

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 21, 1961

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

Prayer by the Rev. Mr. John D. Protopapas of St. George Greek Orthodox Church, Bangor.

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

The journal of the previous session was read and approved.

Papers from the Senate Senate Reports of Committees Leave to Withdraw

Report of the Committee on Legal Affairs on Bill "An Act relating to Retirement Benefits for Members of the Lewiston Police Department" (S. P. 259) (L. D. 776) reporting Leave to Withdraw

Report of the Committee on Towns and Counties reporting same on Bill "An Act Increasing Salaries of Judge and Recorder of Lincoln Municipal Court, Lincoln County" (S. P. 264) (L. D. 781)

Came from the Senate read and accepted.

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

Ought Not to Pass Covered by Other Legislation

Report of the Committee on Inland Fisheries and Game on Bill "An Act Permitting Paraplegics to Hunt from Stationary Motor Vehicles" (S. P. 469) (L. D. 1467) reporting "Ought not to pass," as covered by other legislation.

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 Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Public Health Nursing" (S. P. 320) (L. D. 995)

Report of the Committee on Labor reporting same on Bill "An Act to Clarify the Employment Security Law" (S. P. 351) (L. D. 1084)

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

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Industrial and Recreational Development on Bill "An Act relating to Purchase of Land by Municipalities for Industrial Parks" (S. P. 163) (L. D. 409) 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. 163, L. D. 409, "An Act Relating to Purchase of Land by Municipalities for Industrial Parks."

Amend said Bill by adding at the end thereof a new item 3, as follows:

'3. The authority contained in this paragraph shall be used only upon petition of an aggrieved landowner who shall submit evidence of undue financial burden if required to retain title, such evidence to be satisfactory to the municipal officers.'

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

Tabled

Report of the Committee on Industrial and Recreational Development on Resolve Providing for Survey to Determine New Projects for Recreational Areas (S. P. 286) (L. D. 887) 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.

(On motion of Mr. Bragdon of Perham, tabled pending acceptance of Committee Report and unassigned.)

Tabled and Assigned

Report of the Committee on Labor on Bill "An Act to Amend the Workmen's Compensation Act" (S. P. 173) (L. D. 419) 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.

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

Mr. MINSKY: Mr. Speaker, I would like to have an opportunity to examine some of the language used in this bill, and I would therefore move this matter be tabled and specially assigned for Wednesday, March 29, pending acceptance of the Committee Report.

The SPEAKER: The gentleman from Bangor, Mr. Minsky, moves this matter be tabled and specially assigned for Wednesday, March 29, pending acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed.

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

The SPEAKER: At this time, the Chair would recognize the presence in the House of the following groups: The seventh and eighth grades of the Jordan School in Lewiston, Maine, accompanied by their teacher, Mr. Thomas and a parent, Edward Woodhead.

We also have thirty-nine students from the Jay School, the fifth and sixth grades of the Jewell Street School in Jay, accompanied by their teachers, Mrs. Harlow and Mrs. Thompson.

From South Portland we have a group from the high school accompanied by Mrs. Armand Haughn, Mrs. John Robinson, Mrs. John Gilmore and also the Chairman of the school board.

We also have in the House with us this morning a group from the Westbrook Women's Club and the Westbrook Women's Republican Club.

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

House Reports of Committees Leave to Withdraw

Mr. Durgin from the Committee on Education on Bill "An Act to Authorize the Municipalities of Fryeburg and Stow to Form a School Administrative District" (H. P. 384) (L. D. 559) reported Leave to Withdraw

Mr. Hartshorn from the Committee on Health and Institutional Services reported same on Bill "An Act relating to Exceptions to License Requirements for Lodging Places" (H. P. 194) (L. D. 289)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Brewer from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Harold Gallant of Millinocket (H. P. 660) (L. D. 938)

Mr. Hughes from same Committee reported same on Resolve in favor of Elmer L. Spaulding of Mechanic Falls for Well Damage (H. P. 795) (L. D. 1109)

Mr. Hutchins from same Committee reported same on Resolve in favor of Millinocket Community Hospital (H. P. 658) (L. D. 936)

Mr. Johnson from same Committee reported same on Resolve in favor of John McVay of Millinocket (H. P. 659) (L. D. 937)

Mr. Dennett from the Committee on State Government reported same on Resolve Proposing an Amendment to the Constitution to Establish Life Tenure for Justices of the Supreme Judicial Court and the Superior Court (H. P. 706) (L. D. 984)

Mr. Kimball from same Committee reported same on Bill "An Act relating to Appointment to Vacancies in Office of County Treasurer" (H. P. 839) (L. D. 1154)

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Edwards from the Committee on Business Legislation on Bill "An Act Revising the Savings Bank Laws" (H. P. 574) (L. D. 794) 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. 574, L. D. 794, Bill, "An Act Revising the Savings Bank Laws."

Amend said Bill in the 6th line of section 4 by inserting after the underlined word "of" and before the underlined words "the market", the underlined words 'its appraisal of'

Further amend said Bill in the 8th line of section 4 by striking out the underlined word "such" and inserting in place thereof the underlined words 'its appraisal of the'

Further amend said Bill by adding at the end a new section 6, to read as follows:

"Sec. 6. R.S., c. 59, Sec. 19-H, sub-sec. III, par. A, sub-par. 3, div. e, additional. Subparagraph 3 of paragraph A of subsection III of section 19-H of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955, and as amended, is further amended by adding a new division, to be lettered e, to read as follows:

'e. To an amount not exceeding \$2,500, directly or indirectly, provided that the bank is the holder of a first mortgage upon real estate which the borrower proposes to improve and provided that each such loan is evidenced by one or more negotiable notes calling for the repayment of the loan in regular monthly installments within the period of 5 years.'

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

Mr. Morse from the Committee on Business Legislation on Bill "An Act Revising the Laws Relating to the Organization and General Supervisory Powers of the Department of Banks and Banking" (H. P. 494) (L. D. 805) 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. 494, L. D. 805, Bill, "An Act Revising the Laws Relating to the Organization and General Supervisory Powers of the Department of Banks and Banking."

Amend said Bill in section 3 by striking out the 10th line and inserting in place thereof the following underlined words and punctuation: 'the name or style "savings and loan association," provided in all written use of the name or style "savings and loan association" a loan and building association shall give equal emphasis to the word "savings" and the word "loan." This restriction'

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

Passed to Be Engrossed

Bill "An Act relating to Private Roads in Unorganized Territory" (S. P. 374) (L. D. 1185)

Bill "An Act relating to Raising Money for Support of Poor in Pleasant Ridge Plantation, Somerset County" (H. P. 362) (L. D. 514)

Bill "An Act Providing for Emergency Interim Executive and Judicial Succession" (H. P. 492) (L. D. 692)

Bill "An Act relating to Canes Carried on Public Streets or Highways by Blind Persons" (H. P. 753) (L. D. 1039)

Bill "An Act Prohibiting Use of Power Boats on Pennemaquan River, Town of Pembroke" (H. P. 927) (L. D. 1275)

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

Bill "An Act relating to Hunting and Fishing Licenses to Canadian Soldiers Stationed in Maine" (H. P. 980) (L. D. 1367)

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

Mr. Chapman of Gardiner offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 980, L. D. 1367, Bill, "An Act Relating to Hunting and Fishing Licenses to Canadian Soldiers Stationed in Maine."

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

Emergency preamble. Whereas, acts of the Legislature do not become effective for 90 days after adjournment unless enacted as emergencies; and

Whereas, it is in the best interest of the welfare of the people of the State of Maine to promote harmony and cordial relationships with Canada, our neighbor to the north; and

Whereas, one of the ways to promote such relationships is to treat with courtesy Canadian soldiers temporarily stationed in Maine; and

Whereas, the following legislation is vitally necessary to permit such Canadian soldiers to hunt or fish in Maine; 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 the following emergency clause.

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

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

Amendment "A" and sent to the Senate.

Bill "An Act relating to First Baptist Church of Kittery Point" (H. P. 1083) (L. D. 1493)

Resolve Providing for Publication of Information on the Public Lots by Forestry Department (S. P. 491) (L. D. 1486)

Resolve for Repairing Fish Screen at Outlet of Messalonskee Lake in Oakland (H. P. 35) (L. D. 69)

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

Amended Bills

Bill "An Act Defining Junior High School" (H. P. 803) (L. D. 1117)

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

Tabled

Bill "An Act Classifying Certain Tidal Waters, Cumberland County" (H. P. 1014) (L. D. 1415)

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

(On motion of Mr. Prince of Harpswell, tabled unassigned pending passage to be engrossed.)

Resolve Opening Desert Pond, Kennebec County, to Fishing (H. P. 44) (L. D. 85)

Resolve Regulating Fishing in Temple Pond, Somerset County (H. P. 147) (L. D. 210)

Resolve Authorizing Cianchette Bros., Inc. to Bring Civil Action Against State of Maine (H. P. 402) (L. D. 577)

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

Passed to Be Enacted Emergency Measure

An Act Increasing Indebtedness of Town of Orono High School District (H. P. 409) (L. D. 584)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled and Assigned**

An Act relating to Digging Clams in the Towns of Cushing, Friendship and Thomaston (H. P. 704) (L. D. 982)

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

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

Mr. WINCHENPAW: Mr. Speaker, I may need to ask a parliamentary question because I just received a note from the Attorney General's Office that there is a slight error in this amendment that we accepted the other morning. Now would it be in order for me to table this until tomorrow?

The SPEAKER: It would be.

Mr. WINCHENPAW: Or would that not be a long enough time?

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves this matter be tabled and specially assigned for tomorrow pending passage to be enacted. Is this the pleasure of the House?

The motion prevailed.

**Enactor
Tabled**

An Act Providing for Review of Aid to Dependent Children by Department of Health and Welfare (S. P. 82) (L. D. 182)

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

(On motion of Mr. Bragdon of Perham, tabled unassigned pending passage to be enacted.)

Passed to Be Enacted

An Act relating to Renewal Motor Vehicle Instruction Permits (S. P. 212) (L. D. 545)

An Act relating to the Interstate Compact on Placement of Children (S. P. 215) (L. D. 548)

An Act relating to Maximum Grants in Some Public Assistance Categories (S. P. 310) (L. D. 898)

An Act Exempting Taking of Alewives in Part of Kennebec River from Law Prohibiting Artificial Lights (S. P. 356) (L. D. 1089)

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor
Tabled**

An Act Requiring State and Municipal Consultation on Aid to Dependent Children (H. P. 124) (L. D. 164)

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

(Upon request of Mr. Bragdon of Perham, placed on the Special Appropriations Calendar.)

**Enactor
Tabled**

An Act Revising the Maine Milk Law (H. P. 219) (L. D. 334)

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

(On motion of Mr. Curtis of Bowdoinham, tabled pending passage to be engrossed and specially assigned for Friday, March 24.)

An Act to Authorize Cumberland County to Raise Money for the Construction of a County Jail (H. P. 428) (L. D. 603)

An Act Amending Charter of the Telephone Workers Credit Union of Maine (H. P. 655) (L. D. 933)

An Act relating to Election of Governors and Representative at the Legislature of Passamaquoddy Tribe of Indians (H. P. 1054) (L. D. 1454)

An Act to Create the Bethel Utilities District (H. P. 1073) (L. D. 1478)

Finally Passed

Resolve Regulating Fishing in Moose River, Somerset County (H. P. 242) (L. D. 356)

Resolve Authorizing Construction of Causeway in Little Sebago Lake (H. P. 694) (L. D. 972)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill "An Act Repealing Certain Laws Permitting Taking of Clams for Bait Purposes in Polluted Areas." (H. P. 342) (L. D. 494)

Tabled — March 10, by Mr. Tyndale of Kennebunkport.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I tabled this bill last week because I was in a quandry as to why this bill was introduced in the House in the first place. My quandry has deepened. I conferred with the Water Improvement Commissioner yesterday, Mr. MacDonald, and I find listed in this book which is the Maine Sea and Shore Fisheries Laws and Regulations, a great many areas throughout the State which are classified in the C-1 and the B-1 classification which are polluted areas, and I note that they are able to dig clams in these areas for human consumption. Now this bill would repeal a law that gave the fishermen in the Kennebunk and Biddeford Pool area the privilege of digging these clams for bait purposes alone.

To my way of thinking, this bill is rather inconsistent at this time. The Maine Sea and Shore Fisheries Commission has the right and the prerogative at any time to close any area. I conferred with Mr. Ronald Green, the Commissioner. This is not his departmental bill, and he has made no

move up to this time to close this area.

This is a brief statement of facts. There has never been a violation of that digging in this area since that bill was passed by the wisdom of that House in that particular time. Gentlemen, I ask you, does this seem consistent? In view of these facts, I ask for the indefinite postponement of this bill.

The SPEAKER: The question now before the House is the motion of the gentleman from Kennebunkport, Mr. Tyndale, that item one on the top of page five, "An Act Repealing Certain Laws Permitting Taking of Clams for Bait Purposes in Polluted Areas," be indefinitely postponed.

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

Mr. LOWERY: Mr. Speaker, there are certain polluted areas, I agree with my friend, the gentleman from Kennebunkport, which are open periodically for the digging of clams. These areas are not engrossly polluted areas, the areas that are in question here are definitely grossly polluted areas. I refer specifically to any area in the New Meadows River near Brunswick where, during the summer months due to pollution from the summer residents, the area is closed to the digging of clams. Generally two months after the summer residents have left, long enough so that the area can be more or less cleaned by itself—these areas are opened only for a short period of time for the digging of clams. Other than that they are closed.

There are only a few instances of this along the Maine coast where the pollution is only a seasonal pollution. I wish at this time to read for the record a letter which I have just received addressed to me at the State House.

"Dear Sir:

The League of Women Voters of Maine supports L. D. 494, An Act Repealing Certain Laws Permitting the Taking of Clams for Bait Purposes in Polluted Areas, and requests that if this matter comes before the House and is debated again, that the following position of the League be read to the Members of the House.

The prohibition, as it now stands, may be complied with by all responsible fishermen. It takes just one unscrupulous person, however, to hazard an outbreak of disease. The economy of the shellfish industry, and the economy of the State of Maine cannot afford to take this risk. The general health and welfare demand that these polluted flats be closed to all clamming until such time as the pollution is abated.

May we take this opportunity to point out to the Members of the House that this is a case in point of the expense of unchecked pollution. Both pollution control and abatement cost money, to be sure. It is also true that lack of pollution control and lack of abatement have price tags.

Very truly yours,

JEAN H. CHILDS

Chairman Water Resources
Committee, League of Women
Voters of Maine"

Now I do not wish to debate this any more than you want to hear it. I think it has been adequately debated, both pro and con. Your final decision should be on the basis of whether you wish to protect the health of the public and a continued interstate shipment of Maine's shellfish with its high quality maintained; or whether you wish to risk an epidemic that would endanger both the health of the consumer and the reputation of the shellfish industry, in order to allow a limited number of fishermen to have the dubious advantage of bait from these three areas.

Therefore, I hope that the motion of the gentleman from Kennebunkport does not prevail, and I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, here and again there is a conflict of facts. I hold in my book the Maine Sea and Shore Fisheries Laws and Regulations, and these areas are not specifically limited at any particular time of the year. Some are, but great many are not.

Now, mind you, I will agree in some basis with what the gentleman from Brunswick just read. The thing that gets into my mind is this: These fishermen in this area are fishing with line trawls. Now they need bait and they are working men. If you would deprive them of this privilege, they have to go out and buy this bait. Now, mind you, again I repeat, there has never been a violation of this law. Now if you are going to follow through with this theory, and I say theory because the United States Federal Government has only made tests on the oyster. They have never found a contamination in the clam yet up there. Now that comes from Mr. Humphrey. If you would follow through this theory, then you can close all the flats in the State of Maine, every single one.

Therefore, I say to you at this time, that this is inconsistent; why should the gentleman from Brunswick bring up a bill aimed at one specific area where they are only taken for bait? Where there are so many other areas open where they are taken for human consumption. That is my argument in this particular case. And I move that until such time as the Sea and Shore Fisheries Commission and the Department of Public Health in the State of Maine move into all these areas that this bill is untimely at this particular time, and is inconsistent.

And therefore, I trust that my move for indefinite postponement will prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Kennebunkport, Mr. Tyndale, that this bill be indefinitely postponed. A division has been requested. Is the House ready for the question?

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

A division of the House was had.

Ninety-four having voted in the affirmative and twenty-eight having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass — Committee on Labor on Bill "An Act Permitting Injured Employee Under Workmen's Compensation Act to Choose Physician from Panel Named by Employer." (H. P. 758) (L. D. 1044)

Tabled — March 17, by Mr. Noel of Waterville.

Pending — Acceptance of Either Report.

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

Mr. DOSTIE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Noel was called into work this morning, and I would move to retable this until next Tuesday.

Thereupon, the Bill was retabled pending acceptance of either report and specially assigned for Tuesday, March 28.

The SPEAKER: We have a little time here, and this may be a good time to remove from the table some unassigned matters beginning on page seven.

On motion of Mr. Hughes of St. Albans, the House voted to take from the table the third tabled and unassigned matter:

HOUSE DIVIDED REPORT — Majority "Ought not to Pass" — Minority "Ought to Pass" with Committee Amendment "A" — Filing H-39 — Committee on Highways on "Resolve, in Favor of the Town of Harmony." (H. P. 197) (L. D. 292)

Tabled — February 21, by Mr. Hughes of St. Albans.

Pending — Motion of Mr. Carter of Etna to Accept the Majority Report.

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

Mr. HUGHES: Mr. Speaker, I would like to explain this Resolve a bit. Also the situation that brought it about.

This Richard Swamp Road, so-called, it is mentioned in the bill in the Town of Harmony, is a road that had had a small amount of

gravel added each year because it had sunk. It was decided by the town fathers that it should be rebuilt with town road improvement funds in 1959. The State approved this section to be built and the work was started. The bog over which the road was to be built was not tested before the road was started, and the gravel was added too quickly. The road sank and when the ditches were cleaned out it kind of untied the edges of the road and the whole road sank. Some of the stumps on the side of the road went with it and left the roots sticking up in the air. Water rose up over the road to an estimated four feet and only then did the State test the bog for depth and found it in places to be forty-eight feet. The bog was about four hundred feet long and to completely repair the area would take approximately 118,000 yards, at a cost of \$118,000. To fill only the part that sank would cost \$16,000, and due to the high cost of repairs to this road, the town fathers decided that the best thing to do would be to reopen the old county road, so-called, which would bypass the sunken road and it is a distance to build of about one mile.

The town hired \$5,300 to get this road passable, and actually spent \$5,252.02. Estimated that the cost to make the road wide enough for two vehicles now would be another \$5,000. The town lost the town road improvement funds for '59, spent \$5,252 to get the road open and left the other \$5,000 to finish the job. All because of four hundred feet of road sinking. The Town of Harmony has only 712 population, which is three more than they had in 1950. At that rate of growth it will take them a long while to become a city. There are 173 poll taxes paid, and a valuation of \$492,445; tax rate, .076; commitments, \$38,059; and a town debt of around \$20,000. They have a small amount of industry and the loss of the hardwood mill this winter has made it around \$75,000. This will require some tax relief as it is being rebuilt.

Please bear in mind that this is not a special resolve to build a special piece of road, it is to help the Town of Harmony replace a

section of a road which they have lost entirely, a job which they had to do whether they wanted to or not. Mention has been made that if this resolve was passed, it would start a precedent. This is not so. Like circumstances have happened to state roads and state-aid roads, but to my knowledge it has not happened to a town road and may never happen again.

The resolve has been amended down to the amount of town road improvement fund loss, and while this is not the amount asked for, the town would be very grateful for that much help. I certainly hope that you will vote against the "Ought not to pass" Report. And I ask for a division.

I might add that the report of the Committee was six to four "Ought not to pass."

The SPEAKER: The question before the House is the motion of the gentleman from Etna, Mr. Carter, to accept the Majority "Ought not to pass" Report, and a division has been requested.

The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, Ladies and Gentlemen of the House: This particular act was sort of a border line case. We could have reported it out unanimous either way, but I had a little feeling for a small town that was having hard luck. They lost the town road improvement money and then they lost another five thousand with it. Now in the surplus fund of the Highway Department, you see a million or better that is set up for them to take care of hardship cases, and if there is any hardship case, I figured that this was one of them. That was the reason that I went along with the Minority Report.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Etna, Mr. Carter, that the House accept the Majority "Ought not to pass" Report.

All those in favor of accepting the "Ought not to pass" Report please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Three having voted in the affirmative and one hundred twenty-three having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 197, L. D. 292, Resolve, in Favor of the Town of Harmony.

Amend said Resolve in the 3rd line by striking out the figure "\$5,000" and inserting in place thereof the figure "\$3,109.05".

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

Mr. Knight of Rockland was granted unanimous consent to briefly address the House.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to the booklet on your desks this morning entitled, "This is Rockland, Maine — Lobster Capital of the World." This booklet was prepared, published and was distributed here today through the courtesy of the League of Women Voters of Rockland.

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1063) (L. D. 1461) — Committee on Towns and Counties on Bill "An Act relating to Disposition of County Fees and Charges." (H. P. 36) (L. D. 70)

Tabled — February 16, by Mr. Knight of Rockland.

Pending — Acceptance of Report.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: Concerning this item, I find that I am in the middle of a great turmoil, and this item has a past history which goes to the 99th Legislature. At that time, the 99th Legislature passed a bill which would

become effective in January 1962 that would take fees away from county officials. That bill, however, left certain fees with county officials. The fees that it left were abstracts and typing that were done by the Registers of Probate and by the Registers of Deeds.

For instance if you went into the Registry of Deeds and didn't want to pick up a certified copy of a deed, which is expensive, all you wanted was the meets and bounds, you were an elderly person or somebody that needed a copy, the girls would copy it for you, you would give them a quarter or half a dollar and you would have a typewritten copy. It allowed that these items could be done and the fees kept by the individuals. The purpose of this was that there is nothing in the law that says these individuals have to do this service. You have some things that are required; some things that are not. That was left in the law. Everything else was taken away with the exception of service of civil process by sheriffs and their deputies.

Now I don't know if many realize it here, but this bill that was passed by the 99th Legislature, takes away the fees of deputy sheriffs for service of criminal process. It may be a problem in your county, it may not be, but it is my understanding and I wish to be corrected on this if I am wrong, but I have been told that the county commissioners have some sort of an association, and that they met and they decided to put a bill in called L. D. 70, which would abolish that law, and the vote was something like forty to three in favor of L. D. 70. Now L. D. 70 would repeal the law that would take effect in '62 taking away fees.

The Committee on Towns and Counties had a hearing on L. D. 70 but it never came onto the floor of this House. What came on was a redraft under the L. D. number of 1461, and 1461 instead of repealing the act, it took away the fees that were allowed to be kept under the old act.

Now I realize county commissioners have a problem. Everyone here has a problem in their own county. I propose to speak no fur-

ther on it, but I do believe in all fairness that for L. D. 70 to have a hearing on the floor of this House it should be here and not L. D. 1461, and for that reason, I would move at this time that L. D. 70 be substituted for L. D. 1461.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that L. D. 70 be substituted for L. D. 1461.

The Chair recognizes the gentleman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I speak in opposition to the motion of the gentleman from Rockland, Mr. Knight. This motion, if voted favorably, completely nullifies existing law which is to become effective January 1, 1962. In 1955 the counties of Kennebec and Penobscot had legislation enacted whereby all fees collected by county officers must be paid to the county treasury. At that time necessary salary adjustments of the county officers were also enacted into law. I understand that this has worked well in Penobscot and I know from personal experience and observation that it has worked exceedingly well in Kennebec County. I also understand that Waldo County is under this system.

Ample time was provided under the existing law for each county to make proper salary adjustments and there is no legal or moral justification for junking this orderly program. County government has long been under attack as an antiquated system. I am of the opinion that our county system is necessary and useful because it does keep government closer to the people than does a centralized system operated solely at the state level.

The greatest weakness in county government today is the unwillingness of certain county officials to make a predisclosure to county commissioners and legislative county delegations as to the amount of money which is being received by collection of fees. In other words, a few selfish county officials who fail to cooperate for the common good are daily providing ammunition for the critics of county government. If this is allowed to continue, a proven and established

worthwhile system of government will be completely obliterated.

I do wish to explain to the House that in the event the motion of the gentleman from Rockland, Mr. Knight, does not carry, that the Committee on Towns and Counties is already prepared to report out bills which will increase the salaries of county officers as replacement from loss of any fees which have been disclosed.

Thus, for the sake of above-the-table government, rather than under-the-table government, I trust that the motion of the gentleman from Rockland, Mr. Knight, does not prevail.

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

Mr. KNIGHT: Mr. Speaker, I wish it to be understood here clearly, that I am not defending county government, all I am asking is that L. D. 70 not be killed in committee, and that is what is being done, that it be given airing here on the floor of the House, because if it isn't, then a bill has literally been killed in committee without it being brought to the attention of the members of the House.

I am not even saying how I would vote on the measure myself, but I don't like to see a bill in committee kept there, and a bill that is not even on issue with it brought out here, and is purely misleading. I am not arguing the merits of county government or the merits of the bills. I just feel that the bill should be out here for the people to vote on who are here to represent the constituents.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think both arguments are well taken. The arguments of the gentleman from Rockland, Mr. Knight, are sound, and the arguments of the gracious lady are sound. However, she mentions that there are some bills, if this would go, there are some bills in the Towns and Counties Committee that would come out now that would adjust the fees. Some of us have such bills; I happen to be one of them. The bill has not as yet been announced for hear-

ing, and I think in fairness all around that those bills should all come out at the same time.

I can well recall this order that would make it legal in 1962, I know there was an interim committee. As my memory serves me correctly and from the remarks of some of the members, that committee never met. Consequently, in fairness all around so we won't get jammed up on county government increases or benefits or one thing another the way we did two years ago, that we recommit this measure to the Towns and Counties Committee. We can't substitute a bill that is still in Committee and not been heard and put another number on it when we don't have the vehicle before us.

I move consequently, that this measure be recommitted to the Towns and Counties Committee for harmony's sake if nothing else.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the Report and Bill be recommitted to the Committee.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I don't think that there is anything to be gained by recommitting this bill to Committee. We have considered L. D. 70 and we believe that we were within our rights in bringing out the new draft. We have had legal advice on it and it seems to be germane to the proposal. I am sure in regard to the salary bills, we are hearing those bills as fast as we can. There are one or two more counties to be heard. This new draft really only clarifies and completes the transfer to bring the fees to the county and paying the county officers a salary commensurate for their services. When the vote is taken I request a division.

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

Mr. HAUGHN: Mr. Speaker, where the undisclosed parts of this are unknown and there is uncertainty, I would move now that this bill be tabled unassigned to give

everybody an equal opportunity to fully understand it.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that this Bill be tabled unassigned.

Mr. JALBERT of Lewiston: Mr. Speaker, I would request a division.

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

A division of the House was had.

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

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

Mr. KELLAM: Mr. Speaker and Members of the House: I would support having the L. D. 70 or the new draft referred back to the Committee, or referred back to some committee, on the basis that it would appear to me that if we were to accept or reject the new draft bill we would still be defeating the purpose of L. D. 70 since the law that is attempted to be repealed there will remain on the books. I don't believe the Committee should report out a new draft which no matter which way it goes is going to defeat the bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Report "Ought to pass in New Draft," House Paper 1063, Legislative Document 1461, on Bill "An Act relating to Disposition of County Fees and Charges," House Paper 36, Legislative Document 70, be recommitted to the Committee on Towns and Counties. The Chair will order a division.

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

A division of the House was had.

One hundred eight having voted in the affirmative and nineteen having voted in the negative, the motion did prevail, the Report and Bill were recommitted to the Com-

mittee on Towns and Counties and sent up for concurrence.

The SPEAKER: Is there objection to taking up out of order two papers from the Secretary of State at this time? The Chair hears none, the Clerk will read the papers.

STATE OF MAINE

Office of Secretary of State

March 21, 1961

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

In compliance with Section 1 of Chapter 10 of the Revised Statutes, I hereby certify that in accordance with the provisions of Section 73 of Chapter 5 of the Revised Statutes, a Special Election was held in the Towns of Dexter and Garland on March 16, 1961, for the purpose of electing a Representative to the One-hundredth Legislature to fill the vacancy caused by the resignation of James F. Cox of Dexter; that at said election OTIS J. ROBERTS, Sr. of Dexter, having received a plurality of all votes cast, according to a canvass of the returns received from the Towns of Dexter and Garland and made by the Governor and Council under date of March 21, 1961, appears to have been elected a Representative to the One-hundredth Legislature.

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

(Signed) PAUL A. MacDONALD

Secretary of State

March 21, 1961

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

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative to the Legislature in the Towns of Dexter and Garland at a Special Election held March

16, 1961, according to a canvass of the returns made by the Governor and Council, to fill the vacancy caused by the resignation of James F. Cox of Dexter, as follows:

Otis J. Roberts, Sr., of Dexter, 264 votes

Walter J. Casey of Dexter, 146 votes.

Respectfully,

(Signed) PAUL A. MacDONALD
Secretary of State

The Communications were read and ordered placed on file.

On motion of Mr. Carter of Etna, the following Resolution:

RESOLVED, that Otis J. Roberts Sr., of Dexter is hereby declared duly elected representative to the One-hundredth Legislature.

The Resolution was read and adopted.

The Speaker announced the presence in the hall of the House of Mr. Roberts of Dexter and he appointed Mr. Carter of Etna to conduct Mr. Roberts to the Governor and Council to take and subscribe the oaths necessary to qualify him as a member of the House.

The SPEAKER: The Chair has an announcement to make, signed by Senator Lovell. And I will read in part:

At seven-thirty p.m. on Thursday, March 23, there will be a meeting of the Members of the House and of the Senate — it is not compulsory — in the House of Representatives. The Department of Economic Development will present an actual breakdown of its expenditures for the fiscal year

ending June 30, and its present fiscal expenditures for the year through the month of February. Your attention is most sincerely solicited.

The Speaker will also announce that a caucus will be held this evening in the House at seven-thirty of all House Republicans.

The SPEAKER: We are proceeding under Orders of the Day. You may remove other items from the table unassigned at this time if you care to do so.

The Clerk will read the following communication:

The following Communication:

March 21, 1961

The Hon. Vinal G. Good

Speaker of the House

100th Legislature

Augusta, Maine

Dear Sir:

I hereby submit my resignation as a member of the Joint Standing Committee on Veterans and Military Affairs, effective today.

Respectfully,

(Signed) LEONARD L. STEVENS
Leonard L. Stevens

The Communication was received out of order by unanimous consent, read and ordered placed on file, and the resignation accepted.

House at Ease

Called to order by the Speaker.
On motion of Mr. Whitman of Woodstock,

Adjourned until nine o'clock tomorrow morning.