47, Bill "An Act Clarifying the Time of Payment of Wages."

Amend said Bill by striking out all of "Sec. 1."

Further amend said Bill by striking out the following abbreviation, figure and punctuation "Sec. 2."

Committee Amendment "A" was adopted.

Mr. Winchenpaw of Friendship offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 22, L. D. 47, Bill "An Act Clarifying the Time of Payment of Wages."

Amend said Bill in that part designated "Sec. 50-A." by striking out the next to the last underlined sentence.

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

The SPEAKER: The Chair will recognize the presence in the gallery of the House at this time of several groups. One group is from St. Dominic's High School from Lewiston, Maine. They would like to emphasize that they are all seniors. They are accompanied by Brother Louis. Another group is from the Passadumkeag Grammar School. They would like to emphasize that they are from grades six, seven and eight. They are accompanied by Gail Dudley, Principal, and Patricia Tourtillotte, School Board member; and another group is from the Lowell Corner School, grades five, six, seven and eight, accompanied by their Principal, Thomas Bray.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

#### **Messages and Documents**

The Clerk read two communications not on the Advance Journal.

February 15, 1961

To the Honorable Vinal G. Good, Speaker of the House of Representatives of the One-Hundredth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative to the Legislature in the town of Cape Elizabeth at a Special Election held February 13, 1961, according to a canvass of the returns made by the Governor and Council, to fill the vacancy caused by the death of Lester E. Brown, as follows:

Richard N. Berry of Cape Elizabeth, 509 votes.

Robert F. Hannigan of Cape Elizabeth, 135 votes.

Respectfully,

(Signed)

WOLCOTT H. FRASER  
Deputy Secretary of State



**STATE OF MAINE**  
Office of Secretary of State

February 15, 1961

To Harvey R. Pease, Clerk  
of the House of Representatives  
of the One-Hundredth Legislature

In compliance with Section 1 of Chapter 10 of the Revised Statutes, I hereby certify that in accordance with the provisions of Section 67 of Chapter 5 of the Revised Statutes, a Special Election was held in the town of Cape Elizabeth on February 13, 1961, for the purpose of electing a Representative to the One-Hundredth Legislature to fill the vacancy caused by the death of Lester E. Brown of Cape Elizabeth; that at said election Richard N. Berry of Cape Elizabeth, having received a plurality of all votes cast in said election according to a canvass of the returns received from Cape Elizabeth and made by the Governor and Council under date of February 15, 1961, appears to have been elected a Representative to the One-Hundredth Legislature.

IN WITNESS WHEREOF, I have caused the Seal of the State to be hereto affixed this fifteenth day of February in the year of our Lord one thousand nine hundred and sixty-one and of the Independence of the United States of the one hundred and eighty-fifth.

(Seal)

WOLCOTT H. FRASER  
Deputy Secretary of State

The Communications were read and ordered placed on file.

On motion of Mr. Berry of Portland, the following Resolution:

**RESOLVED**, that Richard N. Berry of Cape Elizabeth, is hereby declared duly elected representative to the One-Hundredth Legislature.

The Resolution was read and adopted.

The SPEAKER: The Chair now recognizes the presence in the House of Richard N. Berry of Cape Elizabeth. The Chair will request that Mr. Berry be escorted to the Governor's Office for the purpose of taking and subscribing the oath necessary to qualify him to enter upon the discharge of his

duties, and the Chair would request the gentleman from Portland, Mr. Richard A. Berry, to escort Mr. Richard N. Berry, and both shall be escorted by the Sergeant-at-Arms.

Subsequently, the gentleman from Portland, Mr. Berry, reported he had performed the duty with which he was charged, and that Representative-elect Berry had taken and subscribed the oaths necessary to qualify him to enter upon his duties.

Whereupon, the gentleman from Cape Elizabeth, Mr. Berry, was assigned Seat 83.

### Orders

On motion of Mr. Estey of Portland, it was

**ORDERED**, that Dr. Raymond Hall of the Trinity Episcopal Church, Portland, be invited to officiate as Chaplain of the House on Tuesday, March 7, 1961.

On motion of Mrs. Lincoln of Bethel, it was

**ORDERED**, that Rev. Clifford W. Laws of the Congregational Church, Bethel, be invited to officiate as Chaplain of the House on Tuesday, February 28, 1961.

The SPEAKER: The Chair would like to point out at this time that all the House bills were referred sometime a week ago. Therefore, there are no further bills as far as the House is concerned to be referred to Committees. You have all the bills. And I believe that all but a few or maybe all of the Senate bills have been referred to Committees, so the Committees now have all the bills.

### House Reports of Committees Leave to Withdraw

Mr. Binnette from the Committee on Election Laws on Bill "An Act Providing for Voting Place in Rockwood" (H. P. 473) (L. D. 673) reported Leave to Withdraw

Report was read and accepted and sent up for concurrence.

### Ought Not to Pass

Mr. Mathews from the Committee on Election Laws reported

"Ought not to pass" on Bill "An Act Eliminating Candidate Residence from Ballot" (H. P. 133) (L. D. 196)

Mrs. Vaughn from same Committee reported same on Bill "An Act Repealing Law Regulating Change of Address of Voters" (H. P. 739) (L. D. 1026)

Reports were read and accepted and sent up for concurrence.

Mr. Pike from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Providing a Bounty on Seals" (H. P. 421) (L. D. 596)

Report was read.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to smooth my way by first apologizing for imposing upon your time this morning. However, none of us like to lose a bill, and it distresses me to no end that this report was signed by my good colleague, the gentleman from Lubec, Mr. Pike. It does seem to me that some other member of that Committee could have signed this bill "Ought not to pass." This bill does have some merit, but I won't debate the merits of the bill. They may be strong and they may be weak, but I do remember this, that yesterday the members of this House smiled favorably upon a bounty bill. I might belabor this to some length and perhaps the House would again smile favorably for me, but I don't think that I will take your time for that. It reminds me of the eminent philosopher who hearing the water running in the bathroom was considerably disturbed and rushing to the head of the stairs, he finds his son cupping it up; the good philosopher stands there and is considering what best to do and best to say, and his son speaks up and says Dad, this is no time for physiological or — I can't pronounce it, thinking, so get the mop and let's get to work.

I have watched this bill, probably like you have yours, more or less with the nervous tension of an expectant father, hoping that

it might get a good report. I could belabor it at length; perhaps I could even ask the House to table this bill for me at this time. I might be able to table this until May 30th, and then it wouldn't be dead, it would still be alive. Ladies and Gentlemen, I am not going to do this because I feel that I am a responsible legislator, and every tabled bill that is on our calendar is a legislative expense. Therefore, I don't feel that I should put the taxpayers of the State of Maine to this expense. I am not going to do that and if there is any moral to this story, I think it would be, that why should we table bills unless there is a specific reason for doing it and in your best judgment that something can develop that will be beneficial to the State of Maine.

Now, Mr. Speaker, I move that we accept the Report.

The SPEAKER: The question before the House is the motion of the gentleman from Milbridge, Mr. Kennedy, that the House accept the Committee Report. Is this the pleasure of the House?

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

Mr. PIKE: Mr. Speaker, I rise to a question of personal privilege. My good friend, the gentleman from Milbridge, worries about my signing this "Ought not to pass." If you will note a little farther down the way, in the next lot I signed a bill "Ought to pass" covering Addison, Columbia Falls, Harrington, Cherryfield, Milbridge and Steuben. The Committee pointed the gun barrel at me and said, you better sign this "Ought not to pass" thing, and I signed it.

The SPEAKER: The question now before the House is the motion of the gentleman from Milbridge, Mr. Kennedy, that the House accept the Committee "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed and the "Ought not to pass" Report was accepted and sent up for concurrence.

#### Ought to Pass Printed Bills

Mr. Littlefield from the Committee on Election Laws reported

"Ought to pass" on Bill "An Act Dividing Township of Freeman, Franklin County, for Voting Purposes" (H. P. 302) (L. D. 454)

Mr. Maddox from the Committee on Sea and Shore Fisheries reported same on Bill "An Act Regulating the Maximum Size of Otter Trawlers in Casco Bay and Adjacent Waters" (H. P. 344) (L. D. 496)

Same gentleman from same Committee reported same on Bill "An Act Closing Casco Bay and Adjacent Waters to the Use of Otter Trawls" (H. P. 345) (L. D. 497)

Same gentleman from same Committee reported same on Bill "An Act Regulating Size of Otter Trawls and Other Trawls in Casco Bay and Adjacent Waters" (H. P. 346) (L. D. 498)

Mr. Pike from same Committee reported same on Bill "An Act Regulating the Taking of Alewives in Dyer River, Lincoln County" (H. P. 309) (L. D. 461)

Same gentleman from same Committee reported same on Bill "An Act relating to Taking of Smelts in Addison, Columbia Falls, Harrington, Cherryfield, Milbridge and Steuben" (H. P. 420) (L. D. 595)

Same gentleman from same Committee reported same on Bill "An Act relating to Taking Smelts in East Machias River by Gill Nets" (H. P. 633) (L. D. 850)

Mr. Young from same Committee reported same on Bill "An Act relating to Taking Quahogs in Maquoit Bay, Cumberland County" (H. P. 343) (L. D. 495)

Same gentleman from same Committee reported same on Bill "An Act relating to Digging of Clams in Town of Deer Isle from June to September" (H. P. 348) (L. D. 500)

Same gentleman from same Committee reported same on Bill "An Act relating to Digging of Clams in Deer Isle and Stonington, Hancock County" (H. P. 349) (L. D. 501)

Mr. Berry from the Committee on Transportation reported same on Bill "An Act relating to Registration of Motor Vehicles" (H. P. 445) (L. D. 620)

Mr. Dunn from same Committee reported same on Bill "An Act relating to Motor Vehicle Operators' Licenses for Members of the Armed Forces" (H. P. 437) (L. D. 612)

Mr. Linnekin from same Committee reported same on Bill "An Act relating to Reciprocity for Non-residents in Motor Vehicle Laws" (H. P. 440) (L. D. 615)

Mr. Nadeau from same Committee reported same on Bill "An Act relating to Temporary Driver's Permit" (H. P. 441) (L. D. 616)

Mr. Whitney from same Committee reported same on Bill "An Act relating to Definition of Motorcycle" (H. P. 443) (L. D. 618)

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

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

Mr. Pike from the Committee on Public Utilities on Bill "An Act to Incorporate the Castine Water District" (H. P. 527) (L. D. 725) 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. 527, L. D. 725, Bill "An Act to Incorporate the Castine Water District."

Amend said Bill by striking out the first 2 lines of the emergency preamble and inserting in place thereof the following:

**'Emergency preamble.** Whereas, there is need of improved fire protection and an increased supply of pure water for drinking, sanitary and other purposes in the Town of Castine; and.'

Further amend said Bill in section 1 by inserting after the word "Castine" in the 2nd line the words 'south of the British Canal.'

Further amend said Bill in section 2 by striking out in the last line the words "Public Utilities Commission" and inserting in place thereof the words 'Department of Health and Welfare.'

Further amend said Bill in section 9 by striking out in the 20th line the words "Supreme Judicial

Court" and inserting in place thereof the words 'Superior Court.'

Further amend said Bill in section 11 by striking out in the 13th line the figure "\$150,000" and inserting in place thereof the figure '\$250,000.'

Further amend said Bill by adding at the end of section 17 the following:

'The fees and expenses of the appraisers shall be paid in like manner as those of masters in chancery.'

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

### Divided Report

Majority Report of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relating to Duplicate Motor Vehicle Operators' Licenses" (H. P. 439) (L. D. 614)

Report was signed by the following members:

Messrs. STILPHEN of Knox  
COLE of Waldo  
GILBERT of Kennebec  
— of the Senate

Messrs. WHITNEY of Winn  
BERRY of Portland  
DUNN of Poland  
LINNEKIN of Limington  
— of the House

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

Report was signed by the following members:

Messrs. BUSSIÈRE of Lewiston  
FINLEY of Washington  
NADEAU of Lewiston  
— of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Washington, Mr. Finley.

Mr. FINLEY: Mr. Speaker, in regard to this item, the reason for my opposing the Bill is not so much in the permits granted, but the gentleman who favored the Bill in making the presentation made the statement that the revenue which came from the increase, he asked for an increase of twenty-five cents, and the revenue which came from that was "peanuts," and the revenue he stated would amount to \$3,261

annually. Therefore, I do not call this "peanuts," and I was opposed for that reason. Mr. Speaker, I move acceptance of the Minority Report and request a division.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Ladies and Gentlemen: What my good friend, the gentleman from Washington, Mr. Finley, has said, is all true; this is a department bill and it is simply an increase from twenty-five to fifty cents for issuing a duplicate license, keeping in line with other states, the majority being fifty cents. Massachusetts for this same thing charges \$1.50 and there is one other state which charges \$2.00.

The SPEAKER: The question now before the House is the motion of the gentleman from Washington, Mr. Finley, that the House accept the Minority "Ought not to pass" Report. All those in favor of the House accepting the Minority Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-one having voted in the affirmative and ninety-three having voted in the negative, the motion did not prevail.

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

### Passed to Be Engrossed

Bill "An Act Exempting Certain salesmen from the Minimum Wage Law" (S. P. 399) (L. D. 1253)

Bill "An Act Revising the Maine Economic Poisons Law" (H. P. 220) (L. D. 335)

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

### Amended Bill

Bill "An Act Amending the Christmas Tree Law" (H. P. 265) (L. D. 379)

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

Mr. Hardy of Hope offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 265, L. D. 379, Bill "An Act Amending the Christmas Tree Law."

Amend said Bill by adding at the end the following new section:

"Sec. 5. R. S., c. 36, § 67-1, amended. Section 67-1 of chapter 36 of the Revised Statutes, as enacted by chapter 283 of the public laws of 1959, is amended to read as follows:

"Sec. 67-1. Enforcement agencies. State Forestry department personnel, State Police and county sheriffs and their deputies and all state, county and municipal law enforcement officers shall be authorized officers to make inspections, investigations and arrests under sections 67-A to 67-J and shall report violations to the Forest commissioner."

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

Bill "An Act relating to Student Rates for Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island" (H. P. 476) (L. D. 676)

Bill "An Act relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 543) (L. D. 740)

Bill "An Act relating to Poll Taxes" (H. P. 547) (L. D. 744)

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 Sales Tax on Sales of Food Products for Immediate Consumption" (H. P. 548) (L. D. 745)

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

(On motion of Mr. Smith of Strong, tabled pending passage to be engrossed and specially assigned for Tuesday, February 21.)

#### Tabled and Assigned

Bill "An Act to Simplify Exemption of Veteran's Property from Taxation" (H. P. 549) (L. D. 746)

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

(On motion of Mr. Chapman of Norway, tabled pending passage to be engrossed and specially assigned for tomorrow.)

#### Tabled and Assigned

Bill "An Act Revising the Law on Tax on Transient Rentals" (H. P. 551) (L. D. 748)

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

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

Mr. BRAGDON: Mr. Speaker, with regard to this item, I just hastily glanced over this Bill, and rather than table it at this time, possibly any objections that I might think that I have to it could be ironed out by asking a question or two of some member of the Taxation Committee, and if I am permitted to do so, I assume this did go to the Committee on Taxation; the question I would ask, does this eliminate all exemptions? In other words, a person letting one room, does this now come under the tax? As I glanced it over, it seems to me we had it limited before to four rooms. Have I made myself clear and does any member wish to answer me?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, has addressed a question through the Chair of anyone who may answer if he chooses.

The Chair recognizes the gentleman from Princeton, Mr. Wheaton.

Mr. WHEATON: Mr. Speaker, in answer to the gentleman from Perham, this does eliminate the one room. Anybody that has a room to rent has to pay the tax on it. I might elaborate on several other things that are in the bill. If anybody rents a room for twenty-eight days or more, they are excluded from the tax; and another thing that is mentioned in the bill, if anyone operates a tenting ground, there is a tax on that now, the same as on trailer parks or any-

thing like that. This bill was to clarify certain things, and it was actually a department bill. It was not for increasing revenue, it was just for clarification.

The SPEAKER: Does the gentleman from Perham, Mr. Bragdon, consider his question answered?

Mr. BRAGDON: Mr. Speaker, in view of the answer, I think I would request that this bill be tabled so that we may take a further look at it, until Wednesday of next week I think would be satisfactory.

The SPEAKER: With reference to this item, Bill "An Act Revising the Law on Transient Rentals," the gentleman from Perham, Mr. Bragdon, requests that this item be tabled and specially assigned for Wednesday, February 22, pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Bill "An Act Exempting Certain Nonprofit and Charitable Institutions from Sales and Use Tax Law" (H. P. 1060) (L. D. 1363)

Bill "An Act relating to the Tax on Interim Rental of Property Purchased for Resale" (H. P. 1061) (L. D. 1361)

Resolve to Reimburse Edward M. Healy for Repairs to Androscoggin Lake Dam (H. P. 232) (L. D. 346)

Resolve to Reimburse Canton Water District for Damage from Highway Construction (H. P. 298) (L. D. 450)

Resolve Designating Abbott Village Bridge as "The Page-Carr Bridge" (H. P. 306) (L. D. 458)

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.

#### **Amended Bills Tabled and Assigned**

Bill "An Act Providing for Bounties on Bears" (H. P. 17) (L. D. 36)

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

(On motion of Mr. Wheaton of Princeton, tabled pending passage to be engrossed) and specially

assigned for Tuesday, February 21.

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)

Resolve in favor of Myron Reynolds of Brooks (H. P. 233) (L. D. 347)

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

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

An Act Increasing Inspection Fee for Sardines (H. P. 108) (L. D. 148)

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. 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act relating to Cheating by False Pretenses (S. P. 8) (L. D. 8)

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

An Act relating to Civilian Employees of Maine National Guard under State Retirement System (S. P. 145) (L. D. 328)

An Act relating to Permits for Operation of Motor Vehicles to Inspection Stations (S. P. 147) (L. D. 330)

An Act relating to Flares, etc. for Certain Trucks Having Short Term Permits (S. P. 149) (L. D. 332)

An Act to Create a Law Revision Commission (H. P. 15) (L. D. 34)

An Act relating to Controlled Atmosphere Storage of Apples (H. P. 84) (L. D. 124)

An Act relating to Marking and Advertising Apples (H. P. 85) (L. D. 125)

An Act relating to Marking Contents of Certain Cans of Fish or Sardines (H. P. 107) (L. D. 147)

An Act to Incorporate Standish Financial Corporation (H. P. 186) (L. D. 282)

An Act Increasing Debt Limit under Small Claims Law (H. P. 198) (L. D. 293)

An Act relating to Location of Office of Maine Indemnity Company (H. P. 228) (L. D. 342)

An Act relating to Name and Powers of Augusta Mutual Plate Glass and Insurance Company (H. P. 229) (L. D. 343)

An Act to Provide for Additional Group Life Insurance Coverage for State Employees and Teachers (H. P. 272) (L. D. 386)

An Act relating to Spot or Auxiliary Lights on Motor Vehicles and Lights on Snow Removal Equipment (H. P. 282) (L. D. 396)

An Act relating to Application of Federal Social Security to Policemen (H. P. 338) (L. D. 490)

An Act relating to Fees of Town Clerks for Recording Instruments by Photostat (H. P. 433) (L. D. 608)

An Act relating to Tolls on Bridge Across Jonesport Reach (H. P. 786) (L. D. 922)

### Finally Passed

Resolve to Provide Retirement Credit for Kenneth W. Hodgdon of Augusta (S. P. 146) (L. D. 329)

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.

### Orders of the Day

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

Bill "An Act Relating to Trapping Beaver in Organized and Unorganized Territory" (H. P. 92) (L. D. 132)

Tabled—February 8, by Mr. Curtis of Bowdoinham.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlemen from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, Mr. Curtis had to leave to go over to the Highway Department, they just called him over, and due to his absence he asked me if we would retable this until tomorrow.

Thereupon, the Bill was retabled until tomorrow pending passage to be engrossed.

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

Bill "An Act Relating to Prohibited Implements in Hunting Wild Birds or Animals" (S. P. 32) (L. D. 57)—In Senate passed to be engrossed.

Tabled—February 7, by Mr. Hughes of St. Albans.

Pending—Passage to be engrossed.

Mr. Hughes of St. Albans offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 32, L. D. 57, Bill "An Act Relating to Prohibited Implements in Hunting Wild Birds or Animals."

Amend said Bill by inserting at the beginning of the first line the underlined abbreviation and number 'Sec. 1.'

Further amend said Bill in the 4th line by indicating the striking out of the word and punctuation "crossbow," by drawing a line through said word and punctuation as follows: 'crossbow.'

Further amend said Bill in the 7th and 8th lines by restoring the stricken out words "of any species protected by law" to read 'of any species protected by law'

Further amend said Bill by adding a new section 2, to read as follows:

"Sec. 2. R. S., c. 37, § 86, amended. Section 86 of chapter 37 of the Revised Statutes, as revised, is amended by adding after the first sentence a new sentence to read as follows: 'It shall be unlawful for any person to hunt or kill any wild bird or animal with a crossbow.'"

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

Mr. HUGHES: Mr. Speaker, this is a department bill and the pur-

pose of the bill according to the department was to outlaw the use of a crossbow in hunting game. And if it is passed in its original form it would have prohibited trapping of any animal. My first amendment that I laid on your desk yesterday morning, that I did not present, would have restored that privilege. However, one of the very esteemed members of the House discovered that if it was passed, even with that amendment, his wife could not kill a mouse with a broom and do it legally. I believe this amendment will restore peace and harmony for everybody.

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

On motion of Mr. Lowery of Brunswick, the House voted to take from the table the first tabled and unassigned matter:

Bill "An Act Relating to Brunswick, Topsham and Harpswell High School Pupil Tuition Authorization" (H. P. 191) (L. D. 314)  
Tabled—Jan. 17, by Mr. Lowery of Brunswick.

Pending—Reference to Committee.  
(Committee on Reference of Bills suggests Committee on Education)

On motion of Mr. Schulten of Woolwich, referred to the Committee on Education, ordered printed and sent up for concurrence.

On motion of Mr. Morrill of Harrison, the House voted to take from the table the second tabled and unassigned matter:

HOUSE REPORT—Ought Not to Pass—Committee on Transportation on Bill "An Act Relating to Initial Motor Vehicle Number Plates" (H. P. 217) (L. D. 312)

Tabled—Jan. 25, by Mr. Morrill of Harrison.

Pending—Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, Ladies and Gentleman of the House: This initial number plate bill covers all types of special plates and these plates are not limited to any special class. They can be purchased by any person in the State

of Maine. Now this bill came from the committee with an "Ought not to pass" Report, and the reason for this report was that there were objections from the Secretary of State, Paul MacDonald. He was opposed to the bill because of a book listing the number plates and owners that was used by State Police. This objection has been overcome and they find that they can print a book that can be used by the State Police. Now this bill has a fee for these plates and it is not force taxation, it's optional, anybody who wants to take advantage of it can buy these special plates.

The income that can be derived from this bill, working in accordance with states that have this initial license plate, the first year the income would be approximately a hundred thousand dollars and within three years it would be around a quarter of a million dollars income.

So at this time I move that we substitute the bill for the report.

The SPEAKER: The question now before the House is the motion of the gentleman from Harrison, Mr. Morrill, that the House substitute the bill for the report. All those in favor of the motion please say aye; those opposed, no.

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

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

Mr. HAUGHN: Mr. Speaker, to clarify the minds of several who may be in doubt on this particular bill, there was an objection raised by Mr. Wood who runs the mailing service in Auburn, which supplies the state and all New England states and in fact all over the country with this necessary information. That objection now on the part of Mr. Wood, if this provision is made for the information of State Police and with an index of initial number plates, he has removed his objection in regards to this. So I hope that when the vote is taken, they will consider his objection is removed with an amendment which will be possibly coming in to clarify and take care of their issues.

Mr. MacDonald's objection, with this amendment that will be com-



ing in will clarify it to the satisfaction of all. So I hope you will take that into consideration. Those objections which were brought before the committee, if it had been re-committed, might have brought out a different report. So I hope you will take that into consideration.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I recently took a trip through New England with some people in the car. This is the type of license plates we saw coming toward us from several states. One of them said HAM, the other one said JAM, another one said DAM, and everybody in the car laughed their heads off. This is the type of plates we will probably have if we have these initial plates.

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

Mr. BERRY: I would like to re-table this item until Thursday, February 23.

The SPEAKER: The gentleman from Portland, Mr. Berry, moves that this item be tabled and specially assigned for Thursday, February 23, pending the motion of the gentleman from Harrison, Mr. Morrill, that the Bill be substitut-

ed for the "Ought not to pass" Report.

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

A division of the House was had. Eighty-one having voted in the affirmative and twenty-eight having voted in the negative, the tabling motion did prevail.

The SPEAKER: I have the pleasure to announce that tomorrow in the rotunda on this floor, a former Governor and now United States Senator Muskie will be here for the ceremonies pertaining to the unveiling of his picture in the rotunda, and we hope that everyone can be here at eleven o'clock tomorrow to attend the ceremonies.

The SPEAKER: On February 9, 1961, we passed an Order pertaining to "Welcome Back Day." Pursuant to that Order I will appoint the following committee: the gentleman from Greenville, Mr. Anderson; the gentleman from Auburn, Mr. Turner; and the gentleman from Sanford, Mr. Letourneau.

On motion of the gentleman from Bangor, Mr. Wellman,

Adjourned until one-thirty o'clock tomorrow afternoon.