

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, March 1, 1961

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

Prayer by the Rev. Mr. Ernest D. Smith, Representative of Strong.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 476)

**DEPARTMENT OF STATE
STATE OF MAINE
AUGUSTA**

February 23, 1961

To the Honorable Senate
of the One-hundredth Legislature
of the State of Maine

I have the honor to herewith transmit proposals of An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island.

This measure is in accordance with the provisions of Section 18 of Article IV, Part 3rd of the Constitution of the State of Maine. The measure is proposed by what is purported to be approximately 51,000 signatures. These petitions were filed on February 17, 1961.

Respectfully,

(Signed) PAUL A. MacDONALD
Secretary of State

From the Senate: The following Order:

ORDERED, the House concurring, that the communication, together with Bill "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" (I. B. 1) and accompanying petitions, be referred to the Committee on Judiciary for investigation and report as to the sufficiency of the petitions with power to summons witnesses (S. P. 477)

Came from the Senate read and passed.

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

From the Senate: The following Order:

ORDERED, the House concurring, that the Department of Economic Development shall report to the 100th Legislature, by March 21, 1961, a breakdown of its actual expenditures in the "all other" category of its appropriation for the fiscal year ending June 30, 1960 and its actual expenditures in this category in the present fiscal year through the month of February. The breakdown of expenditures shall show the actual amounts expended and the persons, firms and corporations to whom paid for the purpose of (1) recreational development, and (2) industrial development (S. P. 478)

Came from the Senate read and passed.

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

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Highways on Bill "An Act relating to Certain Records of the State Highway Commission not Confidential" (S. P. 284) (L. D. 885) 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 Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Sunday Hunting of Bobcat in Oxford County" (S. P. 379) (L. D. 1256)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Powers of Maine Fidelity Life Insurance Company" (S. P. 278) (L. D. 879)

Report of the Committee on Labor reporting same on Bill "An Act relating to Employment of Minors in Establishments Selling Frozen Dairy Products" (S. P. 255) (L. D. 772)

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

Report of the Committee on State Government reporting same on Bill "An Act relating to Compensation of Members of Board of Registration in Medicine and Certain Fees" (S. P. 184) (L. D. 430)

Report of the Committee on Towns and Counties reporting same on Bill "An Act relating to Completion of the York River Project in York" (S. P. 265) (L. D. 782)

Report of the Committee on Transportation reporting same on Bill "An Act relating to Operation of Vehicles Loaned by a Dealer or Holder of a Transit Registration Certificate" (S. P. 213) (L. D. 546)

Report of same Committee reporting same on Bill "An Act relating to Temporary Motor Vehicle Number Plates for Nonresident Members of Armed Services" (S. P. 388) (L. D. 1198)

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

In the House, Reports were read and accepted in concurrence, the Bills read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Report of the Committee on Welfare reporting "Ought to pass" on Bill "An Act Providing State Aid to Towns for Care of Poor Persons" (S. P. 84) (L. D. 183)

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

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

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

SENATE AMENDMENT "A" to S. P. 84, L. D. 183, Bill, "An Act Providing State Aid to Towns for Care of Poor Persons."

Amend Sec. 48 in the fifth line following the word "for" by inserting '80 percent of.'

Amend Sec. 2 by deleting "\$50,000" wherever such occurs and replacing with '\$30,000'.

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

Report of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Dodge Pond, Franklin County (S. P. 166) (L. D. 412) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 166, L. D. 412, "Resolve, Regulating Fishing in Dodge Pond, Franklin County."

Amend said Resolve by inserting before the period at the end the words 'and to prohibit the use or possession of live fish as bait'

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

Report of the Committee on Towns and Counties on Bill "An Act relating to Resident County Commissioner of Aroostook County" (S. P. 333) (L. D. 1008) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted, Committee Amendment "A" indefinitely postponed, and the Bill passed to be engrossed as amended by Senate 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. 333, L. D. 1008, Bill "An Act Relating to Resident County Commissioner of Aroostook County".

Amend said Bill by striking out the underlined word "**resident**" in the 6th line and inserting in place thereof the underlined words "**full time**".

Committee Amendment "A" was indefinitely postponed in concurrence.

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

SENATE AMENDMENT "A" to S. P. 333, L. D. 1008, Bill, "An Act Relating to Resident County Commissioner of Aroostook County."

Amend said Bill in the title by striking out the words "Resident County Commissioner of Aroostook County" and inserting in place thereof the words: "Chief Administrative Officer of Board of County Commissioners of Aroostook County."

Further amend said bill by striking out the last 2 lines and inserting in place thereof the following:

"county commissioners, \$1,250; chairman, ~~except that one member of the board, designated by the board as chief administrative officer, shall receive \$5,000;~~"

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

Referred to Committee on Education

Report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Vocational Educational Institute in Washington County (S. P. 276) (L. D. 877) reporting that it be referred to the Committee on Education.

Report of same Committee reporting same on Resolve Providing for a Vocational Technical Institute in Eastern Maine (S. P. 316) (L. D. 992)

Report of same Committee reporting same on Resolve Appropriating Moneys for Vocational and Technical Institute in Northern Maine (S. P. 317) (L. D. 993)

Came from the Senate with the Reports read and accepted and the Resolves referred to the Committee on Education.

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

and the Resolves referred to the Committee on Education in concurrence.

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

Referred to Committee on Health and Institutional Services

Report of the Committee on Judiciary on Bill "An Act relating to Transfer of County Jail Prisoners" (S. P. 197) (L. D. 530) reporting that it be referred to the Committee on Health and Institutional Services.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Health and Institutional Services.

In the House, the Report was read and accepted in concurrence and the Bill referred to the Committee on Health and Institutional Services in concurrence.

Ought Not to Pass Recommitted in Senate

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Steam Engineers and Firemen" (S. P. 116) (L. D. 261)

Came from the Senate with the Report and Bill recommitted to the Committee on Legal Affairs.

In the House, the Report was read and the Report and Bill recommitted to the Committee on Legal Affairs in concurrence.

Non-Concurrent Matter

Bill "An Act to Incorporate the Castine Water District" (H. P. 527) (L. D. 725) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 16.

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

In the House: The House voted to recede from its action of February 16 whereby the Bill was passed to be engrossed.

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

SENATE AMENDMENT "A" to H. P. 527, L. D. 725, Bill "An Act to Incorporate the Castine Water District."

Amend said Bill in section 9 by striking out the words "Supreme Judicial Court" in the 7th and 8th lines and inserting in place thereof the words 'Superior Court'

Further amend said Bill in section 9 by striking out in the 24th line the words "Supreme Judicial Court" and inserting in place thereof the words 'Superior Court'

Further amend said Bill in section 9 by striking out in the 40th line the words "Supreme Judicial Court" and inserting in place thereof the words 'Superior Court'

Further amend said Bill in section 9 by striking out in the 53rd line the words "Supreme Judicial Court" and inserting in place thereof the words 'Superior Court'

Senate Amendment "A" was adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in concurrence.

Non-Concurrent Matter

Resolve Regulating Fishing in Maranacook Lake, Kennebec County (H. P. 490) (L. D. 690) which was passed to be engrossed in the House on February 22.

Came from the Senate recommended to the Committee on Inland Fisheries and Game in non-concurrence.

In the House: The House voted to reconsider its action of February 22 whereby the Resolve was passed to be engrossed, and to recede and concur with the Senate.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of eighth grade students from Turner Center School accompanied by their teacher, Mr. James Davis.

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

Messages and Documents

The following Communication:

STATE OF MAINE SUPREME JUDICIAL COURT AUGUSTA

February 18, 1961

Honorable Harvey R. Pease
Clerk, House of Representatives
State House
Augusta, Maine

Dear Mr. Pease:

There are enclosed the Answers of the Justices to the Questions of February 9, 1961, relative to "RESOLVE, in favor of Jim Adams, Inc. of Bangor" (L. D. No. 664)

Respectfully yours,

(Signed)

ROBERT B. WILLIAMSON
Chief Justice

ANSWERS OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on February 9, 1961.

QUESTION (1): Can the Legislature in the exercise of its powers and judgment of what the facts actually are, constitutionally make a monetary award to the claimant as provided in L. D. 664, if the Legislature concludes damage to the claimant has been done justifying compensation?

ANSWER: We respectfully decline to answer the first question submitted to us by the House of Representatives. L. D. 664 upon its face contains language which suggests that the purpose of the bill may be to provide additional damages to the claimant arising out of either the condemnation of land or the change of grade of a highway. The brief statement of facts made a part of the bill makes no reference to negligence or trespass by agents or servants of the State. On the other hand, the prefatory statement incorporated by the House in its introduction to the questions submitted to the Justices does contain a recitation of facts "allegedly" existing. Included therein are references to

acts of apparent negligence and trespass. Even here, however, there is no indication that the Legislature has yet found any part or all of these "alleged" facts to be true, nor does the language used offer essential assurance that it will have done so prior to the passage of L. D. 664. Accordingly we deem the question premature for reasons which will be made to appear.

If we look only to the face of the bill as written, the answer to Question No. 1 might well be in the negative. Reference is made therein to elements of damage for interruption or loss of business. Interruption or loss of business in condemnation proceedings is not legally compensable in the absence of statutory authorization. Nichols on Eminent Domain, 3rd Ed., Vol. 4, Sec. 13.3, Page 254.

As to all claims in L. D. 664 for damage which would be justiciable and remediable in our courts as a proximate consequence of land condemnation, alteration, widening or changing of road grade, an enactment of the bill would constitute the appropriation of judicial prerogative by the Legislature, factual findings of injury done to a corporation in its property and the application of a remedy in damages.

All the judicial power in this State has been distributed and vested by our Constitution and complementary legislative acts thereunder and none has been left residing in the Legislature save for impeachment jurisdiction. Constitution of Maine, Article 1, Sec. 19, Article III, Secs. 1, 2, Article IV, Part Third, Sec. 1, Article VI and diverse revised statutes; *Lewis v. Webb*, 3 Me. 326; *Durham v. Lewiston*, 4 Me. 140.

The warrant of security within Article I, Sec. 21 of the Constitution, Revised Statutes and notably R. S. Chap. 23, Secs. 19 through 23 (P. L. 1951, Chap. 321, Sec. 2) together with established court precedents supply exhaustive jurisdiction and adequate due process of law for injuries proximately resulting from property condemnation and road grade changes.

It is not within the bounds of legitimate legislation for the Legis-

lature to enact a special law or pass a resolve dispensing with the general law in a particular case and granting what must be deemed a privilege and indulgence to one person or corporation by way of exemption from the general law, statutory or common, leaving all other legal persons under the operation of such general law. *Milton v. Railway Co.*, 103 Me. 218, 223, and cases cited therein; *State v. Flemming*, 66 Me. 142, 151.

If we look beyond the bill, however, and recognize that the Legislature may find facts pertaining to acts of trespass and negligence of agents and servants of the State from which it could properly conclude that a moral obligation was owed by the State to the claimant, then our answer might in the light of such a finding be in the affirmative.

The determination of the underlying facts is exclusively for the Legislature and its wisdom and judgment in making such findings are not to be questioned. Whether the facts found warrant the conclusion that a "moral obligation" exists is always subject to judicial review. "Such terms as 'moral obligation' and obligation 'founded on justice and equity' are flexible. They serve to formulate the problem rather than to provide the formula by which the problem may be solved. No yardstick has ever been devised which can be mechanically applied. Nonetheless, in every case there must exist an obligation which would be recognized, at least, by men with a keen sense of honor and with real desire to act fairly and equitably without compulsion of law. The Constitution does not prohibit the Legislature from doing in behalf of the state what a fine sense of justice and equity would dictate to an honorable individual. It does prohibit the Legislature from doing in behalf of the state what only a sense of gratitude or charity might impel a generous individual to do." *Ausable Chasm Co. v. State*, 266 N.Y. 326, 194 N.E. 843, 845. "The concept of liability based upon moral obligation is, except in the case of governmental liability, foreign to our law. It is not strange

that such a doctrine should be accepted in the relations between the state and the individual. An individual is free to make a gift and also to recognize moral obligations, although it is axiomatic that he cannot be compelled to do so. But the state, because of the limitations of the public purpose doctrine, cannot make a gift. Thus the doctrine of moral obligation places the state on the same footing, in this respect, as the individual. It cannot be compelled to do so, but it is free, through appropriate legislation to satisfy that which it recognizes as its moral debt." **Koike v. Board of Water Supply**, 352 P. 2d (Hawaii) 835, 839. It has been almost universally held that public funds may be disbursed to satisfy a "moral obligation" and in each such case "some direct benefit was received by the state as a state or some direct injury suffered by the claimant under circumstances where in fairness the state might be asked to respond—where something more than a mere gratuity was involved." **People v. Westchester County Nat. Bank**, 231 N.Y. 465, 132 N.E. 241, 245; **Fairfield v. Huntington**, 23 Ariz. 528, 205 P. 814, 817; Anno. 172 A.L.R. 1408; 42 Am. Jur. 763, Public Funds, Sec. 62; 81 C.J.S. 1150, States, Sec. 133.

As noted above, however, when the general law provides an adequate remedy available to all claimants similarly circumstanced, and provides the nature and limits of damages recoverable therefor, additional compensation cannot be made available to individual claimants under the guise of discharging a "moral obligation." It is just for this reason that it must be ascertainable, preferably but not necessarily from the bill itself, that supporting facts found by the Legislature warrant legislative determination that a "moral obligation" exists.

QUESTION (2): Would payment from the General Highway Fund as provided by L.D. 664 violate Article IX of the Maine Constitution?

ANSWER: We answer in the affirmative.

Payment to the corporation named as proposed by L. D. 664 could, if at all, be justified under Constitution of Maine, Article IX, Sec. 19, only as a debt or liability incurred in construction or reconstruction of a bridge. L. D. 664 contemplates a grant by the Legislature and not such a debt or liability.

Dated at Augusta, Maine this 28th day of February, 1961.

Respectfully submitted:

(Signed)

ROBERT B. WILLIAMSON
DONALD W. WEBBER
WALTER M. TAPLEY, Jr.
FRANCIS W. SULLIVAN
F. HAROLD DUBORD
CECIL J. SIDDALL

The Communication was read and with accompanying papers ordered placed on file.

Joint Resolution

Joint Resolution to Commemorate the Establishment of Uniform Weights and Measures (H. P. 1070) (Presented by Mr. Gardner of Orono)

Was referred to the Committee on Agriculture, ordered printed, and sent up for concurrence.

Orders

On motion of Mr. Hinds of South Portland, it was

ORDERED, that Rev. Louis R. Staples of the Elm Street Methodist Church, South Portland, be invited to officiate as Chaplain of the House on Friday, March 10, 1961.

On motion of Mrs. Shaw of Chelsea, it was

ORDERED, that Rev. Earl Waterman of the Advent Christian Church, Chelsea, be invited to officiate as Chaplain of the House on Friday, March 3, 1961.

Mrs. Shepard of Stonington presented the following Order and moved its passage:

WHEREAS, Stonington High School, was winner in the basketball tournament;

BE IT ORDERED, that the members of the House of Representatives extend congratulations to the team and Joseph Cardillo. Ath-

letic Coach, and to Stonington High School for their victory in the Class S tournament in the eastern division and wish them well in the future;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to the school.

The Order received passage. (Applause)

Mr. Stewart of Presque Isle presented the following Order and moved its passage:

WHEREAS, Presque Isle High School, whose basketball team is known as the "Wildcats", was winner in the basketball tournament held at Bangor Auditorium last Saturday night;

BE IT ORDERED, that the members of the House of Representatives extend congratulations to the team and to Presque Isle High School for their victory in the Eastern Maine Class Double L basketball tournament and wish them well in the future;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to the school, to the attention of Dana Hewes, Athletic Coach.

The Order received passage. (Applause)

Mr. Durgin of Raymond presented the following Order and moved its passage:

WHEREAS, Pennell Institute, of Gray, was winner in the basketball tournament;

BE IT ORDERED, that the members of the House of Representatives extend congratulations to the team and to Pennell Institute for their victory in the Western Maine Class M basketball tournament and wish them well in the future;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to the school.

The Order received passage. (Applause)

On motion of Mr. Waltz of Waldoboro, it was

ORDERED, that Rev. James A. Purrington of the First Baptist Church, Waldoboro, be invited to officiate as Chaplain of the House on Tuesday, March 28, 1961.

The SPEAKER: The Chair would like to recognize at this time the presence in the balcony of a group of eighth grade students from Brunswick Junior High School, under the supervision of Mrs. Crimmins, a teacher, and Mrs. Koch and Mrs. Ellis, parents.

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)

On motion of Mr. Cooper of Albion, it was

ORDERED, that Rev. John Wriglesworth of Albion be invited to officiate as Chaplain of the House on Wednesday, March 22, 1961.

House Reports of Committees Leave to Withdraw Covered By Other Legislation

Mr. Fogg from the Committee on Election Laws on Bill "An Act relating to Certification of Absentee or Sick Ballots" (H. P. 972) (L. D. 1336) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Berman from the Committee on Legal Affairs on Bill "An Act to Increase Borrowing Capacity of City of Calais School District" (H. P. 257) (L. D. 371) 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. 257, L. D. 371, Bill, "An Act to Increase Borrowing Capacity of City of Calais School District".

Amend said Bill by striking out

in the 20th line of said Bill the figure "\$225,000" and inserting the figure "\$250,000" in place thereof.

Further amend said Bill by striking out the emergency clause and inserting in its place thereof the following:

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the City of Calais at the city election to be held on the first Monday in April, 1961, or at a special city election called for the purpose not later than eight months after the approval of this act. Any special city election shall be called, notified, and conducted according to law.

The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: Shall the Act to Increase Borrowing Capacity of City of Calais School District, passed by the 100th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect immediately upon its acceptance by a majority of the legal voters voting at said election, but only if the total number of votes cast for and against the acceptance of this act is at least 20 percent of the total vote for all candidates for governor in the City of Calais at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the City of Calais and due certificate thereof filed by the city clerk with the Secretary of State.

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

Passed to Be Engrossed

Bill "An Act relating to State Humane Agents" (S. P. 132) (L. D. 315)

Bill "An Act relating to Bonds of Buckfield Village Corporation to Acquire Property and for Construction Work" (H. P. 333) (L. D. 485)

Bill "An Act Authorizing Municipalities to Record Certain Instruments by Microfilm" (H. P. 401) (L. D. 576)

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

Third Reader

Indefinitely Postponed

Bill "An Act relating to Minimum Wage for Firemen" (H. P. 505) (L. D. 704)

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

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, Item 4, L. D. 704, from the debate yesterday, I believe the issue of local self-government in the matter of local employment policies by municipalities is clearly before you. I move indefinite postponement and a division.

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

Mr. HAUGHN: Mr. Speaker, I rise for a point of procedure, and ask through the Chair if the gentleman voted on the prevailing side.

The SPEAKER: The gentleman did not move to reconsider, he moved for indefinite postponement of the bill, which is in order.

The question before the House is the motion of the gentleman from Bar Harbor, Mr. Smith, that this bill be indefinitely postponed.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I opposed this bill yesterday on the principle only; I don't think it is one of the greatest issues of this session, but I do believe it is an infringement upon the municipal rights. I feel that when any one of us stands to stem the tide that seems to be flooding constantly to deny us of our civil rights, our municipal rights and our state rights, that we are impeding that great flood that is coming upon us faster than I like to see, so I voted against it on principle yesterday and I will vote for the gentle-

man's motion today, and I do hope it prevails.

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

Mr. HAUGHN: Mr. Speaker, when the vote is taken I move for a roll call vote of the yeas and nays.

The SPEAKER: A roll call has been requested.

The Chair recognizes the gentleman from Fairfield, Mr. Brown.

Mr. BROWN: Mr. Speaker, I would like to speak briefly on this bill in opposition. We Republicans have, so I understand, decried the intervention of the federal government in our state affairs. Now I find that the principle which we are supposedly against is being furthered in our own state by legislation which infringes upon the rights of citizens in our small towns to determine their own affairs. If this trend continues, the State will dictate other municipal wages and also these statutory minimum wages will be increased each year.

This particular bill was recently discussed in our current budget meetings in town and would result in additional expense of \$2500, which is more than one-half a mill increase. This may seem infinitesimal, but it is one-half mill in addition to a ten mill increase last year and a proposed eleven mill increase this year. Ladies and Gentlemen, these tax increases are being reflected in our uncollected tax lists.

We in Fairfield have, and will continue to pay, a penalty for our initiative and foresight. We did not wait for the federal government in Washington to build our schools; we did it on our own. The bulge in our school population was anticipated in time to build an elementary school, which has been followed by the construction of a new high school. Today we have extra classrooms. This outlay for the high school alone represents a debt of over one hundred dollars for every man, woman and child residing in Fairfield.

The expression has been made that little opposition was expressed before the hearing Committee recently. This is to be expected as the smaller communities look to their legislators to protect their in-

terest. This is true not only of the small towns but of the small businesses and small manufacturers who cannot afford the time or money to follow legislation and attend hearings. This should not, however, minimize their importance to the State and be ignored.

One premise we seem to have overlooked yesterday in this discussion is that of freedom of choice. No one is compelled to work at these jobs, and as a matter of fact one of the two paid firemen which we have in our town once worked for the company for which I worked. The present job is certainly much easier, an average of slightly over one call per man each week, leaving ample time to play cribbage or sleep while on duty. Perhaps we should also have some sympathy for the taxpayers in this town as well as the firemen.

Ladies and Gentlemen of the House, I believe that this bill is unwarranted dictation and interference in the affairs of the towns of this State, for them to decide in their town meetings what they shall tax themselves for the payment of firemen. Surely if they are capable of other governmental functions, they are capable of this one. I sincerely hope that if this bill receives passage in the House and Senate, it will be vetoed by the Governor. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In answer to the remarks of the gentleman from Fairfield, where it concerns federal money, I might remind him that ninety cents out of every dollar is building the interstate highway. I think there is a few dollars that comes from the federal government that involves education, airports, and I can go on and on, and I don't see us turning too much of those monies to one side.

In answer also to the cribbage games and cribbage tournaments, I assure you that a few years ago at a fire that started in Auburn, two trucks, one from Auburn and one from Lewiston met head-on, crushed a policeman, killed three

firemen and maimed four firemen, I don't think they were playing cribbage; and those remarks, in my opinion, regardless of the merits or demerits of the bill, are a very definite insult to our fire-fighting departments throughout the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: There is one thing in particular that I am interested in and it is in home rule. Yet I do not believe that the five hundred odd municipalities within the State have any right to say that anyone in their particular areas must work for wages not equal to what they should get. I think when we base on that idea that we are getting them way out in left field.

Now I have looked into this quite seriously and I can see no reason why a man should not, and I don't see how he could live on much less than one dollar per hour. I don't see with the wages — with the cost of living such as it is, I don't think they can. In fact in our own little neck of the woods we pay \$1.25 per hour, and we know that they are taking great chances with their lives and are doing a great service; and I hope the movement to indefinitely postpone this bill does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: We must not forget that the firemen's time is under complete control of the Fire Department twenty-four hours a day for seven days a week, and I think that this should be worth something; so I hope that we do not indefinitely postpone this bill.

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

Mr. PHILBRICK: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago this same question arose, and at that time we wondered whether or not it would be a proper and suitable thing for municipal employees to come under the jurisdiction of the State's

dictates. At that time, Mr. William G. Earles, who was a State Representative from the City of Portland, a very highly respected Representative in the Legislature, a very highly respected and still respected attorney, told us that it was his belief and the belief of the other attorneys with whom he had talked and consulted about this matter, that municipal employees would not come under the jurisdiction of the State, that minimum wage would not apply to municipal employees, and that I believe was one of the reasons by which the bill originally passed.

Now perhaps there is some attorney here today who can straighten me out on this matter, but to the best of my knowledge that is the fact of the matter as it was in the 99th Legislature.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Perry.

Mr. PERRY: Mr. Speaker and Members of the House: I have been thinking this question over since yesterday and I decided I voted wrong yesterday, and I didn't understand just how some of the firemen were hired because we have just a small volunteer department in our town.

The SPEAKER: The question before the House is the motion of the gentleman from Bar Harbor, Mr. Smith, that item four be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one-fifth the members present. Will those who desire a roll call please rise and remain standing until the monitors have made and returned their count.

More than one-fifth of the members present arose.

The SPEAKER: Obviously more than one-fifth of the members having arisen a roll call is ordered. The question before the House is the motion of the gentleman from Bar Harbor, Mr. Smith, that this Bill "An Act relating to Minimum Wage for Firemen," House Paper 505, Legislative Document 704, be indefinitely postponed. If you are in favor of the indefinite postponement of this bill, you will answer "yes" when your name is

called; if you are opposed to indefinite postponement of this bill you will answer "no" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Albair, Anderson, Ellsworth; Anderson, Greenville; Baker, Baxter, Bearce, Boothby, Bragdon, Brown, Fairfield; Brown, Vassalboro; Buckley, Carter, Chapman, Norway; Cooper, Coulthard, Cyr, Dennett, Dodge, Drake, Dunn, Durgin, Edgerly, Edwards, Finley, Gardner, Ham, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Hartshorn, Haughn, Hopkinson, Hughes, Hutchins, Jones, Kennedy, Kimball, Lincoln, Linnekin, Littlefield, MacGregor, Maddox, Matheson, Mathews, Merrill, Minsky, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Pike, Rust, Shaw, Shepard, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Sproul, Stewart, Storm, Swett, Thornton, Turner, Tweedie, Vaughn, Wade, Walker, Waltz, Waterman, Wellman, Westerfield, Wheaton, Whitman, Whitney, Williams, Winchenpaw, Wood, Young.

NAY — Beane, Augusta; Beane, Moscow; Bedard, Berman, Auburn; Berman, Houlton; Berry, Cape Elizabeth; Binnette, Boissonneau, Bradeen, Brewer, Briggs, Burns, Bussiere, Crockett, Curtis, Denison, Dostie, Lewiston; Dostie, Winslow; Fogg, Gallant, Gill, Hendricks, Hichborn, Hinds, Humphrey, Jallbert, Jameson, Jobin, Johnson, Smithfield; Johnson, Stockholm; Karkos, Kellam, Kilroy, Knapp, Knight, Lacharite, Lane, Letourneau, Levesque, Lowery, Malenfant, Maxwell, Morrill, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Plante, Poirier, Prince, Prue, Schulten, Sevigny, Sirois, Stevens, Tardiff, Thaanum, Tyndale, Walls.

ABSENT — Bernard, Berry, Portland; Brown, So. Portland; Chapman, Gardiner; Choate, Cox, Danes, Davis, Estey, Hague, Lantagne, Moore.

Yes 80; No 58; Absent 12.

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

Mr. HAUGHN: Mr. Speaker, at this time where I voted no, I would like to change my vote to yes.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, changes his vote from no to yes.

Eighty having voted in the affirmative, fifty-eight having voted in the negative, with twelve absentees, the motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

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

Mr. PHILBRICK: Mr. Speaker, Ladies and Gentlemen of the House: As one who voted on the prevailing side I now move that we reconsider the bill, and without attempting to be facetious, I hope that my motion is soundly defeated.

The SPEAKER: The gentleman from Bangor, Mr. Philbrick, has moved that the action of the House where it has just indefinitely postponed this bill, be reconsidered. The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, I now move this bill be tabled and specially assigned for Tuesday next.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the motion to reconsider be tabled and specially assigned for Tuesday next. A tabling motion is not debatable.

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

Mr. PHILBRICK: Mr. Speaker, I understand it is in order to debate the time of the tabling.

The SPEAKER: The time of tabling is debatable.

Mr. PHILBRICK: Mr. Speaker, I shall probably ask for a division, but in the meantime rather than have the bill tabled until another day, I move instead that it be tabled for thirty seconds from now.

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

Mr. PIKE: If I am in order, Mr. Speaker, I move for a division on the original motion if you are about to rule the other motion out of order. I'll move for a division on either motion.

The SPEAKER: The prevailing motion is to the longest time, so the question of tabling is the motion of the gentleman from Bridgton, Mr. Haughn, being the longest time, is the one that will be before the House first.

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

Mr. HAUGHN: Mr. Speaker, if it seems to be a question of time, if it would be preferable, I would make it tomorrow if necessary if Tuesday is too long.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, withdraws his motion and moves that this bill be tabled until tomorrow or the next legislative day, Friday.

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

Mr. PIKE: Mr. Speaker, if there is a motion before the House, and I think there is, I ask for a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that this bill be tabled until tomorrow which of course means the next legislative day, which would be Friday, which is the reconsidering motion, and a division has been requested. All those in favor of the tabling motion please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

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

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

Mr. PHILBRICK: Mr. Speaker, I withdraw my tabling motion.

The SPEAKER: The gentleman from Bangor, Mr. Philbrick, withdraws his tabling motion.

Mr. PHILBRICK: I still hope, Mr. Speaker, that I will be voted down on the motion to reconsider. Thank you.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Philbrick, that the House reconsider its action on Bill "An Act relating to Minimum Wage for Fire-

men," whereby this House voted to indefinitely postpone the bill.

Mr. HAUGHN: I request a division.

The SPEAKER: A division has been requested. Will all those who favor the motion that the House reconsider its action whereby this bill was indefinitely postponed, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty-four having voted in the affirmative and eighty-three having voted in the negative, the motion to reconsider did not prevail.

Bill "An Act Creating the Old Town Junior High School District" (H. P. 509) (L. D. 707)

Bill "An Act to Reconstitute School Administrative District No. 16" (H. P. 585) (L. D. 806)

Bill "An Act to Reconstitute School Administrative District No. 15" (H. P. 587) (L. D. 808)

Bill "An Act to Reconstitute School Administrative District No. 14" (H. P. 590) (L. D. 811)

Bill "An Act to Enlarge the Powers of the Town of Wiscasset School District" (H. P. 611) (L. D. 828)

Bill "An Act to Incorporate the Town of Bradford School District" (H. P. 684) (L. D. 962)

Bill "An Act relating to Meetings of and Power to Borrow Money by Madawaska Water District" (H. P. 698) (L. D. 976)

Bill "An Act relating to School Administrative Districts Contracting for Secondary Education with other Administrative Units" (H. P. 734) (L. D. 1022)

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

Third Reader Amended Tabled and Assigned

Bill "An Act relating to Employment of Minors under 16 Years of Age" (H. P. 759) (L. D. 1045)

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

Mr. Morrill of Harrison offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 759, L. D. 1045, Bill, "An Act Relating to Employment of Minors Under 16 Years of Age."

Amend said Bill by striking out all of the 9th, 10th and 11th lines and inserting in place thereof the following:

'hotel, rooming house, laundry, dry cleaning establishment, bakery, bowling alley, poolroom, **construction activity, woods operation, tree surgery**, commercial places of amusement.'

House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, with reference to item 13, I would like to table that matter until Tuesday next pending acceptance of the amendment.

The SPEAKER: With reference to this item the gentleman from Rumford, Mr. Jobin, moves that this item be tabled until Tuesday next pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

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

Mr. JALBERT: Mr. Speaker, just an inquiry. The last measure, item thirteen, is tabled until Tuesday next pending engrossment of the measure, but what is the status of the amendment?

The SPEAKER: The amendment was adopted.

Mr. JALBERT: Well, if my eye-sight serves me correctly, the gentleman from Rumford, Mr. Jobin, was up quite a few seconds before the hammer went down, Mr. Speaker, not to be critical. I know you haven't got eyes behind your head.

The SPEAKER: If the gentleman cares to do so, he can take action on the amendment when it is taken off the table.

Mr. JALBERT: In other words, the amendment as the bill stands now, the amendment has been adopted.

The SPEAKER: The amendment has been adopted.

Bill "An Act relating to Microfilm of Criminal Records by Clerks of Courts" (H. P. 814) (L. D. 1129)

Bill "An Act Exempting Certain Aircraft from Sales Tax" (H. P. 350) (L. D. 1164)

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 Exempting from Taxation Mothers of Deceased Veterans" (H. P. 907) (L. D. 1241)

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

(On motion of Mr. Storm of Sherman, tabled pending passage to be engrossed and specially assigned for Friday, March 3.)

Bill "An Act to Provide Schooling in Brunswick for Tuition Pupils from Certain Other Towns" (H. P. 1068) (L. D. 1469)

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

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: In regard to this matter, several of these towns are going to have their town meeting on Monday next, and there has been some discussion in regard to offering an amendment, whether they would want to or not, I don't know, but for that reason, I would like to table this until Wednesday next.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, moves this matter be tabled and specially assigned for Wednesday, March 8.

The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: Mr. Speaker, may I ask for a division?

The SPEAKER: A division has been requested. Will those who favor the motion of the gentleman from Bowdoinham, Mr. Curtis, that this bill be tabled and specially assigned for Wednesday, March 8, please rise and remain standing

until the monitors have made and returned their count.

A division of the House was had.

Nineteen having voted in the affirmative and ninety-five having voted in the negative, the motion did not prevail.

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

Bill "An Act relating to Tuition for Summer School Attendance" (H. P. 1069) (L. D. 1470)

Resolve Regulating Ice Fishing on Big Pond, Dexter, Penobscot County (H. P. 113) (L. D. 153)

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

Tabled and Assigned

Resolve Regulating Fishing in Wiggin Brook, Piscataquis County (H. P. 145) (L. D. 208)

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

(On motion of Mr. Anderson of Greenville, tabled pending passage to be engrossed and specially assigned for Friday, March 3.)

Resolve Regulating Fishing in Squaw Pond, T3, R5, Piscataquis County (H. P. 146) (L. D. 209)

Resolve Regulating Fishing in Certain Waters in Piscataquis County (H. P. 596) (L. D. 817)

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

Amended Bills

Bill "An Act relating to Deduction of Sentence in County Jails" (S. P. 18) (L. D. 18)

Bill "An Act relating to Funds in Custody of Clerks of Courts" (H. P. 318) (L. D. 470)

Bill "An Act to Incorporate the Town of Etna School District" (H. P. 329) (L. D. 481)

Bill "An Act relating to Number of Councillors and Superintending School Board of Town of Fort Fairfield" (H. P. 515) (L. D. 713)

Bill "An Act relating to Educational Subsidies to Administrative Units" (H. P. 589) (L. D. 810)

Bill "An Act to Incorporate the Town of Carmel School District" (H. P. 609) (L. D. 826)

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

Resolve Designating Bridge Between Livermore and Livermore Falls as "Veterans Memorial Bridge" (H. P. 669) (L. D. 947)

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

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

Mr. WHITMAN: Mr. Speaker and Members of the House: Due to a mechanical error in drafting the bill or rather having adopted an amendment, it seems necessary to offer a further amendment to correct the title. For that purpose I present House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 669, L. D. 947, Resolve, Designating Bridge Between Livermore and Livermore Falls as "Veterans Memorial Bridge."

Amend said Resolve, in the Title, by striking out the quoted words "Veterans Memorial Bridge" and inserting in place thereof the following: "Livermore-Livermore Falls Veterans Bridge"

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

Passed to Be Enacted Emergency Measure

An Act Regulating the Taking of Alewives in Dyer River, Lincoln County (H. P. 309) (L. D. 461)

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

Emergency Measure

An Act Regulating the Maximum Size of Otter Trawlers in Casco Bay and Adjacent Waters (H. P. 344) (L. D. 496)

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

Emergency Measure

An Act Closing Casco Bay and Adjacent Waters to the Use of Otter Trawls (H. P. 345) (L. D. 497)

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

Emergency Measure

An Act Regulating Size of Otter Trawls and Other Trawls in Casco Bay and Adjacent Waters (H. P. 346) (L. D. 498)

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

Emergency Measure

An Act relating to Taking of Smelts in Addison, Columbia Falls,

Harrington, Cherryfield, Milbridge and Steuben (H. P. 420) (L. D. 595)

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. 123 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 Disposition of Eyes after Death (S. P. 113) (L. D. 258)

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

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

Mr. RUST: Mr. Speaker, Gentlemen and Gentlewomen of the House: I would like to bring your attention especially to item 6. As a member of Lionism in the State of Maine, this is a project which is very near and very dear to every Lion in the State, because their prime purpose is aid to the blind, and with the enactment of this particular bill, it will be a relatively simple process for any person to leave his eyes for anatomical science or for corneal transplant to aid some person in the improvement of his sight or in the regaining of his sight.

It is a very little known fact that to leave any part of your body for science, you cannot do this outright without the consent of your heirs because your body forms no part of your estate, it goes to your next of kin, and with this particular bill, you will be able to make this a direct disposition. Thank you.

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

An Act relating to Rate of Premiums for Group Life Insurance (S. P. 157) (L. D. 403)

An Act to Incorporate General Discount Corporation (Maine) (S. P. 159) (L. D. 405)

An Act relating to Trustees of and Investments by Odd Fellows' Home of Maine (S. P. 194) (L. D. 527)

An Act relating to Fees for Replacement Motor Vehicle License Plates and Inserts (S. P. 211) (L. D. 544)

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

An Act relating to Annual Meeting of Bayville Village Corporation (H. P. 49) (L. D. 90)

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

An Act relating to Taking Quahogs in Maquoit Bay, Cumberland County (H. P. 343) (L. D. 495)

An Act relating to Digging of Clams in Town of Deer Isle from June to September (H. P. 348) (L. D. 500)

An Act relating to Digging of Clams in Deer Isle and Stonington, Hancock County (H. P. 349) (L. D. 501)

An Act Increasing Temporary Loans for Cumberland County (H. P. 365) (L. D. 517)

An Act relating to Motor Vehicle Operators' Licenses for Members of the Armed Forces (H. P. 437) (L. D. 612)

An Act relating to Duplicate Motor Vehicle Operators' Licenses (H. P. 439) (L. D. 614)

An Act relating to Reciprocity for Nonresidents in Motor Vehicle Laws (H. P. 440) (L. D. 615)

An Act relating to Temporary Driver's Permit (H. P. 441) (L. D. 616)

An Act relating to Definition of Motorcycle (H. P. 443) (L. D. 618)

An Act relating to Registration of Motor Vehicles (H. P. 445) (L. D. 620)

An Act to Incorporate the "Consolidated Finance Co." (H. P. 575) (L. D. 795)

An Act to Incorporate the Economy Loan Corporation (H. P. 576) (L. D. 796)

An Act relating to Charges and Real Estate Liens by Westbrook Sewerage District (H. P. 620) (L. D. 837)

An Act relating to Taking Smelts in East Machias River by Gill Nets (H. P. 633) (L. D. 850)

An Act relating to Expending Aroostook County Funds for Ricker College (H. P. 640) (L. D. 857)

An Act relating to Income in Aid to the Blind (H. P. 720) (L. D. 919)

An Act relating to Signals at Railroad Crossings (H. P. 1058) (L. D. 1319)

Finally Passed

Resolve to Increase Retirement Benefit for Susie H. Yeaton, of Harrington (S. P. 301) (L. D. 912)

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.

Tabled and Assigned

Resolve to Increase Retirement Benefit for Chaplain T. Greene of Princeton (H. P. 632) (L. D. 849)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be enacted and specially assigned for Friday, March 3)

Order Out of Order

On motion of Mr. Knight of Rockland, it was

ORDERED, that use of the Hall of the House be granted to the Committee on Judiciary for this afternoon at 1:30.

Orders of the Day

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

HOUSE REPORT — Ought to Pass — Committee on Inland Fisheries and Game — on "Resolve, Regulating Fishing in Little Jim Pond, Franklin County." (H. P. 246) (L. D. 360)

Tabled — February 21, by Mr. Hutchins of Kingfield.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: This legislative document number 360 refers to Fishing in Little Jim

Pond in northern Franklin County. At the present time that pond is open to fly fishing only. It appears that the people of that area prefer to keep it that way. This Resolve was introduced by me by request, but I have two petitions, several telephone conversations and personal requests that this bill does not pass. There are other ponds and streams in that area that are open to bait fishing or whatever kind you might desire, but this one they seem to wish to keep as fly fishing. Therefore, I move indefinite postponement of this Resolve.

The SPEAKER: The question now before the House is the motion of the gentleman from Kingfield, Mr. Hutchins, that item one on page twelve, L. D. 360, Resolve Regulating Fishing on Little Jim Pond, Franklin County, be indefinitely postponed. All those in favor of the motion say aye; those opposed, nay.

A viva voce vote being taken, the motion prevailed and the Resolve was indefinitely postponed and sent up for concurrence.

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

Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities" (S. P. 281) (L. D. 882)—In Senate Passed to be Engrossed.

Tabled — February 22, by Mr. Dennett of Kittery.

Pending — Passage to be Engrossed.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I, and I know many others, are opposed to this Bill. It is a striking example of paternal legislation. It has in its structure a bond issue of a million and one-half dollars. By our action of yesterday, our total bond authorization in the State of Maine is already close to one hundred and nine million dollars, and this is not inclusive of our educational bond issue under the Sinclair Act, as I understand.

No doubt in my mind this was a well-intentioned bill, but I don't

really see the evidence—need of such a bill at this time. If we adopt this bill, the State will be interfering in our system of free enterprise.

The companies that make these machines allow the municipalities a period of ten years to pay for them. Any bank in the State of Maine would be most happy to loan a municipality the money to buy voting machines at three per cent interest. A bank is enabled to loan at this low rate of interest because interest from municipalities, the earnings thereof, are not subject to income tax of the corporation.

So, ladies and gentlemen, seeing no need for this bill and having the feeling that we are interfering in free enterprise, I move the indefinite postponement of this bill, and I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Mathews.

Mr. MATHEWS: Mr. Speaker, Ladies and Gentlemen of the House: As the House Chairman of the Committee on Election Laws, I would like to explain the feeling of the committee and why they reported this bill out unanimously "Ought to pass." The purpose of the bill is to provide an easier way for the towns to obtain voting machines. The bill would provide for a twenty-year bond issue whereby the State could purchase these machines for resale to the towns. The bill would cost the State nothing. The towns would pay for the machines through the State. By purchasing the machines this way through the State, the towns would obtain a much better interest rate and could finance the machines over a longer period of time. If the towns finance the machines direct with the manufacturer, they could finance for only ten years and they would have to pay six percent interest. By doing it through the State they can finance for two and one-half or three percent over a twenty year period.

These machines cost seventeen hundred and fifty dollars apiece. One machine is recommended for every six hundred voters in a municipality. Therefore, the required

number of machines for the State of Maine would be a total of eight hundred and seventy-two. This is a maximum amount, this would mean we would need a bond issue of a million five hundred and twenty-six thousand dollars. This again is a maximum amount and the cost of the bond issue would probably be much less because some cities and towns already have their voting machines and no doubt some towns would choose to buy their machines and pay cash or else finance locally.

I think probably we all know that machines are of great advantage to the towns and to the State too. I will just note two or three of the advantages here. They speed up the counting of votes, I understand that in the City of Augusta last fall, they had their votes completely counted one hour after the polls closed. They reduce the cost of elections to both the towns and to the State; they prevent spoiled ballots; they prevent costly recounts; and they prevent any danger of fraud.

This bill would make it optional for the towns as they don't have to purchase their machines under this bill, they can still finance locally through their own bank if they want to, or they can pay cash if they want to. This merely provides an easier way for them to purchase the machines if they so wish. I sincerely hope you will not go along with Mr. Kennedy's motion.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker and Members of the House: I am a member of the Election Laws Committee. This bill was introduced by the Senate Chairman of the committee and when we had the public hearing on it there was very little opposition to it. To begin with, as I understand, it is a referendum bill, it will be up for referendum two years from now so that the people will have a chance to vote on it themselves. We did listen to an argument whereby it was said that the banks could finance these as well as the State could. However, it was the feeling of the Committee that if the

State took the initiative in introducing these machines and giving the towns a chance to buy them, that they would get to using voting machines much more quickly than they would if they left it up to their own initiative.

Now the Secretary of State has endorsed these voting machines for use in the State, he claims it would speed up the process of tabulating the votes much quicker, it would eliminate errors; and I might believe it would also save money for the different towns over a long period of time. Now, I most certainly hope that this motion does not prevail.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Reference has been made to the infringement on the rights of the towns in this matter. I fail to see where there is any such infringement because obviously the towns can either choose to buy through this fund or otherwise, as they see fit.

As I have been thinking of this bill, it looked to me like a move in the right direction, it seems to me after what we went through in this election just behind us that anything which would prevent recounts and the cost of recounts should be looked upon favorably.

I somewhat hate to appear in opposition to my good friend from Milbridge, Mr. Kennedy, but in this matter I seem to fail to agree with him, and I hope his motion does not prevail.

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

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: My objection to this bill comes from two other sources: one is that it creates, it seems to me, an inordinate amount of bookkeeping and accounting over a long period of years for the State which it seems to me unnecessary. The other one is that for each community the amount is so small, in most communities in the State is much less than the purchase of one fire truck, that it doesn't seem to me to make good sense to go to the trouble of

a State bond issue, then allocate it around among the towns, whip them up every two years to make sure they pay their interest and their installments, I believe there are very few communities in this State that can't handle this thing conveniently either out of their current budget or on a short-term, reasonably short-term, loan from a bank.

I hope that the motion of the gentleman from Milbridge does prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I would like to join with Mr. Pike and Mr. Kennedy in urging the indefinite postponement of this bill.

I just can't see why we have to be this paternalistic to the towns, and I certainly agree that most towns can afford to buy them and if they cannot afford to buy them, they should not be urged to do so by the State. And in those cases of those towns who probably could not buy them, they probably would be very small towns that could easily count them. I mean the difficulty that you get into with counting ballots is in the larger areas and certainly I am in favor of voting machines, but in favor of voting machines purchased by the towns on their own initiative and not being sort of urged into it through an easy path, so to speak, by the State.

So, I hope that the motion of the gentleman from Milbridge, Mr. Kennedy, does prevail.

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

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I should like to support the motion of the gentleman from Milbridge, Mr. Kennedy. I don't feel that the State should be in the resale business and I believe that the money comes from the towns to a certain extent anyway, I think they should buy their own if they prefer them.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: Just one more statement relative to this matter that I would like to make, and I would like to straighten the record if I did make the error that the gentleman from Perham, Mr. Bragdon, felt that I made, that it would be an infringement on the rights of the towns. My statement to be corrected would be, that this is an infringement on our traditional right of free enterprise.

The banks in the State of Maine are in the banking business and in the loaning money business to the towns, and if we buy machines for the towns the State is in business. Two years hence, perhaps four years hence, we would find that this was an opening wedge and we would have a bond issue to allow the towns to buy from the State of Maine heavy equipment to do their road work, and I oppose this sort of legislation. Thank you very much.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would like to make just one point that may have escaped the attention of some of the members. There is no plan to have a bond issue, of course, for a million and one-half or a million. The bill provides for bond issues as needed, and we are talking about a very small sum of money with respect to each town, that is true, and there is no assurance that there would be a total bond issue of any large sum.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the motion of the gentleman from Milbridge, Mr. Kennedy, because I have been informed by a State official of one item which is overlooked, or neglected to have been mentioned, and that is the cost of the operation of paper work. I have been informed that so near as can be estimated it would cost about one percent in addition to the interest charge of the bond to oper-

ate this fund. They say they only issue a small amount at a time, it costs approximately as much to print bonds and float a bond issue for a small amount as it would for the entire million.

I certainly object to the State getting into the banking business in competition with local banking interest and I hope the motion of the gentleman from Milbridge, Mr. Kennedy, does prevail. I will ask for a standing vote, if you please sir.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Berwick, Mr. Mathews.

Mr. MATHEWS: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be some concern about the cost and the extra work involved in keeping the records and bookkeeping in this bill and so forth. The day after the hearing the Secretary of State said that his office would be glad to keep all the records, because it would be so much easier than handling all the ballots that they handle now and handling all the costly recounts, which when the towns get voting machines will be prevented.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Milbridge, Mr. Kennedy, that Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities," Senate Paper 281, Legislative Document 882, be indefinitely postponed. A division has been requested.

All those in favor of the indefinite postponement of this bill, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety having voted in the affirmative and thirty-three having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

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

Resolve, Regulating Fishing in Bugeye Pond, Franklin County. (H. P. 245) (L. D. 359)

Tabled — February 22, by Mr. Jones of Farmington.

Pending — Passage to be Engrossed.

On motion of Mr. Jones of Farmington, the Resolve was passed to be engrossed and sent to the Senate.

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

Bill "An Act Relating to Accounting by Maine Port Authority" (S. P. 128) (L. D. 273) — In Senate Passed to be Engrossed.

Tabled — February 22, by Mr. Whitman of Woodstock.

Pending — Passage to be Engrossed.

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

Mr. WHITMAN: Mr. Speaker, and Members of the House: Again I will offer a House Amendment for the purpose of correcting a mechanical error in the original drafting of the bill. It has come to the attention of the Committee on Bills in the Third Reading that in the original draft of the bill, as it was printed, one section of the law as it is today in the Laws of Maine was deleted or left out by a mistake in the Research Department. There has been some concern expressed as to this amendment on the part of some people wondering if this was something new that was being injected into the original bill. However, this is not the case, this is merely to reinstate in the law what was actually in the law as it is today. And for that reason I offer House Amendment "A."

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

HOUSE AMENDMENT "A" to S. P. 128, L. D. 273, Bill, "An Act Relating to Accounting by Maine Port Authority."

Amend said bill by striking out the first 13 lines after the enacting clause and inserting in place thereof the following:

"P. & S. L., 1929, c. 114, § 1, sub-§ (b), amended. The first sentence of subsection (b) of section 1 of chapter 114 of the private and special laws of 1929, as amended by section 2 of chapter 219 of the

private and special laws of 1951 and by section 2 of chapter 79 of the private and special laws of 1959, is further amended to read as follows:

'The said Port Authority is constituted a public agency of the State of Maine for the general purpose of acquiring, constructing and operating piers and terminal facilities at the Port of Portland and the port at Bar Harbor and for the purpose of securing and maintaining adequate ferry transportation for persons and property between the mainland and the islands in Casco Bay located within the limits of the City of Portland and the Town of Cumberland, with all the rights, privileges and power necessary therefor, and shall have the power of buying, leasing and otherwise acquiring and of holding, owning, controlling, constructing, leasing, operating and otherwise using and of selling and otherwise disposing of real and personal property and such rights and easements therein as its directors may from time to time consider necessary for the above purposes, including ferry lines, boats, landing areas, constructing or securing the'

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

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

HOUSE ORDER — Relative to Bills and Resolves Carrying Appropriations to be Placed on Special House Calendar.

Tabled — February 23, by Mr. Wellman of Bangor.

Pending — Passage.

On motion of Mr. Wellman of Bangor, retabled and specially assigned for Friday, March 3, pending passage.

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

Mr. RUST: Mr. Speaker, I rise to a point of order. The bills which are assigned for Thursday, March 2, what are we going to do with

those since we don't have any session tomorrow?

The SPEAKER: The Chair will answer that. The gentleman from York, Mr. Rust, makes a parliamentary inquiry which will be taken care of immediately.

Mr. Whitman of Woodstock was granted unanimous consent to address the House briefly.

Mr. WHITMAN: Mr. Speaker and Members of the House: Because of our new innovation in having no session on Thursday, it becomes obvious that we must dispose of the items on the tabled and assigned table for Thursday. For that purpose, Mr. Speaker, I ask unanimous consent that the matters specially assigned for tomorrow shall stand specially assigned for Friday, March 3, 1961.

The SPEAKER: The gentleman from Woodstock, Mr. Whitman, moves under unanimous consent that the items assigned specially for tomorrow will be assigned for Friday, March 3, 1961. Is there an objection? The Chair hears none.

Mr. Pike from Lubec was granted unanimous consent to address the House briefly.

Mr. PIKE: Mr. Speaker and Members of the House: Well this is sort of a personal matter. When I got back from a weekend in California, I was deeply distressed to find that Lubec had lost the Eastern Class M Championship to the distinguished team from Mount Desert. I was rather pleased that my neighbor in my rear won, I was eventually pleased that my neighbor right in front of me, from Stonington, her team had won the Class S Championship. However, I was quite disappointed. In reading the Bangor News this morning, I am somewhat relieved to find that two seniors from Lubec, one of them has got to be a finalist in the National Merit competition, and the other one has received a letter of commendation. There is a great deal of question as to whether intellectual or physical prowess is most to be desired, now I am quite content. (Laughter and applause)

Mr. Kimball of Mount Desert was granted unanimous consent to briefly address the House.

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: Of course I am very proud of our team at Mount Desert who have once again won a championship. They have won the State championship three years running in the Small Class. This year they voluntarily moved themselves to the Medium Class and have succeeded in winning the Eastern Maine Championship on that.

But skipping that point for the moment, may I reply to my esteemed friend, sitting directly in front of me, who has just made remarks about Lubec High School who was the opponent of the Mount Desert High School, and may I say that I am glad to see that he and his remarks show as good sportsmanship as they did at the time they lost to Mount Desert in Bangor. (Applause)

Mr. Lacharite of Brunswick was granted unanimous consent to briefly address the House.

Mr. LACHARITE: Mr. Speaker and Ladies and Gentlemen of the House: There was placed on your desks this morning a blue booklet about Credit Unions, entitled "A Fact Book for Legislators." I understand that we are short about eight or nine, but I will see that those are provided for eventually.

I urge you all to read this booklet. It will take about five minutes and you will find it very informative. There are about one hundred and thirty credit unions in the State of Maine with a membership of approximately seventy thousand. Within the next few days, several bills pertaining to credit unions will be reported out of committee. This booklet is not to influence your vote in any way whatsoever, but simply to equip you with information so that you will be able to give full consideration to those bills when they come before you. I hope you will take the time to read them. Thank you.

On motion of Mr. Chapman of Norway, the House voted to take from the table the sixth tabled and unassigned matter:

Bill "An Act Permitting Bars in Taverns" (S. P. 235) (L. D. 639) —In Senate Passed to be Engrossed. Tabled — February 22, by Mr. Chapman of Norway.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Chapman.

Mr. CHAPMAN: I would like to move the indefinite postponement of this bill which is L. D. 639.

The SPEAKER: The gentleman from Norway, Mr. Chapman, in reference to item six, on the top of page sixteen, "An Act Permitting Bars in Taverns," Senate Paper 235, Legislative Document 639, moves that now this item be indefinitely postponed.

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

Mr. MORRILL: Mr. Speaker, I move that this be retabled until next Tuesday.

The SPEAKER: The question now before the House is the motion of the gentleman from Harrison, Mr. Morrill, that this item be retabled until next Tuesday pending the motion of the gentleman of Norway, Mr. Chapman, that it be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: We are proceeding under Orders of the Day.

The Chair would like to call the attention to the House the fact that there will be no legislative session tomorrow, but there will be committee hearings in the morning and maybe in the afternoon. And in the afternoon there may be executive committee hearings. The next session of the Legislature will be Friday morning at nine o'clock, March 3.

On motion of Mr. Thaanum of Winthrop,

Adjourned until nine o'clock Friday morning.