

# 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 8, 1961

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

Prayer by the Rev. Mr. Harold Shepard of the Congregational Church, Madison.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs be instructed to originate a bill providing for improvements, renovations and repairs of state buildings and facilities for the Fiscal Years Ending June 30, 1962 and June 30, 1963 (S. P. 487)

Came from the Senate read and passed.

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

From the Senate: The following Communication:

Communication from David H. Stevens, Chairman of the Maine-New Hampshire Interstate Bridge Authority, submitting the eleventh Biennial Report of the Authority in accordance with an act of the Legislature of the State of Maine, Chapter 18, Article VI, Private and Special Laws of 1937, and an act of the Legislature of the State of New Hampshire, Chapter 4, Special Session 1936 (S. P. 486)

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

**Senate Reports of Committees Ought Not to Pass**

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Regulating Collection Agencies" (S. P. 407) (L. D. 1349)

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft**

Report of the Committee on Agriculture on Bill "An Act Requiring the Humane Slaughtering of Livestock" (S. P. 218) (L. D. 623) reporting same in a new draft (S. P. 483) (L. D. 1475) under same title and that it "Ought to pass"

Report of the Committee on Business Legislation on Bill "An Act to Clarify the Laws of the Real Estate Commission" (S. P. 160) (L. D. 406) reporting same in a new draft (S. P. 480) (L. D. 1472) under same title and that it "Ought to pass"

Report of the Committee on Judiciary on Bill "An Act relating to Certificate of Secretary of State as Evidence in Motor Vehicle Cases" (S. P. 195) (L. D. 528) reporting same in a new draft (S. P. 482) (L. D. 1474) under title of "An Act relating to Certificate of Secretary of State as Evidence and Suspension of Right to Operate in Motor Vehicle Cases" and that it "Ought to pass"

Report of the Committee on Public Utilities on Bill "An Act relating to Jurisdiction of Public Utilities Commission over Motor Vehicles Carrying Passengers for Hire" (S. P. 440) (L. D. 1395) reporting same in a new draft (S. P. 484) (L. D. 1476) under same title and that it "Ought to pass"

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

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

**Ought to Pass**

Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Rabbit Hunting in Lincoln County" (S. P. 323) (L. D. 998)

Report of the Committee on Judiciary reporting same on Resolve Authorizing Charlotte Alex to Bring Action Against the State of Maine (S. P. 4) (L. D. 4)

Report of same Committee reporting same on Bill "An Act relating to Remedy of Coram Nobis" (S. P. 171) (L. D. 417)

Report of the Committee on Natural Resources reporting same on Bill "An Act Enlarging Boomage Area of Scott Paper Company in the Kennebec River" (S. P. 298) (L. D. 909)

Report of the Committee on State Government reporting same on Resolve Proposing an Amendment to the Constitution Relating to Residence Requirements to Vote for President and Vice-President (S. P. 238) (L. D. 642)

Report of same Committee reporting same on Bill "An Act to Bring State Police, Coastal Wardens and Fish and Game Wardens under Personnel Law" (S. P. 261) (L. D. 778)

Report of the Committee on Towns and Counties reporting same on Bill "An Act Permitting Municipalities to Raise Money for Youth Program" (S. P. 365) (L. D. 1098)

Report of the Committee on Transportation reporting same on Bill "An Act relating to Penalty for Failure of Owners of Motor Vehicles to Have Vehicles Inspected" (S. P. 451) (L. D. 1316)

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

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

The SPEAKER: The Chair recognizes the presence in the House of the Honorable Gerard Woods, Consul General from Ireland at Boston. The Chair requests that the Sergeant-at-Arms escort the Honorable Gerard Woods to the rostrum to accompany the Speaker on the rostrum.

Thereupon, the Sergeant-at-Arms conducted the Honorable Gerard Woods to the rostrum amid the applause of the House.

The SPEAKER: The Chair would like to recognize at this time the presence in the gallery of the Junior Class of Buckfield High School. There are twenty pupils accompanied by their Principal, Mr. Bean.

Also in the gallery there are thirty-three pupils from the Eighth

Grade of the Town of Harpswell, accompanied by their teachers, Miss Agnes Ford and Mr. Joseph Goodwin. They are guests of Representative Jack Prince of Harpswell.

Also in the gallery is a class in State Government of Deering High School in Portland. One of its members is Leonard L. Stevens, Jr., the son of Representative Leonard L. Stevens of Portland.

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)

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

Report of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Johnston Pond, TA R10, Piscataquis County (S. P. 111) (L. D. 256) 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. 111, L. D. 256, Resolve, Regulating Fishing in Johnston Pond, TA, R10, Piscataquis County.

Amend said Resolve by adding at the end thereof the following sentence: 'This resolve shall take effect January 1, 1962.'

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

Report of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Long Pond, Franklin County (S. P. 167) (L. D. 413) 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. 167, L. D. 413, Resolve, Regulating Fishing in Long Pond, Franklin County.

Amend said Resolve by striking out in the 3rd line the words "plug fishing" and inserting in place thereof the following words 'fishing by any other method than by fly fishing or trolling'

Further amend said Resolve by striking out in the 4th line the words "e x c e p t from stationary wharves" and inserting in place thereof the following words 'and prohibiting 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 Liquor Control on Bill "An Act Increasing Fees for Certificates of Approval under Liquor Laws" (S. P. 354) (L. D. 1087) 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. 354, L. D. 1087, Bill, "An Act Increasing Fees for Certificates of Approval under Liquor Laws."

Amend said bill by striking out the underlined figure "500" in the 4th line and inserting in place thereof the underlined figure '300'

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

Report of the Committee on Natural Resources on Bill "An Act Prohibiting Dumping of Oil Which May Pollute Waters" (S. P. 76) (L. D. 176) 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. 76, L. D. 176, Bill, "An Act Prohibiting Dumping of Oil Which May Pollute Waters."

Amend said Bill, in the 6th line, by inserting after the underlined words "not be" the underlined word 'intentionally'

Further amend said Bill, in the 10th line, by inserting after the underlined words "material be" the underlined word 'intentionally'; and inserting after the underlined word "placed" the underlined words 'or deposited directly'

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

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

### Divided Report

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought to pass" on Bill "An Act Repealing the Tax on Quahogs" (S. P. 236) (L. D. 640)

Report was signed by the following members:

Messrs. MAYO of Sagadahoc  
CHASE of Lincoln  
—of the Senate.  
Messrs. SEVIGNY of Biddeford  
MADDOX of Vinalhaven  
YOUNG of Gouldsboro  
PRINCE of Harpswell  
— of the House.

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

Report was signed by the following members:

Mr. BREWSTER of York  
—of the Senate.

Messrs. LOWERY of Brunswick  
PIKE of Lubec  
TYNDALE  
of Kennebunkport  
—of the House.

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

In the House: Reports were read.

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

Mr. SCHULTEN: Mr. Speaker, I move that the Majority Report "Ought to pass" on L. D. 640 be accepted. This tax is a discriminatory tax. When it was originally put on in 1957, it was felt that it would do a job to help the quahog industry. Actually, since that time the action of the tax has resulted in a stifling of the business and whereas the tax on quahogs has shown a steady decline in production and the amount of business done in this State, the business of the soft shell clam has grown and and grown because there is no tax on it. Several of the towns that I had the pleasure of representing originally were in favor of this tax. They now find that it does not do the job and they have requested me to speak to have the tax repealed as this Majority Report also requests. I so move.

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

Mr. LOWERY: Two years ago I stood before this House and opposed this same repeal measure. I oppose it now on the very same grounds: that to repeal this tax would be a severe blow to the management and research effort that is now being carried on by the Sea and Shore Fisheries Department. This program, contrary to reports, has produced marked results.

I know that many of you in the House are unfamiliar perhaps with the quahog or hard shell clam. Most of our production is sold to out-of-state markets, mainly in New York. It is highly regarded and in great demand because of the high yield of meat and the excellent flavor. As a result, it generally brings the highest prices on the market.

However, production is limited, largely to one area of eastern Casco Bay and attempts to transplant in other areas have met with little success. Production has been sporadic as time of heavy sets appearing are so uncertain. In the last thirty years, heavy sets were recorded in 1931, 1939 and 1947. Prior to the '47 set, much of the product was lost due to overcrowding of flats and the resultant winter-kill. However in 1947, the Department began a system of transplanting, management and research which retained the 1947 yield. This is principally what we have been working on up until the present time, as only light sets have been reported since then. Over the past ten years, the total landed value, under the management program, has been \$1,230,126, as compared to approximately \$350,000, in the previous twenty years.

Transplanting was originally done by volunteer labor of the diggers but this was found to be uncertain and slow. The Department developed and now has in use a dredge, the Venus M, which does this work much more efficiently.

I am perhaps more familiar with the work of the Department in this field than anyone else in the House. I have been aboard the Venus M and have observed its operation. I have checked the reports of high mortality rate due to use of this equipment and have found them to be grossly exaggerated.

Already in this session, we have passed an act L. D. 495 which allows the dredge, Venus M, to operate in Maquoit Bay. This was specifically requested by the Department so that they could explore the bay below the low water mark for possible concentrations of quahogs. This is a new phase of the department research. If such beds are located, and indications are that they are there, some arrangements will be made to make use of them. This is part of the continued effort of the Department to increase the production of this valuable shellfish.

This tax is not a hardship tax. It is a fair tax, levied on those who benefit most directly, it is a 5 percent tax on the landed value of the quahogs and is paid for by

the dealer. It was originated by the interested officials of the various communities involved who called meetings of the diggers. Representatives were chosen who met with town officials and buyers, and by mutual agreement the request was made to the 98th Legislature and the present tax was passed. The proceeds from this tax to be used for transplanting seed and to carry out the scientific and management work deemed necessary for the quahog industry.

The single buyer who has protested this tax has stated that if continued it would put him out of business. There is little possibility of this. He also deals in other shellfish. His main problem as far as quahogs are concerned is the problem of most of the people connected with the industry at the present time: low production. If and when the flats begin to produce or new concentrations are found, he will be among the first to benefit.

Realization of the importance of the continuation of the management program and the effect on the economy is indicated by the interest shown by the town officials of Brunswick, Harpswell, West Bath and Phippsburg in their letters to the Senate Chairman of our committee who has in his possession these letters in opposition to the repeal of this tax. I therefore ask for indefinite postponement of the bill and all its pavers. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: In view of the fact that the quahog production has declined since 1957 from 360,000 pounds to an estimated 63,000 pounds in 1960 under the management program, and since the number of dealers has dropped from five to one, who may go out of business, and that one will have to pay all the tax, I hope that this motion of the gentleman from Brunswick, Mr. Lowery, to indefinitely postpone does not prevail and I ask for a division.

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

Mr. SCHULTEN: Mr. Speaker, with all due reference to my colleague from Brunswick, I do not stand as an expert on this matter, but I do have here some statistics which I think tell the story of a discriminatory tax much more clearly than I could in a long preamble on the subject and I would like to just briefly advise you of these.

This tax, as I mentioned, was originally put on in 1957. At that time it was considered beneficial to all parties concerned. For that year there were four people paying the tax. They were a Mr. Lasky paying a tax of \$2,000 — I won't go into the odd dollars and cents — Salt Water Farms, \$10.00; Thurston and Bailey, \$1,300 plus. In 1958, which was the first full year, the tax was \$5,000 plus for Lasky; Prindle, \$17.00 plus; Salt Water Farms, \$35.00; and Thurston and Bailey, \$2600. That was the first year of operation. Now the second year of operation, Lasky dropped down from \$5,000 to \$3,000; Prindle went out of business; Salt Water Farms increased \$3.00 in tax, they went up to \$38.00; Thurston and Bailey also increased to \$1,300; but in 1960, Lasky dropped from over \$3,000 to \$1,400; Prindle still felt that he could not afford to deal in quahogs, he was still out of the picture. Salt Water Farms continued their business because they are not too much dependent upon the local situation. Thurston and Bailey, however, dropped from nearly \$1,400 down to \$619. So that the trend I think here is very evident that here is a stifling, discriminatory tax that is helping no one, none of the parties involved, and that very definitely there is a good chance that Mr. Lasky who is evidently paying the majority of this tax will be forced out of business because he can't carry the whole burden alone.

Now it might interest you to know that in '58, '59 and '60 there is a comparison of total sales of the soft shell clams versus the hard shell clams. In 1958 the soft clams were \$599,000 plus, hard clams were \$148,000 plus. 1959 soft shell clams \$547,000, hard clams dropped down to \$89,000. 1960 soft clams \$774,000, hard clams dropped

down to \$40,000. In other words, the positions are completely reversed.

Now I for one do not want to see this Legislature repeal any taxes that are a benefit to the state and to the industries in the state. We must have them. I realize that. But occasionally there is a tax put on an industry, or a particular segment of our society, which over a period of time tends to be discriminatory and harmful, and this is such a tax; and I move that Mr. Lowery's motion to indefinitely suspend be voted down, not accepted.

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

Mr. PIKE: Mr. Speaker and Members of the House: I have been in touch with one of the small taxpayers in this area, Salt Water Farms. They confirm what seemed to come out pretty clearly in hearing, that these poor little quahogs only get successful reproduction about every seven to ten years. When they do it, why they apparently do it in a wholesale and massive fashion. It has been now about four or five years since the last really great flow of young quahogs, so that the reduction in the production and sale of quahogs has apparently nothing to do whatsoever with the imposition or non-imposition of a tax. They seem to be waiting for the next successful spawning season which we all hope will come soon. It does seem to me that the work of the Sea and Shore Fisheries Commission should be encouraged and continued because otherwise here might go the last real hope of the quahog, a minor tragedy indeed.

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

Mr. LOWERY: Mr. Speaker, I might say at this time that there should be no comparison between the production of the soft shell clam and the hard shell clam. As I have stated, the hard shell clam is only found in this one area of eastern Casco Bay. However, the soft shell clam is found all along our coast, so that I don't believe that any comparison whatsoever should be taken as far as

the shipment or production is concerned.

Again I point out to you that there have been medium sets, light sets in the past few years. However, the principal set that we have still been working upon has been that 1947 set that has been transplanted in various areas, has produced growth, and has kept the industry going. If we compare any work in the past ten years to the work in the previous twenty years, I think you will see the work of the department in this area has been exceptionally good. This tax, contrary to the argument, is not a discriminatory tax, and I firmly hope that you will go along with me and keep this tax on the books. Thank you.

The SPEAKER: The Chair would advise the gentleman from Woolwich, Mr. Schulten, that he has already spoken twice and he will have to get permission from the House to speak a third time.

Mr. SCHULTEN: Mr. Speaker, I request that permission.

Thereupon, Mr. Schulten of Woolwich was granted unanimous consent to speak a third time.

Mr. SCHULTEN: I am afraid, Mr. Speaker, that I am slightly confused on procedure here. My original purpose in getting up was merely to request a division. However, since you so kindly gave me the permission to talk, I would like to take advantage of it. (Laughter)

Principally I would like to say that many people have been confused by this tax. Many people felt and still feel that it is beneficial to an industry. In fact the Town of West Bath, which was mentioned as one being in favor of retaining the tax and having so written to the Chairman of the Committee that heard this bill. That is absolutely true, they were, but they found that the facts as they understood them previously did not tell the story as it applies today, and they specifically called me and requested that the Majority "Ought to pass" Report be the one that this House take action on. In other words, they very strongly favor repealing of this tax. Also, I am given to understand, and I speak not as an



expert, merely from what I hear, that the majority of this work, the seeding, so-called, and the revenues, come from this so-called Town of West Bath, and I feel that these people, these Selectmen, are in the best position to know what will benefit most the State of Maine, their community and all parties concerned. And I certainly have the hope that we turn down Mr. Lowery's motion that we indefinitely postpone it, and thank you for your courtesy sir.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I would like to say a word on this bill. The quahog tax in Casco Bay has been shown to be effective means of managing marine resource and is established precedent for cooperative shellfish management which we would like to see expanded to other marine resources.

If this tax is repealed and the means of carrying on this program destroyed, we cannot look to the future with any confidence that our marine resources will be properly developed.

Now I would like to add further, that the sardine people have a similar tax, the blueberry people have a similar tax, the potato people have a similar tax, and also the dry bean people have a similar tax that they use to promote their industry with, and I hope that the motion made by the gentleman from Brunswick, Mr. Lowery, prevails.

The SPEAKER: The question before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that this Bill and both Reports be indefinitely postponed. A division has been requested, twice.

All those in favor of the indefinite postponement of both Reports and the Bill "An Act Repealing the Tax on Quahogs," Senate Paper 236, Legislative Document 640, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Seventy-four having voted in the affirmative and fifty-eight having

voted in the negative, the motion prevailed and the Bill with accompanying papers was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: At this time the House will be at ease for the taking of the official pictures.

### House at Ease

The House was called to order by the Speaker.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on Bill "An Act relating to Shucking of Shellfish" (S. P. 442) (L. D. 1396)

Report was signed by the following members:

Messrs. BREWSTER of York  
MAYO of Sagadahoc  
CHASE of Lincoln  
— of the Senate.

Messrs. MADDOX of Vinalhaven  
PIKE of Lubec  
PRINCE OF Harpswell  
TYNDALE  
— of Kennebunkport  
LOWERY of Brunswick  
SEVIGNY of Biddeford  
— of the House.

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

Report was signed by the following member:

Mr. YOUNG of Gouldsboro  
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

(On motion of Mr. Edwards of Stockton Springs, tabled pending acceptance of either Report and specially assigned for Tuesday, March 14.)

### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms (S. P. 206) (L. D. 539)

Report was signed by the following members:

Mr. NOYES of Franklin  
 Mrs. CHRISTIE of Aroostook  
       — of the Senate.  
 Messrs. DENNETT of Kittery  
       HAUGHN of Bridgton  
       WHITMAN of Woodstock  
       BEARCE of Bucksport  
       — of the House.

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

Report was signed by the following members:

Mr. LOVELL of York  
       — of the Senate.  
 Messrs. KIMBALL  
       of Mount Desert  
       DOSTIE of Lewiston  
       NOEL of Waterville  
       — of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: A constitutional amendment to a degree like a public law can only be justified to the extent in which it serves the public interests. The majority of the Committee on State Government left this hearing with a strong feeling that this bill would in no way serve the public interest; rather that it was a bill designed to serve sixteen county officers in the State of Maine; that they would be relieved of the necessity of having to run for office every two years. It appears that this was the only thing they had to recommend it. Again, it was the feeling of the majority of the members of your committee that this bill ought not to pass and signed accordingly.

And with this, Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Kimball.

Mr. KIMBALL: Mr. Speaker and Members of the House: Not to disagree completely with my

esteemed colleague who has just spoken, I do not believe that the only thing in this bill is the question of having to run every two years for sheriff. The reason I signed as a member of the committee on the minority report, is that I have actually been a deputy sheriff and know some of the problems that the sheriffs' departments run into. I believe the training that the sheriffs generally give to their men setting up their departments, would be best taken care of by a four-year term rather than a two-year term, and the changes necessary at that time.

Therefore, I voted not in favor of this recommendation that has come in from the majority of the Committee. I don't think it is a terrifically important item, but I do think that angle of it must be given consideration as well as the necessity of having to just simply run for two terms. I think there is a little more to it than shows on the surface.

The SPEAKER: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Report.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I will go along with my House Chairman, my colleague from Kittery, Mr. Dennett, because I believe that there are several sheriffs' bills in here for more than just the term for four years, it is true. They have bills in here to provide them uniforms, they have bills in here to increase their wages, they have bills in here to give them longer tenure in office to build up a power-house and something that the average person is scared to speak out against in my opinion to the belief they should build up, they would build up a power superseding the authority of the State Police which we now have who are authorized to perform certain duties. They are conflicting and I think if a man is a good man in office, after two years the people will put him back. If not, you will suffer with that man for four years, and when

the vote is taken I request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Report in concurrence. A division has been requested. All those who favor the acceptance of the Majority "Ought not to pass" Report, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred twenty-six having voted in the affirmative and ten having voted in the negative, the motion did prevail, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Divided Report

Report "A" of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Term of Office of Department Heads Appointed by Governor" (S. P. 237) (L. D. 641)

Report was signed by the following members:

Messrs. NOYES of Franklin  
LOVELL of York  
— of the Senate.

Messrs. KIMBALL  
— of Mount Desert  
DOSTIE of Lewiston  
NOEL of Waterville  
— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook  
— of the Senate.

Messrs. DENNETT of Kittery  
HAUGHN of Bridgton  
WHITMAN of Woodstock  
BEARCE of Bucksport  
— of the House.

Came from the Senate with Report "B" accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: This again, is a bill that is representative of two different political philosophies.

The Report "B," the "Ought not to pass" Report, represents the philosophy of not strengthening the Executive Department perhaps at the cost of the Legislative. We five who signed this Report "B" felt very strongly that this would only serve to strengthen this department which particularly at this time there is no reason to do so. The present Chief Executive does not ask for this legislation. We do not feel that this House should accept it, and so again, Mr. Speaker, with that, I move the acceptance of Report "B," the "Ought not to pass" Report of the Committee.

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

Mr. DOSTIE: Mr. Speaker, I move now to table this matter until Tuesday, March 14, pending acceptance of either report.

The SPEAKER: The gentleman from Lewiston, Mr. Dostie, has moved that this bill be tabled until Tuesday, March 14, pending the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the "Ought not to pass" Report.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I move a division.

The SPEAKER: A division has been requested. All those in favor—

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, I move for a roll call on the motion to table.

The SPEAKER: A roll call has been requested on the tabling motion. 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 all those in favor of a roll call, please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is ordered. The Chair will state the question. There has been a motion made by the gentleman

from Lewiston, Mr. Dostie, that this bill be tabled until Tuesday, March 14, 1961, and a roll call on that motion has been requested and ordered. If you are in favor of the tabling motion, you will answer "yes" when your name is called. If you are opposed to the tabling motion, you will answer "no" when your name is called. The Clerk will call the roll.

### ROLL CALL

YEA — Beane, Augusta; Beane, Moscow; Bedard, Bernard, Binnette, Boissonneau, Boothby, Briggs, Burns, Bussiere, Cyr, Dostie, Lewiston; Dostie, Winslow; Fogg, Gallant, Hendricks, Jobin, Johnson, Stockholm; Karkos, Kellam, Kilroy, Lacharite, Lane, Lantagne, Letourneau, Levesque, Lowery, Maxwell, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Plante, Poirier, Prue, Sevigny, Sirois, Tardiff, Walls.

NAY — Albair, Anderson, Ellsworth; Anderson, Greenville; Baker, Baxter, Bearce, Berman, Auburn; Berman, Houlton; Berry, Cape Elizabeth; Berry, Portland; Bradeen, Bragdon, Brewer, Brown, Fairfield; Brown, So. Portland; Brown, Vassalboro; Buckley, Carter, Chapman, Gardiner; Chapman, Norway; Choate, Cooper, Coulthard, Crockett, Curtis, Danes, Davis, Dennett, Dennison, Dodge, Drake, Dunn, Durgin, Edgerly, Edwards, Estey, Finley, Gardner, Gill, Hague, Ham, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Hartshorn, Haughn, Hichborn, Hinds, Hopkinson, Hughes, Humphrey, Hutchins, Jameson, Johnson, Smithfield; Jones, Kennedy, Kimball, Knapp, Knight, Lincoln, Linnekin, Littlefield, MacGregor, Maddox, Malenfant, Matheson, Mathews, Merrill, Minsky, Moore, Morrill, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Pike, Prince, Rust, Schulten, Shaw, Shepard, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Sproul, Stevens, Stewart, Storm, Swett, Thaanum, Thornton, Turner, Tyndale, Vaughn, Wade, Walker, Waltz, Waterman, Wellman, Westerfield, Wheaton, Whitman, Whitney, Williams, Winchenpaw, Wood, Young.

ABSENT — Jalbert, Tweedie.

Yes, 38, No, 109, Absent, 2.

The SPEAKER: Thirty-eight having voted in the affirmative, one hundred and nine having voted in the negative, with two absent, the tabling motion does not prevail.

The question now before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Committee "Ought not to pass" Report.

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

Mr. FOGG: Mr. Speaker, when I stated earlier in this session that we Democrats were down here to be cooperative, constructive and non-obstructionists, I stated it with the feeling and the expectation that we would be extended the common legislative courtesy of being able to table a bill when we wanted to. That has always been an accepted procedure in the House here. However, I don't feel that we have been treated that way. I don't think the Republican majority here has appreciated the stand we have taken, and the feeling that we have wanted to be constructive and non-obstructionists. I feel that they are beginning to look upon us maybe somewhat as a door man. Now we are not. I think that it is time that we did show what it would be like if we did want to be non-cooperative and obstructionists, so I ask for a roll call vote.

The SPEAKER: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the "Ought not to pass" Report. 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 on the part of one-fifth of the members present. Will all those who desire a roll call, please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is ordered. The House will be in order. The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report

"B," "Ought not to pass" Report, on Bill "An Act relating to Term of Office of Department Heads Appointed by Governor." If you are in favor of accepting the "Ought not to pass" Report, you will answer "yes" when your name is called. If you are opposed to the acceptance of the "Ought not to pass" Report, you will answer "no" when your name is called. First call of the roll.

### ROLL CALL

YEA — Albair, Anderson, Ellsworth; Anderson, Greenville; Baker, Baxter, Bearce, Berman, Auburn; Berman, Houlton; Berry, Cape Elizabeth; Berry, Portland; Boothby, Bradeen, Bragdon, Brewer, Brown, Fairfield; Brown, So. Portland; Brown, Vassalboro; Buckley, Carter, Chapman, Gardiner; Chapman, Norway; Choate, Cooper, Coulthard, Crockett, Curtis, Danes, Davis, Dennett, Dennison, Dodge, Drake, Dunn, Durgin, Edgerly, Edwards, Estey, Finley, Gardner, Gill, Hague, Ham, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Hartshorn, Haughn, Hichborn, Hinds, Hopkinson, Hughes, Humphrey, Hutchins, Jones, Kennedy, Knapp, Knight, Lincoln, Linnekin, Littlefield, MacGregor, Maddox, Malenfant, Matheson, Mathews, Merrill, Minsky, Moore, Morrill, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Pike, Prince, Rust, Schulten, Shaw, Shepard, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Sproul, Stevens, Stewart, Storm, Swett, Thaanum, Thornton, Turner, Tyndale, Vaughn, Wade, Walker, Waltz, Waterman, Wellman, Westerfield, Wheaton, Whitman, Whitney, Williams, Winchenpaw, Wood, Young.

NAY — Beane, Augusta; Beane, Moscow; Bedard, Bernard, Binette, Boissonneau, Briggs, Burns, Bussiere, Cyr, Dostie, Lewiston; Dostie, Winslow; Fogg, Gallant, Hendricks, Jameson, Jobin, Johnson, Smithfield; Johnson, Stockholm; Karkos, Kellam, Kilroy, Kimball, Lacharite, Lane, Lantagne, Letourneau, Levesque, Lowery, Maxwell, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Plante, Poirier, Prue, Sevigny, Sirois, Tardiff, Walls.

ABSENT — Jalbert, Tweedie.

Yes 107, No, 40, Absent, 2.

One hundred and seven having voted in the affirmative, forty having voted in the negative, with two absentees, the motion prevailed and Report "B" "Ought not to pass" was accepted in concurrence.

Mr. Baxter of Pittsfield was granted unanimous consent to briefly address the House.

Mr. BAXTER: Mr. Speaker, it appears that the leopard never changes his spots. I suppose we could have expected this in the long run, and of course it has happened. I certainly am happy to see that the gentleman from Madison, Mr. Fogg, has informed us that this is purely an obstructionist tactic. I am glad that is on the record; it is on the record. It is clear obstructionism, and I would expect now that the leopard has changed its spots, that there will be more to come.

I would just like to say this, that as far as the tabling motion is concerned, we are all fully aware that the tabling request is often turned down. We are also aware that usually it is the custom to explain before the tabling motion why the tabling motion is to be made. Even then the reason may not be good and sufficient and it is often turned down.

I would say this to the gentleman from Madison, Mr. Fogg, that I congratulate him on his support. He did much better than I did a few days ago. I hope he will recall that as Floor Leader, I attempted to table a bill a short time ago, and I had three standing up with me. At least he had thirty-seven standing up with him which I think is really pretty good. So as far as precedent is concerned, and tabling is concerned, I really can't worry too much about who gets his bills tabled and who doesn't. Thank you.

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

Mr. FOGG: Mr. Speaker, I recognize that my colleague, Mr. Baxter, was turned down on a tabling motion the other day. That was I think the only time he has been turned down.

I would like to point out that on our party bills, we Democrats have been repeatedly turned down. Up to this time we have ignored it. We have paid no attention to it and let it slide, but I think—but I thought that the time had come when we should resist a little bit.

Now we are not going to carry on these tactics right along. As I said, it is our idea to be constructive in this Legislature, but as the fellow says, we don't intend to be pushed around.

Mr. Curtis of Bowdoinham was granted unanimous consent to briefly address the House.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: It is said in Court, if you are going to come in Court, you must come in with clean hands. Now the gentleman from Madison, Mr. Fogg, in his talk, he said that they have not objected to tabling of bills, the Democrats have not. Now there was a bill in here which did not concern anybody particularly except the three towns which I represent, and the one town which the gentleman from Brunswick represents. I asked to table it for a day or two so I could take it up with our people, and I am very sure they would have been for it, but he refused to have it tabled. So I just wanted to set the record straight that they are not coming into Court with clean hands when they howl about not being allowed to table.

#### Non-Concurrent Matter

Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Resolve Regulating Fishing in Little Jim Pond, Franklin County (H. P. 246) (L. D. 360) which was indefinitely postponed in the House on March 1.

Came from the Senate with the Report accepted in non-concurrence and the Resolve passed to be engrossed.

In the House:

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

Mr. HUTCHINS: Mr. Speaker, this bill is in reference to an item that I spoke about the other day

at which time we indefinitely postponed this Resolve. The situation is the same as it was then, and I therefore move at this time that the House adhere to its previous action whereby it indefinitely postponed the Resolve.

The SPEAKER: The question before the House is the motion of the gentleman from Kingfield, Mr. Hutchins, that the House adhere to its former action. Is this the pleasure of the House?

The motion prevailed.

#### Orders

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

WHEREAS, Stonington High School was winner in the Class S State Championship Basketball Tournament,

BE IT ORDERED, that the members of the House of Representatives extend congratulations to the basketball team and Stonington High School for their victory;

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.

On motion of Mr. Tyndale of Kennebunkport, it was

ORDERED, that Rev. Robert Howes of the South Congregational Church, Kennebunkport, be invited to officiate as Chaplain of the House on Friday, March 31, 1961.

Mr. Nadeau of Lewiston presented the following Order and moved its passage:

WHEREAS, St. Dominic's High School of Lewiston was the winner of the Maine State Championship Hockey Tournament and thereby will participate in the New England Championship Tournament to be held March 16 at Providence, Rhode Island;

BE IT ORDERED, that the members of the House of Representatives extend their congratulations to this team for its victory in the Maine State Championship and wish them well in the future;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an at-

tested copy of this Order to St. Dominic's High School.

The Order received passage.

Mr. Knight of Rockland presented the following Order and moved its passage:

WHEREAS, we have accepted with profound regret the resignation of James F. Cox as representative of the towns of Dexter and Garland in this 100th Legislature, and,

WHEREAS, such an event stirs in us a keen sense of our pleasure in his fellowship, our respect for his quiet and effective participation in the affairs of this body, and our deep concern for his return to good health;

NOW THEREFORE BE IT ORDERED, that we take official note of the conscientious regard for his constituents implicit in his resignation; that we recognize the estimate of his professional ability by his brothers of the Maine State Bar in entrusting to his hands their legislative program and by his legislative colleagues in seeking his sponsorship for one of the major bills of this session; that we freely accord him our esteem as representative of the highest type of public servant; and

That we hope he may be fortified by these assurances of our warm regard now and by the prospect of his complete recovery.

Be it further ordered, that an engrossed copy of this Order be forwarded to Mr. Cox.

The Order received unanimous passage.

On motion of Mr. Berman of Auburn, it was

ORDERED, that the balance of regular compensation of a member not already paid to him, be paid to the Honorable James F. Cox.

The SPEAKER: At this time the Chair will request the Sergeant-at-Arms to escort the gentleman from Pittsfield, Mr. Baxter, to the rostrum, to act in the capacity of Speaker pro tem.

Thereupon, Mr. Baxter assumed the Chair as Speaker pro tem amid the applause of the House and

Speaker Good retired from the Hall.

#### House Reports of Committees Leave to Withdraw

Mr. Storm from the Committee on Welfare on Bill "An Act Increasing Old Age Assistance Benefits" (H. P. 918) (L. D. 1252) reported Leave to Withdraw

Report was read and accepted and sent up for concurrence.

#### Ought Not to Pass

Mrs. Kilroy from same Committee reported "Ought not to pass" on Bill "An Act relating to Payment of Last Sickness Expense by Department of Health and Welfare" (H. P. 1052) (L. D. 1452)

Mr. Smith from same Committee reported same on Bill "An Act relating to Appointment of Guardians of Persons Receiving Old Age Assistance" (H. P. 1053) (L. D. 1453)

Reports were read and accepted and sent up for concurrence.

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

Mr. Prince from the Committee on Sea and Shore Fisheries on Bill "An Act Regulating Catching Lobsters While Swimming or Diving" (H. P. 347) (L. D. 499) reported same in a new draft (H. P. 1074) (L. D. 1481) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and assigned the next legislative day.

#### Ought to Pass with Committee Amendment

Mr. Sevigny from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Digging Clams in the Towns of Cushing, Friendship and Thomaston" (H. P. 704) (L. D. 982) 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. 704, L. D. 982, Bill, "An Act Relating to Digging Clams in the Towns of Cushing, Friendship and Thomaston."

Amend said Bill by inserting before the enacting clause the following emergency preamble:

**'Emergency preamble.** Whereas, acts do not become effective until 90 days after the Legislature adjourns unless enacted as emergencies; and

Whereas, the clam industry is one of the most important industries in Maine; and

Whereas, in order to prevent the depletion of one of our natural resources in certain areas of the State the following legislation is most important; and

Whereas, in the best interest of conservation the following legislation should become effective immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend said Bill by adding at the end of the 8th line the following underlined sentence: **'Each town shall issue licenses to its residents and may fix the fees therefor.'**

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

**'Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.'

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

Mr. Hancock from the Committee on Welfare on Bill "An Act relating to Election of Governors and Representative to the Legislature of Passamaquoddy Tribe of Indians" (H. P. 1054) (L. D. 1454) 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. 1054, L. D. 1454, Bill, "An Act Relating to Election of

Governors and Representative to the Legislature of Passamaquoddy Tribe of Indians."

Amend said Bill by striking out the 7th and 8th lines and inserting in place thereof the following: **'choice of governor and lieutenant governor of each reservation of said tribe, a representative at the Legislature of this State, all of whom'**

Further amend said Bill by striking out the last 2 lines of section 1 and inserting in place thereof the following: **'over all meetings of the committee and be a member ex-officio. In the absence of the governor, the lieutenant governor shall preside.'**

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

Mr. Storm from the Committee on Welfare on Bill "An Act Requiring State and Municipal Consultation on Aid to Dependent Children" (H. P. 124) (L. D. 164) 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. 124, L. D. 164, Bill, "An Act Requiring State and Municipal Consultation on Aid to Dependent Children."

Amend said Bill in the 4th line by inserting after the underlined word "shall" the underlined punctuation and words **' , upon request, '**

Further amend said Bill in the 6th line by inserting after the underlined word **"residence"** the underlined punctuation and words **' , or settlement, as appropriate, '**

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

### Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Permitting Sale of Liquor for One Hour After Midnight" (H. P. 828) (L. D. 1143) reporting "Ought to pass" as amended by Commit-



tee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MAYO of Sagadahoc  
JACQUES of Androscoggin  
— of the Senate.

Messrs. LACHARITE of Brunswick  
DOSTIE of Winslow  
HUMPHREY of Augusta  
COOPER of Albion  
MORRILL of Harrison  
STEVENS of Portland  
— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook  
— of the Senate.

Mr. CHAPMAN of Norway  
— of the House.

In the House: Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winslow, Mr. Dostie.

Mr. DOSTIE: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report as amended by Committee Amendment "A."

The SPEAKER pro tem: The gentleman from Winslow, Mr. Dostie, moves the acceptance of the Majority Report.

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

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill only affects the winter months because of the daylight saving status of our community and it appears to me that it is unnecessary, uncalled for, and I would request a division if you please.

The SPEAKER pro tem: The gentleman from Norway, Mr. Chapman, has requested a division.

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

Mr. BERRY: Mr. Speaker, In regards to this bill, it does nothing more than equalize the law as we have it now. The law reads that we may stay open one hour daylight saving time, this law will give the same privileges to our owners of restaurants, clubs, and taverns year 'round. Now the malt beverage industry in Maine is pres-

ently paying over three million dollars per year to the Federal Government, over two million dollars to the State of Maine in excise taxes, eighty-five million dollars per year in gasoline taxes, eighty-five thousand — pardon me, an estimated sales tax of one million dollars. And in addition we use twenty-five million kilowatt hours of electricity, two hundred thousand dollars worth of insurance, four hundred thousand dollars worth of gasoline, and two million dollars in value and costs of operating vehicles.

The payroll in Maine as it stands today amounts to approximately eleven million dollars per year. Their initial investment is over thirteen million dollars. Since 1933 when beer was relegalized in Maine, they have paid excise taxes and license fees of over forty-seven million dollars.

Now there have been some statements made as to the alleged expense and alleged cases caused to the State and communities by the use of liquor, and they are largely imaginative. No mention is ever made of figures like the above and what the industry means to the State of Maine financially, as well as to the recreational business it produces, and the people that it brings into the State of Maine have regarded our liquor laws as being minor to their own.

Neither is it ever mentioned that in prohibition there was excessive drinking and the expense that may come from same; it is not mentioned that the State of Maine received no income at that time from liquor, but that it spent a great deal of money in the impossible attempt to enforce an unenforceable law. With a breakdown of law and order, it caused disrespect for the law. The only gainers were the bootleggers.

Extending our liquor law to one o'clock will enable the State to collect approximately an additional sixty-one thousand dollars. Other states have adopted Sunday laws, they have adopted longer hours.

The Province of Quebec is now in the process of Legislature and nearing passage of a three a.m. closing hour for the sale of alcoholic beverages in Montreal. Closing

hours for all licensed establishments will be two a.m. in Quebec City and one a.m. elsewhere in the Province. On Sundays, business hours will be enacted to midnight. At present only beer and wine may be sold with meals from one to nine p.m. on Sundays.

A great number of our tourist trade come from this Province. They expect the same privileges here that they have at home. I think we are only equalizing the law as it stands, and I hope that we will accept the Committee Report. Thank you.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman who just spoke said we did not realize anything when we had prohibition. Now if he will look over the record, he will find that in every state in the Union there was no cost to the State because there was enough fines paid in whereby we not only paid for all the costs of the court systems, but there was something left over.

You will also find that during prohibition, which I do admit, that there was a lot of bootlegging, and there was a lot of things went on, why that the jails nearly fell down in want of someone to stay in them.

I do wish that he might look over some of the other things. I realize, of course as we all do, human nature being such as it is, that people are going to have alcoholic beverages of some sort and in some way. And why we are quite willing that they shall have them — the only thing that we are against is that they can have them all the time everywhere, and we talk a great deal about safety driving on the road — If you want to go down to the Secretary of State's office, he will tell you that in practically seventy percent of the accidents alcoholic beverages are involved; and the deaths that have occurred in 1957, fifty-two percent were caused actually by the excessive use of alcohol.

If he looks at the record a little farther, he said how much money we — and I do not doubt what

he had said — what amount of money did you receive, we do receive six or seven million dollars as taxes, but if he would just look a little further in the record, he'll find it cost the State of Maine thirty-nine million dollars to pick up the refuse that this thing causes; so the only thing we are asking is that we might just go along easily and not open all the doors. Last session we opened the door where we could sell hard liquor in the restaurants who did a certain amount of business; now this of course was class legislation because if you didn't sell fifty thousand dollars worth of liquor, or whatever the amount was, you sold one hundred dollars less, why you couldn't have the privilege of selling alcoholic beverages or hard liquor. Now we do have the privilege of selling beer and other alcoholic beverages and that was a terrible thing and it has shown so by the accidents.

And I think that we should go along with this bill, that is, not to let them drink any longer than they do now.

The SPEAKER pro tem: Is the House ready for the question?

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

Mr. MOORE: Mr. Speaker, Ladies and Gentlemen of the House:

I feel that this is one of the worst bills to come before us this winter. I am very much opposed to it. I think it can only do just three things to this State: it can increase crime, drunken driving, and broken homes. Now I feel that if a person cannot get drunk enough by midnight, he had better have some at home in reserve so that he can finish it out. I certainly hope that the motion before this House does not prevail. Thank you.

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

Mr. BRIGGS: Mr. Speaker, I wish to go on record as favoring the majority "Ought to pass" report. Passage of this bill will give employment to a greater number of people in the industry. And the Legislature has gone on record to create a favorable economic climate in the State. Present economic business conditions in Maine

are slow. Passage of this bill would be a progressive step to relieve unemployment throughout the State. This would also be an additional day's receipts one day per week in our hotels and restaurants. I know from experience as a businessman that the additional business is needed very badly right now. Perhaps it could mean that some hotels now on the border line could weather the present economic storm. Therefore, I move that the "Ought to pass" report be accepted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker, the liquor industries are going to beat themselves on this eventually because as they create this thing and there is more and more drinking, you are going to have more and more nuisance out of it. Now you know we had prohibition in this State a great many years ago and that is exactly what happened after the Civil War. It got so bad the very men who were in the business and those who drank a lot were the ones who passed our only prohibition laws. I think maybe the prohibitionists would be wise to go along with all these bills and let them go through because the more you go on this, the worse conditions are going to be.

Now just the other day we had seven boys killed in the West. They said the speed of that car was one hundred miles an hour, but they found the driver had a certain amount of alcohol in his blood. We are finding that right along. So if these things keep on going, by extending the time that you can buy intoxicating liquors and all this stuff, eventually you are coming to a time when you are going to realize that you can't go on this way. You are going to make such a nuisance out of it, you are really going to beat yourselves.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: I think we all realize and know that it will create more jobs, but let us weigh in the balance and see which we

think weighs the most — our life or our pocketbook.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LACHARITE: Mr. Speaker and Members of the House: This bill had quite a lengthy public hearing and then we discussed it quite at length in the executive session. It was felt by a majority of the committee — eight of the ten — that it should receive passage. Now as the law now stands liquor may be sold until twelve o'clock, but during the summer months while we are on daylight time, that means that it is sold until one o'clock. Now this bill here only applies to the time while we are on Eastern Standard Time and would equalize the time. It would make it one o'clock year around. It only applies to Monday through Friday, it does not apply to Saturday nights and only applies to, as I say, during the time that we are on Eastern Standard Time. By the passage of this bill liquor could be sold until one o'clock year around and not until two o'clock during daylight time. It was also felt that the enforcement division of the Liquor Commission was able to keep control of this and that our laws were sufficient to enforce this and that it would not create any additional problems.

I hope that the Majority Report will be accepted.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Winslow, Mr. Dostie, to accept the Majority "Ought to pass" Report on Bill "An Act Permitting Sale of Liquor for One Hour After Midnight," House Paper 828, Legislative Document 1143, and the Chair will call your attention to the fact that as far as the amendment is concerned, the committee amendment, that will be voted on later. This is the Majority Report of the Committee. A division has been requested.

All those in favor of accepting the Majority "Ought to pass" Report, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty-six having voted in the affirmative and seventy-five having voted in the negative, the motion did not prevail.

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

At this point, Speaker Good returned to the rostrum.

SPEAKER GOOD: The Speaker wishes to congratulate the gentleman from Pittsfield, Mr. Baxter,

for the excellent performance of his duty as Speaker pro tem. (Applause)

Thereupon, the Sergeant-at-Arms escorted the gentleman from Pittsfield, Mr. Baxter, to his seat on the Floor, amid the applause of the House, and Speaker Good resumed the Chair.

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock Friday morning.