

# 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

Friday, March 24, 1961

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

Prayer by the Rev. Mr. Rodman D. Cart of the Old South Congregational Church, Farmington.

The journal of the previous session was read and approved.

### Papers from the Senate Senate Reports of Committees Ought Not to Pass

Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Weekly Benefits for Total Unemployment Under Employment Security Law" (S. P. 349) (L. D. 1082)

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 Claims reporting "Ought to pass" on Resolve Reimbursing City of Bangor for Improving Bass Park (S. P. 279) (L. D. 880)

Report of the Committee on Education reporting same on Bill "An Act Authorizing Department of Education to Join Educational Organizations" (S. P. 412) (L. D. 1353)

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

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

### Ought to Pass with Committee Amendment

Report of the Committee on Agriculture on Bill "An Act Revising Dog Registration and Licensing Laws" (S. P. 400) (L. D. 1347) 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. 400, L. D. 1347, Bill, An Act Revising Dog Registration and Licensing Laws.

Amend said Bill in the 4th line of Sec. 3, by adding after the underlined word 'municipality' the following underlined words "or state humane agents".

Further amend said bill in the 5th line of Sec. 4, by adding after the underlined word "municipalities" the following underlined words "or state humane agents".

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

### Non-Concurrent Matter

An Act Permitting Bars in Taverns (S. P. 235) (L. D. 639) which was passed to be enacted in the House on March 17 and passed to be engrossed on March 7.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Chapman of Norway, the House voted to recede and concur with the Senate.

### Non-Concurrent Matter

An Act Permitting Municipalities to Raise Money for Youth Programs (S. P. 365) (L. D. 1098) which was passed to be enacted in the House on March 15 and passed to be engrossed on March 10.

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

In the House: The House voted to recede from its action of March 15 whereby the Bill was passed to be enacted, and from its action of March 10 whereby the Bill was passed to be engrossed.

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

SENATE AMENDMENT "A" to S. P. 365, L. D. 1098, Bill, "An Act Permitting Municipalities to Raise Money for Youth Programs."

Amend said Bill in the first line by inserting at the beginning the following underlined abbreviation and figure 'Sec. 1.'

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

"Sec. 2. R. S., c. 90-A, Sec. 12, sub-sec. III, Para. D, amended. Paragraph D of subsection III of section 12 of chapter 90-A of the Revised Statutes, as enacted by chapter 20 of the public laws of 1959, is amended to read as follows:

'D. Providing for the construction, repairs and maintenance of buildings and equipment for educational institutions with which a municipality has a contract as provided in chapter 41, section 105.'"

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

#### Petitions, Bills and Resolves Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, was received and referred to the following Committee:

#### Legal Affairs

Bill "An Act to Increase the Indebtedness of the Town of Poland School District" (H. P. 1086) (Presented by Mr. Dunn of Poland)

(Ordered Printed)

Sent up for concurrence.

#### Orders

On motion of the gentleman from Bangor, Mr. Minsky, it was

ORDERED, that Gerardo Bogarin be appointed to serve as Honorary Page for today.

Thereupon, Mr. Gerardo Bogarin was escorted to the well of the Hall of the House by the Sergeant-at-Arms to serve as Honorary Page.

The SPEAKER: This young man is an exchange student from Aridia, Costa Rica, and he is over here under the jurisdiction of the American Field Service on an international scholarship, and is now attending the Bangor High School for one year. (Applause)

On motion of the gentleman from Freeport, Mr. Crockett, it was

ORDERED, that Rev. Zaven Dohanian of the Church of the Nazarene, Freeport, be invited to officiate as Chaplain of the House on Tuesday, April 18, 1961.

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

#### House Reports of Committees Leave to Withdraw

Mr. Davis from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Ferry Terminal at Rockland" (H. P. 789) (L. D. 1103) reported Leave to Withdraw.

Mr. Curtis from the Committee on Education reported same on Bill "An Act relating to Brunswick, Topsham and Harpswell High School Pupil Tuition Authorization" (H. P. 191) (L. D. 314)

Mr. Durgin from same Committee reported same on Bill "An Act Establishing Secondary Area Vocational Schools" (H. P. 111) (L. D. 151)

Mr. Dodge from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Closed Season on Wild Rabbits on Cranberry Isles, Hancock County" (H. P. 393) (L. D. 568)

Mr. Moore from same Committee reported same on Resolve Regulating Fishing in Aunt Hannah Brook, Franklin and Oxford Counties (H. P. 93) (L. D. 133)

Mr. Walls from same Committee reported same on Resolve Regulating Taking of Smelts in Crooked River and Songo River, Cumberland County (H. P. 52) (L. D. 93)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in Certain Ponds in Palermo, Waldo County (H. P. 96) (L. D. 136)

Mr. Thornton from the Committee on Judiciary reported same on Bill "An Act relating to Bequests and Devises Made by Will to Trustee of Existing Trust" (H. P. 503) (L. D. 702)

Mr. Haughn from the Committee on Public Utilities reported same

on Bill "An Act to Incorporate the Boothbay Harbor Water and Sewer District" (H. P. 772) (L. D. 1069)

Reports were read and accepted and sent up for concurrence.

#### **Ought Not to Pass Covered by Other Legislation**

Mr. Thornton from the Committee on Judiciary on Bill "An Act relating to Color of Canes Carried by Blind Pedestrians on Public Ways" (H. P. 817) (L. D. 1132) reported "Ought not to pass", as covered by other legislation.

Mr. Bussiere from the Committee on Transportation reported same on Bill "An Act relating to License Plates for Motor Vehicle Owners Who Operate Amateur Radio Stations" (H. P. 862) (L. D. 1176)

Reports were read and accepted and sent up for concurrence.

Mr. Hughes from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act Providing Funds to Municipalities for Purchase of Fire Equipment" (H. P. 1045) (L. D. 1362)

Mr. Gallant from the Committee on Claims reported same on Resolve in favor of Arthur R. Gould Memorial Hospital of Presque Isle (H. P. 733) (L. D. 1021)

Mr. Anderson from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Open Season on Mink and Fisher" (H. P. 983) (L. D. 1370)

Mr. Merrill from same Committee reported same on Bill "An Act Abolishing Spring Trapping for Muskrats" (H. P. 926) (L. D. 1274)

Mr. Walls from same Committee reported same on Bill "An Act relating to Regulation of Fishing by Commissioner of Inland Fisheries and Game" (H. P. 978) (L. D. 1365)

Mr. Thornton from the Committee on Judiciary reported same on Resolve Authorizing Clifford E. Grass to Bring Civil Action Against State of Maine (H. P. 602) (L. D. 822)

Same gentleman from same Committee reported same on Bill "An Act relating to Evidence of Intoxication and Chemical Tests for Alcoholic Content of Blood of Motor

Vehicle Drivers" (H. P. 933) (L. D. 1281)

Reports were read and accepted and sent up for concurrence.

#### **Recommended**

"Mr. Ham from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act relating to Motor Carriers Operating as School Buses" (H. P. 834) (L. D. 1149)

Report was read.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman of the Public Utilities Committee, there has been further evidence presented, and checking with Mr. Ham, the gentleman from Brewer, who reported the bill out, it is agreed that we should recommit this bill back to the Committee for further consideration.

Thereupon, the Report and Bill were recommitted to the Committee on Public Utilities and sent up for concurrence.

Mr. Dennett from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing Salary of Commissioner of Agriculture" (H. P. 902) (L. D. 1236)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Hearing Examiner for Liquor Commission" (H. P. 1022) (L. D. 1423)

Reports were read and accepted and sent up for concurrence.

#### **Tabled**

Mr. Dostie from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing Salary of Attorney General" (H. P. 904) (L. D. 1238)

Report was read.

(On motion of Mr. Rust of York, tabled pending acceptance of the Committee Report and unassigned.)

Mr. Haughn from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing Salaries of Members of Public Utilities Commission" (H. P. 777) (L. D. 1059)

Report was read and accepted and sent up for concurrence.

#### Tabled

Mr. Kimball from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing Salary of Commissioner of Inland Fisheries and Game" (H. P. 778) (L. D. 1060)

Report was read.

(On motion of Mr. Tyndale of Kennebunkport, tabled pending acceptance of the Committee Report and unassigned.)

#### Tabled

Mr. Whitman from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court" (H. P. 538) (L. D. 736)

Report was read.

(On motion of Mr. Smith of Bar Harbor, tabled pending acceptance of the Committee Report and unassigned.)

Mr. Whitman from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing Salary of the State Auditor" (H. P. 844) (L. D. 1158)

Report was read and accepted and sent up for concurrence.

#### Tabled and Assigned

Mr. Nadeau from the Committee on Transportation reported "Ought not to pass" on Bill "An Act Providing for a Two Year Motor Vehicle Operator's License" (H. P. 950) (L. D. 1298)

Report was read.

(On motion of Mr. Crockett of Freeport, tabled pending acceptance of the Committee Report and specially assigned for Friday, March 31.)

Mr. Smith from the Committee on Welfare reported "Ought not to pass" on Bill "An Act relating to the Towns' Share of the Cost of Aid to Dependent Children" (H. P. 721) (L. D. 920)

Report was read and accepted and sent up for concurrence.

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

Mr. Davis from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to the Transfer of Moneys from Eastport-Perry Causeway to Eastport Public Landing and Washington County Development Authority" (H. P. 376) (L. D. 551) reported same in a new draft (H. P. 1088) (L. D. 1499) under title of "An Act relating to the Allocation of Moneys from Eastport-Perry Causeway to City of Eastport, State Park Commission and Washington County Development Authority" and that it "Ought to pass"

Mr. Minsky from the Committee on Judiciary on Bill "An Act relating to Examination of Alleged Insane Criminals Before Municipal Courts" (H. P. 315) (L. D. 467) reported same in a new draft (H. P. 1089) (L. D. 1500) under same title and that it "Ought to pass"

Mr. Smith from same Committee on Bill "An Act relating to Municipal Traffic Control Ordinances" (H. P. 317) (L. D. 469) reported same in a new draft (H. P. 1094) (L. D. 1505) under same title and that it "Ought to pass"

Mr. Morrill from the Committee on Liquor Control on Bill "An Act to Clarify Definition of 'Class A Restaurant' under Liquor Law" (H. P. 1011) (L. D. 1412) reported same in a new draft (H. P. 1093) (L. D. 1504) under same title and that it "Ought to pass"

Mr. Cyr from the Committee on Public Utilities on Bill "An Act relating to Powers of Houlton Water Company to Issue Notes and Other Certificates of Indebtedness" (H. P. 697) (L. D. 975) reported same in a new draft (H. P. 1090) (L. D. 1501) under same title and that it "Ought to pass"

Mr. Pike from same Committee on Bill "An Act to Incorporate the Eastport Water District" (H. P. 699) (L. D. 977) reported same in a new draft (H. P. 1091) (L. D. 1502) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act to Create the Boothbay Harbor Sewer District" (H. P. 773) (L. D. 1070) reported same in a new draft (H. P.

1092) (L. D. 1503) under same title and that it "Ought to pass"

Mr. Dunn from the Committee on Transportation on Bill "An Act Providing Motor Vehicle Stickers for Handicapped Persons" (H. P. 1046) (L. D. 1446) reported same in a new draft (H. P. 1087) (L. D. 1497) under title of "An Act Providing Added Special Designating Plates for Handicapped Person" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

#### Ought to Pass Printed Bills

Mr. Morse from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act relating to Insurance Coverage on Motor Vehicles for Hire" (H. P. 1051) (L. D. 1451)

Mr. Hague from the Committee on Claims reported same on Resolve to Reimburse Town of Bristol for Aid Extended to Charles Maines (H. P. 582) (L. D. 802) which was recommitted.

Mr. Anderson from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Open Season on Deer in Zone 2" (H. P. 594) (L. D. 815)

Mr. Dodge from same Committee reported same on Resolve Closing Bowker Brook, Oxford County, to Smelt Fishing (H. P. 41) (L. D. 75)

Mr. Hanson from same Committee reported same on Resolve Opening Big Concord Pond, Oxford County, to Ice Fishing (H. P. 675) (L. D. 953)

Mr. Wade from same Committee reported same on Bill "An Act relating to Use of Motor Boats on Jerry Pond, Penobscot County" (H. P. 323) (L. D. 475)

Mr. Beane from the Committee on Judiciary reported same on Bill "An Act Prohibiting the Taking of Certain Land Products" (H. P. 756) (L. D. 1042)

Mr. Berman from same Committee reported same on Bill "An Act relating to Powers of Arrest by Inland Fish and Game Wardens" (H. P. 491) (L. D. 691)

Same gentleman from same Committee reported same on Bill "An Act Prohibiting Wrongful Re-

moval of Fish from Private Ponds" (H. P. 497) (L. D. 696)

Mr. Minsky from same Committee reported same on Bill "An Act relating to Settlement of Inheritance Taxes When Compensation is Impossible" (H. P. 502) (L. D. 701)

Same gentleman from same Committee reported same on Bill "An Act relating to Contracts of Minors in Furthering Their Higher Education" (H. P. 601) (L. D. 821)

Mr. Ham from the Committee on Public Utilities reported same on Bill "An Act to Include the Town of Winslow in the Kennebec Water District" (H. P. 416) (L. D. 591)

Same gentleman from same Committee reported same on Bill "An Act relating to Operation of Diesel or Diesel-Electric Locomotives in Reverse" (H. P. 1017) (L. D. 1418)

Mr. Tyndale from same Committee reported same on Resolve Authorizing the Setting Out of Buoys in Moosehead Lake (H. P. 8) (L. D. 27)

Same gentleman from same Committee reported same on Bill "An Act to Create the Gorham Sewerage District" (H. P. 771) (L. D. 1068)

Mr. Haughn from the Committee on State Government reported same on Bill "An Act relating to Notice to Municipal Officers Prior to Filing of the State Valuation" (H. P. 905) (L. D. 1239)

Same gentleman from same Committee reported same on Bill "An Act Increasing Number of Justices of the Superior Court" (H. P. 840) (L. D. 1155)

Mr. Bussiere from the Committee on Transportation reported same on Bill "An Act Clarifying the Renewal of Motor Vehicle Operators' Licenses" (H. P. 444) (L. D. 619)

Mr. Dunn from same Committee reported same on Bill "An Act relating to Specially Designed Motor Vehicle Number Plates for Representatives of Indian Tribes at the Legislature" (H. P. 1047) (L. D. 1447)

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

Mr. KNIGHT: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. KNIGHT: I would arise to ask a question of the Speaker. At what time would it be appropriate to refer back to item 44, An Act relating to Powers of Arrest by Inland Fish and Game Wardens, for the purpose of reconsideration?

The SPEAKER: The gentleman may do that at this time, that is L. D. 691.

Mr. KNIGHT: I would move that we reconsider our action, the purpose being that other departments have approached the committee and asked to be included, and I think that the matter could be better handled in committee than having many and varied amendments appear here, and for that reason I would request that it be referred back to the Judiciary Committee.

The SPEAKER: Will the gentleman approach the rostrum please?

(Conference at rostrum)

Mr. KNIGHT: Mr. Speaker, I withdraw my motion.

The SPEAKER: The gentleman withdraws his motion.

#### **Referred to Committee on Judiciary**

Mr. Moore from the Committee on Inland Fisheries and Game on Bill "An Act Regulating the Operation of Motor Boats" (H. P. 92) (L. D. 1369) reported that it be referred to the Committee on Judiciary.

Report was read and accepted, the Bill referred to the Committee on Judiciary and sent up for concurrence.

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

Mr. Beane from the Committee on Judiciary on Bill "An Act to Provide for the Sale of Attached Personal Property" (H. P. 398) (L. D. 573) 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. 398, L. D. 573, Bill, "An

Act to Provide for the Sale of Attached Personal Property."

Amend said Bill by striking out in the first line of Sec. 33 the underlined word "Appraisal" and inserting in its place thereof the underlined word "Procedure"

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

#### **Divided Report**

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Collection and Disposition of Money Received for Violation of Fish and Game Laws" (H. P. 139) (L. D. 202)

Report was signed by the following members:

Messrs. CARPENTER of Somerset  
STILPHEN of Knox  
— of the Senate.

Messrs. WADE of Skowhegan  
ANDERSON of Ellsworth  
WALLS of Millinocket  
MOORE of Casco  
— of the House.

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

Report was signed by the following members:

Mr. CYR of Aroostook  
— of the Senate.

Messrs. MERRILL of Stetson  
DODGE of Guilford  
HANSON of Bradford  
— of the House.

Reports were read.

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

Mr. DODGE: Mr. Speaker and Members of the House: This bill to me looks like a very good act to have on the statutes. At the present time when we hold a court in the county, the Inland Fish and Game, if they are up before that, if anybody has broken our laws, they receive all the fines. The county has to pay for holding the court, and incidentally when the county pays for holding the court, that comes back to all the towns. We are paying for the court. The Inland Fish and Game are getting all the fines.



Now all we want is half of that fine to help pay for holding that court, and that money will not have to be raised, that part that we get back, will not have to be raised by the real estate tax and thrown on the towns. I think that the Inland Fish and Game, when they have these people up for violations, that they should help pay for the court costs. And therefore I move for the acceptance of the Minority Report.

Thereupon, the Minority "Ought to pass" Report was accepted on a viva voce vote, the Bill read twice and assigned the next legislative day.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Salary of Commissioner of Education" (H. P. 776) (L. D. 1058)

Report was signed by the following members:

Mr. NOYES of Franklin  
Mrs. CHRISTIE of Aroostook  
Mr. LOVELL of York  
— of the Senate.

Messrs. WHITMAN of Woodstock  
DENNETT of Kittery  
KIMBALL  
— of Mount Desert  
DOSTIE of Lewiston  
NOEL of Waterville  
— of the House.

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

Report was signed by the following members:

Messrs. HAUGHN of Bridgton  
BEARCE of Bucksport  
— of the House.

Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: I fully recognize the position apparently that the Commit-

tee has taken on these departmental salary bills. I also notice that of the seven bills reported out ought not to pass this morning, this one was the only one that received a divided report. This House has seen fit to table three of those bills this morning. I have written and am awaiting communications with information that I would like to present to this House at a future date. Therefore, I am awaiting your pleasure in tabling this bill until Tuesday, April 4.

Thereupon, the Reports and Bill were tabled pending the motion of the gentleman from Kittery, Mr. Dennett, to accept the Majority Report, and specially assigned for Tuesday, April 4.

#### **Divided Report**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Repealing Limitation of Number of Representatives from One City (H. P. 780) (L. D. 1062)

Report was signed by the following members:

Mr. NOYES of Franklin  
Mrs. CHRISTIE of Aroostook  
Mr. LOVELL of York  
— of the Senate.

Messrs. DENNETT of Kittery  
KIMBALL  
— of Mount Desert  
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:

Messrs. DOSTIE of Lewiston  
NOEL of Waterville  
— of the House.

Reports were read.

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

Mr. DENNETT: Mr. Speaker, Members of the House: I move again the acceptance of the Majority "Ought not to pass" Report of the Committee, and in support of that motion, I would like to

briefly address myself to the subject.

We heard this bill, and it was well presented, and unquestionably it contains considerable logic. It does appear for many purposes that the City of Portland, which is the largest community in our State, is limited under our Constitution, to seven representatives to the Legislature. Now, if this condition of, we might say disproportionment, was found in the City of Portland alone, I might feel otherwise inclined, but it is not so. While the representatives from the City of Portland represent in many instances, far more than many members of this House represent, yet there are many instances where representatives singularly, represent more than are found in the City of Portland. In my own case, I represent nearly 11,000 constituents, which is considerably more than the representatives from Portland represent. We also have representatives here from northern Aroostook County which even represent more people, so this thing is not found in Portland alone, nor at the moment can I see any cure for it.

Originally, our founding fathers wrote this into the Constitution, apparently being fearful that the cities, the urban population might grow to such an extent that it would control the Legislature, and this was a check and a balance that was set forth by those founding fathers.

I believe that in view of other proposed legislation that might be before us before too long, there might lay an avenue of escape, and possibly something may be recommended to a future legislature that might possibly correct some of the inequities that lie within our Constitution. But presently I feel that we should not attempt to tamper with it, and that is the basis upon which the majority of the committee rendered their ought not to pass report.

Thereupon, the Majority "Ought not to pass" Report was accepted on a viva voce vote and sent up for concurrence.

### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing Amendment to the Constitution Relating to Apportionment of Members of House of Representatives (H. P. 846) (L. D. 1160)

Report was signed by the following members:

Mr. NOYES of Franklin  
Mrs. CHRISTIE of Aroostook  
Mr. LOVELL of York  
Messrs. DENNETT of Kittery  
HAUGHN of Bridgton  
— of the Senate.  
WHITMAN of Woodstock  
DOSTIE of Lewiston  
NOEL of Waterville  
— of the House.

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

Report was signed by the following members:

Messrs. KIMBALL  
— of Mount Desert  
BEARCE of Buckport  
— of the House.

Reports were read.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the ought not to pass report on the Committee on State Government, we have in this House set up and adopted a committee on reapportionment of the State of Maine, and I think with all the facts presented to the committee and with a majority acceptance of this report, I now move the acceptance of the "Ought not to pass" Majority Report.

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

Mr. SMITH: Mr. Speaker, by way of explanation, this bill involves reapportionment, obviously, and I call to the attention of the House that we have reapportionment problems ahead of us, and I move that this be tabled unsigned.

Mr. HAUGHN: I request a division on that vote.

The SPEAKER: The gentleman from Bar Harbor, Mr. Smith, has moved that the Reports and Bill

be tabled unassigned pending the motion of the gentleman from Bridgton, Mr. Haughn, to accept the Majority "Ought not to pass" Report. A division has been requested. All those in favor of the tabling motion, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Twenty-seven having voted in the affirmative and eighty-eight having voted in the negative, the tabling motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted on a viva voce vote and sent up for concurrence.

### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Appointment of the Commissioner of Agriculture by the Governor with Consent of the Senate" (H. P. 841) (L. D. 1156)

Report was signed by the following members:

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

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

Report was signed by the following members:

Messrs. DOSTIE of Lewiston  
NOEL of Waterville  
— of the House.

Reports were read.

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

Mr. DENNETT: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. The principles embodied in this bill are the same as those which on several occasions we have discussed both pro and con in this House. They are apparently representative of two different political philosophies.

They would, in the opinion of the majority of the Committee, strip legislative powers from the bodies and invest them in the executive, and on that principle, ladies and gentlemen, I move the acceptance of the Majority "Ought not to pass" Report of the Committee.

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

Mr. FOGG: Mr. Speaker, this is my bill and as the other gentleman just said, I will be brief on it too, because I will concur with him that this has been argued pro and con many times. I shall concur with him also that it does represent two different political beliefs. I put it in because it has been in the Democratic platform, it was a part of the report of the Committee on the study of state government a few years ago, and I argued it before the Committee, and I realize that we are not going to get anywhere with it because this House right at the present time doesn't show any inclination to revamp the present setup of the Constitution.

I do believe that it would streamline the state government somewhat, and I contend that when you elect a chief executive, he should be allowed to choose his own team as one might say. And as I have pointed out before, we have patterned our state government after Massachusetts, and I would like to point out that Massachusetts is now beginning to change theirs, and they are looking—there is a pretty good prospect that they shall have these head officers appointed by the Governor. However, I am not going to argue this any more, and I will ask for 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. 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 their count.

A division of the House was had.

Ninety-seven having voted in the affirmative and twenty-six having voted in the negative, the motion did prevail, the Majority Report was accepted and sent up for concurrence.

### Divided Report

Majority Report of the Committee on Transportation on Bill "An Act relating to Speed of Commercial Vehicles and School Buses" (H. P. 716) (L. D. 915) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

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

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

Report was signed by the following members:

Messrs. NADEAU of Lewiston  
BUSSIERE of Lewiston  
— of the House.

Reports were read.

On motion of Mr. DUNN of Poland, the Majority "Ought to pass" Report was accepted on a viva voce vote and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 716, L. D. 915, Bill, "An Act Relating to Speed of Commercial Vehicles and School Buses."

Amend said Bill by striking out all of section 1 and inserting in place thereof the following:

"Sec. 1. R.S., c. 22, Sec. 113, subsec II, Para. F repealed and replaced. Paragraph F of subsection II of section 113 of chapter 22 of the Revised Statutes, as last amended by section 2 of chapter 149 of the public laws of 1959, is repealed and the following enacted in place thereof:

**"F. School buses shall not be operated at a speed in excess of**

**45 miles per hour, except that when used for purposes of an educational trip or for transporting pupils to and from any extra-curricular activity a school bus may be operated at a speed not exceeding 50 miles per hour;"**

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

### Divided Report Tabled and Assigned

Report "A" of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Use of Live Bait in Little Sebago Lake, Cumberland County" (H. P. 389) (L. D. 564)

Report was signed by the following members:

Mr. CYR of Aroostook  
— of the Senate.

Messrs. HANSON of Bradford  
DODGE of Guilford  
WALLS of Millinocket  
MOORE of Casco  
— of the House.

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

Report was signed by the following members:

Messrs. CARPENTER  
STILPHEN of Somerset  
— of the Senate.

Messrs. ANDERSON of Ellsworth  
MERRILL of Stetson  
WADE of Skowhegan  
— of the House.

Reports were read.

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

Mr. MOORE: Mr. Speaker, I move we accept Report "A" "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: I would request a division, Mr. Speaker.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker, in order that you may know what this is about, according to all the evidence before the Committee, this

particular pond or lake had a lot of yellow perch in it. Now the bill would simply let them use those yellow perch for bait. I see no reason why they shouldn't, because they aren't going to introduce them to the pond, they are already there.

The SPEAKER: The question before the House is the motion of the gentleman from Casco, Mr. Moore, that the House accept Report "A" "Ought to pass."

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

Mr. KELLAM: Mr. Speaker and Members of the House: Since the sponsor of the bill is not here this morning, I would ask to have it tabled until Tuesday next.

Thereupon, the Reports and Bill were tabled pending the motion of the gentleman from Casco, Mr. Moore, that the House accept Report "A" "Ought to pass," and specially assigned for Tuesday, March 28.

#### Order Out of Order

Mr. Anderson of Greenville presented the following Order and moved its passage:

WHEREAS, the Down Easters, Members of Portland Chapter of Society For Preservation and Encouragement of Barber Shop Quartette singing in America, are in the State House on other business.

BE IT ORDERED that they be invited to visit the House of Representatives to introduce the song "One Hundred", written by Marie R. Hoyt of Richmond, Maine, and selected by a Committee headed by Mrs. Evariste Desjardins of Augusta, as the song for the celebration of the 100th Maine Legislature, since the song was not heard on March 15th due to the volume of business.

The Order received passage.

Thereupon, the Down Easters were escorted to the well of the Hall of the House by the Sergeant-at-Arms and sang the song "One Hundred," worded as follows:

#### One Hundred

We are here again for the hundredth time  
To make new laws for you  
We will mix hard work with a jolly time  
And raise your taxes too!

#### Chorus

(If you wonder why we rally 'round  
Beneath this famous dome,  
It's because we love our State of Maine  
The place we call our home.)

With its mountain peaks and its rock-bound coast  
And sunshine on the snow;  
What a memory there will always be  
If 'round the world we go.

#### Chorus

We are proud of Maine-our majestic State  
We hold our banners high  
We have learned these lines  
From our lofty pines  
While reaching for the sky.

#### Chorus

While we gather here with our hearts sincere  
We hail our Governor Reed!  
Be it sun or rain, he is all for Maine!  
The man we picked to lead.

#### Chorus

(Prolonged Applause)

The SPEAKER: The Down Easters knew nothing of this occasion until this morning, and they had never seen the music until this morning, and I noted that when they were singing there, all they had was the words and not the music, although they have seen the music this morning. So under those circumstances, you can appreciate the wonderful job that they have done. Those are Maine products. (Applause)

Whereupon, the Down Easters were escorted from the Hall of the House by the Sergeant-at-Arms.

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

Mr. CHAPMAN: Mr. Speaker, if I may be in order, we have been informed who wrote the words to this music, and I am curious to know who has written the music to go with the words if that is available.

The SPEAKER: The gentleman from Norway, Mr. Chapman, has requested unanimous consent to address a question through the Chair which the Chair can answer. The

same person who wrote the words, also wrote the music. It is an entirely original composition.

### Divided Report

Report "A" of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relating to Mandatory Fines on Axle Weights of Commercial Vehicles" (H. P. 563) (L. D. 760)

Report was signed by the following members:

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

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

Report was signed by the following members:

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

Messrs. NADEAU of Lewiston  
BUSSIERE of Lewiston  
— of the House.

Reports were read.

On motion of Mr. Dunn of Poland, Report "A" "Ought to pass" was accepted on a viva voce vote, the Bill read twice and assigned the next legislative day.

### Passed to Be Engrossed

Bill "An Act to Ratify the Incorporation of Pierce Cemetery Association" (S. P. 114) (L. D. 259)

Bill "An Act relating to Limitation on Lien on Nursing Home in Town of Madawaska" (S. P. 141) (L. D. 324)

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

### Tabled

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

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

The SPEAKER: The Chair recognizes the gentleman from Liberty, Mr. Westerfield.

Mr. WESTERFIELD: Mr. Speaker, with reference to this item, there are several questions that have arisen which require further clarification, and so that this may occur, I move that this lie on the table unassigned.

Thereupon, the Bill was tabled pending passage to be engrossed and unassigned.

Bill "An Act Limiting the Sale of Alcoholic Beverages in Certain New Retail Stores and Restaurants in the Unorganized Territory" (S. P. 495) (L. D. 1492)

Bill "An Act relating to Public Hearing on Certain Articles in Warrant for Town Meeting" (H. P. 159) (L. D. 222)

Bill "An Act relating to Construction of Drains and Sewers in City of Portland" (H. P. 523) (L. D. 721)

Resolve Regulating Fishing in Maranacook Lake, Kennebec County (H. P. 490) (L. D. 690)

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

### Emergency Measure Tabled

An Act relating to the Harbor Project in the Town of Wells (H. P. 221) (L. D. 336)

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

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

### Passed to Be Enacted Emergency Measure

An Act relating to Police Power Ordinances for Ogunquit Village Corporation (H. P. 261) (L. D. 375)

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. 121 voted in favor of same and none against,

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

#### Passed to Be Enacted

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

An Act relating to Appointment of Town Clerk of Town of Wells (H. P. 263) (L. D. 377)

An Act relating to Public Ways and Parking Areas at State Institutions (H. P. 517) (L. D. 715)

An Act Increasing Compensation of Mayor and Councilmen of City of Biddeford (H. P. 686) (L. D. 964)

An Act relating to Elections in the City of Biddeford (H. P. 688) (L. D. 966)

#### Finally Passed

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

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

Resolve in favor of Richard S. Foster, of York (H. P. 465) (L. D. 665)

Resolve Appropriating Funds to Complete Survey for a Maine-Quebec Highway (H. P. 478) (L. D. 678)

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.

#### (Off Record Remarks)

#### Senate Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and the House adjourn, they adjourn to meet on Tuesday, March 28, at ten o'clock in the morning. (S. P. 499)

Came from the Senate read and passed.

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

#### Orders of the Day

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

HOUSE REPORT — "Ought to Pass"—Committee on Inland Fisheries and Game—On Bill "An Act Designating Mount Desert Island as Game Management Area." (H. P. 878) (L. D. 1213)

Tabled — March 3, by Mr. Kimball of Mount Desert.

Pending — Acceptance of Report.

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

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: Probably a good many of you by this time know that I am very much opposed to opening Mount Desert Island to deer hunting, which basically comes underneath this game management plan.

We have heard a lot of discussion over it. For twenty odd years I have come up here to Augusta disagreeing with my very good friend, Mr. Lawrie Holmes of Northeast Harbor, who is the basic person behind this bill in this session. I don't doubt his wisdom in knowing deer and the habits of deer better than I do, but I think I know Mount Desert Island and our deer population there.

As you can see, it is not one of the things that is an emergency act by any means, the very fact that it has gone on some twenty years now with this discussion and the arguments back and forth.

At the hearing one of the reports brought out was the fact that the rangers, the park rangers of Acadia National Park, are now in the process of testing out the idea of thinning the deer herd in the park.

Now I know it is a local issue. Many of you gentlemen and ladies do not know this situation and probably don't care too much, but those of us who live there do. May I offer a brief explanation, that Mount Desert Island is an island off the coast of Maine consisting of about one hundred square miles of which fifty percent is now in Acadia National Park. The balance of the fifty percent includes all built-up areas of the island including the towns, villages, settle-

ments and so on, which as you can imagine leaves a comparatively small strip available for hunters to come in to hunt. The major wildland setup of the island is of course contained in the park where the experiments are now going on to try to thin it. As I say, that is that, this past fall.

Now due to the fact that this is not an emergency, as I think can be easily proved, I would like to read one little section from a bulletin here that we have all received at our desks this year. It lists notes.

"At any time during the consideration of a bill by either House, it may be tabled by a member, indefinitely postponed, or referred to the next Legislature."

I would like to move at this time that until we have the reports of what happens in Acadia National Park with its control by rangers, and know what to give the deer management session is—how it shows up from their results and what they are trying, that we would be very wise to hold up before opening the section of the island outside of the park to any type of hunters. And I move we refer this bill to the next Legislature.

The SPEAKER: The Chair understands that the gentleman from Mount Desert, Mr. Kimball, moves that the House accept the Report and that the Report and the Bill be referred to the next Legislature.

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

Mr. SMITH: Mr. Speaker and Members of the House: I am of course reluctant to debate with my good friend and colleague, the gentleman from Mount Desert. I do feel, however, that in fairness to the substantial support which this bill has among my constituents, that a statement should be made outlining a little more detail than the gentleman from Mount Desert, Mr. Kimball, has outlined.

This bill, L. D. 1213, is entitled "An Act Designating Mount Desert Island as Game Management Area". It was reported out "Ought to pass" unanimously by the Inland Fisheries and Game Committee. The bill calls for establishment

of what is known as a Game Management Area on Mount Desert Island in Hancock County. As has been brought to your attention no deer hunting is now allowed on that island.

Under the Fish and Game Statutes, a game management area is a portion of land which is set aside by law to be under the jurisdiction of the Fish and Game Commissioner. The Town of Stonington in Hancock County, and I believe the adjacent Town of Deer Isle, now are both under a game management area. The Commissioner has authority under the Statutes, in such an area to control hunting, trapping and generally to supervise wildlife management in a manner which is most conducive in his opinion, to benefit the public welfare.

Now Mount Desert Island is a unique place. There are four organized towns on the island, no unorganized territory. About one half the island is owned by the Federal Government, and is operated as a National Park known as Acadia National Park. The island is connected to the mainland by a bridge, and there is a network of local, state and federal roads covering the island. The permanent population is about eight thousand persons.

In 1960 last year, national park authorities initiated a program of deer herd reduction in the national park, over which the State has no control. The national park biologist and other park officials have concluded that available feed was and is now such that starving conditions for deer exist in the winter season. The size of individual deer has been thereby reduced to almost a semi-dwarf specimen. Even under such conditions the deer population continues to increase.

The national park reduction program resulted in the removal or killing by park employees from Acadia Park in 1960 and 1961 up to the present of two hundred and fifteen deer. The State Fish and Game Department concurs with national park authorities in their views on the deer problem as was brought out at the hearing on this bill. But under present law state authorities may not open the island



to hunting or take other measures concerning the problem. By that I mean the Commissioner may not do so, in the absence of law.

If this bill passes and a game management area is established, state authorities can cooperate with the national park to the end of reducing the number of deer on Mount Desert Island. The most effective way to reduce deer would be, of course, to permit the public to hunt outside national park limits during the regular hunting season. Without doubt the Commissioner would permit this. No hunting by the public is now allowed within the national park, nor is it expected that the public will be permitted within the national park, to hunt.

As a representative of one of the towns on the Island, I have received virtually no protest or opposition to this bill. I judge there is opposition in other parts of the island, although my town consists of about one half of the island area and population. There was strong support for the bill at the hearing including a local Fish and Game Association called the Rod and Gun Club and the State Fish and Game Department. Numerous complaints of crop damage have been made to me and many more such complaints to the local game warden.

I understand that much of the opposition comes from those fearful of hunting accidents in those areas remaining outside the national park boundaries. Offsetting this hazard is the traffic danger from collisions between motor vehicles and deer. Figures supplied me by the local warden show that between September 15, 1960, last fall and January 1, 1961, there were sixty-nine collisions between motorists and deer on Mount Desert Island. There were no fatalities.

The decision on this bill calls for weighing the arguments of hunting accident danger and presumed loss of a tourist attraction to a certain degree, against the value of application of scientific principles of game management, the protection to crops, and the very real likelihood of lessening motor vehicle driving hazards.

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

Mr. KIMBALL: Mr. Speaker, I am very sympathetic with the position of my colleague, Mr. Smith, from the Town of Bar Harbor. However, he has not lived on that Island as long as I have and I think I have a little stronger feeling of the feeling of the people generally there, than those who have not been there quite as many years.

May I call to your attention one thing that happened a few years ago. Inadvertently in revising the Statutes of the State of Maine, Mount Desert Island was not mentioned as being a closed section to deer hunting. And at that time we had the picture of a string of cars running from the Island clear through as far as Ellsworth loaded with hunters coming down to come after the tame deer there on the Island for a period of five days only. Why five days? Because as soon as the people of the Island found that deer section had been dropped, they rushed to sign petitions, they made a frantic appeal to close it down, and at the end of five days the Island was again closed to deer hunting.

In my opinion the majority of the people of Mount Desert Island do not want the deer hunting opened up there on the Island, and I very firmly believe that to be true.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I move the "Ought to pass" Report be accepted.

The SPEAKER: That is the pending motion. Is it the pleasure of the House to accept the "Ought to pass" Report?

The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Members of the House: I certainly am not going to attempt to get involved in the controversy between my colleagues from Mount Desert Island. But I think that the principal point involved in this particular piece of legislation might be termed a humane act. Now I happen to have a great deal of

information relative to the situation existing, not only on the island, but in Hancock County in its entirety, in which it has been definitely proven from a biological standpoint that the so-called food or fodder for deer is at a very low minimum. And I think again that the fact that the Federal Government has recognized this point on Acadia National Park, to me it just simply points out that if the deer are starving in that section of the Islands, is there any reason to believe where the vegetation it has been admitted is comparable in the other section of the island, why we are not having starvation there?

Now my colleague, Mr. Kimball, I know is interested in the deer herd from the standpoint of tourist attraction, and I want to certainly point out to the gentleman that if the present trend is permitted to continue, it is going to be a deficit so far as tourist attraction is concerned, rather than a benefit. And I certainly hope that the Committee Report is accepted.

The SPEAKER: Is it the pleasure of the House to accept the Committee Report? All those in favor say aye; opposed, no.

The motion prevailed on a viva voce vote.

The SPEAKER: The Chair now understands that the question before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, that this bill be referred to the 101st Legislature. Now as a matter of parliamentary procedure, if this motion prevails, it will be referred to the 101st Legislature; if this motion is defeated, the bill will then receive its first and second readings. Is the House ready for the question?

All those in favor of referring this bill to the 101st Legislature,—

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

Mr. SMITH: Mr. Speaker, I think in order to get an accurate vote we should have a division, and I so move.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, that this bill be referred to the 101st Legislature.

All those in favor of it being referred to the 101st Legislature, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Forty-seven having voted in the affirmative and sixty-four having voted in the negative, the motion to refer did not prevail.

Thereupon, the Bill was read twice and assigned for third reading the next legislative day.

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

Bill "An Act Prohibiting Stocking Certain Waters with Fish." (H. P. 877) (L. D. 1212) in House Read Twice.

Tabled — March 17, by Mr. Hardy of Hope.

Pending — Adoption of Committee Amendment "A" Filing H-113)

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

Mr. PLANTE: Mr. Speaker, after speaking with the gentleman from Skowhegan, Mr. Wade, concerning this matter, who is well versed with similar situations, we both felt that possibly a new amendment should be proposed. Therefore, I move that this matter be tabled until next Wednesday, in anticipation of preparing another amendment.

The SPEAKER: In reference to L. D. 1212, the gentleman from Old Orchard Beach, Mr. Plante, moves that this document be tabled until Wednesday, March 29, pending the adoption of Committee Amendment "A." Is this the pleasure of the House?

The motion prevailed.

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

Bill "An Act relating to Warning Lights on Motor Vehicles." (H. P. 916) (L. D. 1250) In House Read Twice.

Tabled — March 17, by Mr. Brown of Vassalboro.

Pending — Adoption of Committee Amendment "A" (Filing H-109)

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

Mr. BROWN: Mr. Speaker, having studied this amendment, and find that the requirements suit my case, I now recommend the adoption of Committee Amendment "A."

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

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

HOUSE REPORT — Ought Not to Pass—Committee on Business Legislation on Bill "An Act Defining Contract of Life Insurance." (H. P. 921) (L. D. 1269)

Tabled — March 17, by Mr. Jones of Farmington.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker and Members of the House: This bill is a good bill and is needed by the Insurance Department. The reason why it came out of the Committee as it did, is because at the hearing of all the life insurance companies doing business in the State, there was one who sort of disagreed with the wording used in the bill. And at that time he stated that he would get in touch with one of the members of our Insurance Department and get together with him and come up with an agreement as to the terminology to be used. Where he failed to do that within a reasonable length of time, the Committee finally became tired and put it out "Ought not to pass". Since that time, we have gotten together with the one who was opposed to the wording and have come up with an agreeable terminology that is agreeable to all.

Now if I could state that the reason for this bill is that there is in the State of Maine some who are selling or putting out so-called life insurance, which is not according to some of the Statutes, but because by lack of the proper statutes, our Commissioner is unable to bring them on the carpet,

so-called. So therefore with the amendment made up as it is and where it is agreeable to all, I now move to substitute the Bill for the Report of the Committee.

The SPEAKER: The question now before the House is the motion of the gentleman from Farmington, Mr. Jones, that the House substitute the Bill for the "Ought not to pass" Report.

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

Mr. HUGHES: Mr. Speaker, I wish to support the gentleman from Farmington, Mr. Jones, on his motion. The Business Legislation Committee did report this out "Ought not to pass," we were not familiar with what the amendment might be, and we hadn't received it within the allotted time, but now knowing what the amendment will be, I believe it would be acceptable, and of course the only way to get the amendment on is to go through with his motion to substitute the bill for the report. It can be killed after that if anybody wishes to try it so, I would concur with the gentleman.

The SPEAKER: Is it the pleasure of the House to substitute the Bill for the "Ought not to pass" Report? All those in favor say aye; opposed, no.

The motion prevailed on a viva voce vote.

The Bill was then given its two several readings.

Thereupon, Mr. Jones of Farmington offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 921, L. D. 1269, Bill, "An Act Defining Contract of Life Insurance."

Amend said Bill in the 4th line by inserting after the underlined word "agreement" the following underlined words 'dependent upon human life'

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

#### Order Out of Order

Mr. Anderson of Greenville presented the following Order and moved its passage:

WHEREAS, Mrs. Marie Hoyt of Richmond, Maine, Author of the song "One Hundred" which was heard from the well of the House at this session, is in the hall of the House

BE IT ORDERED that the Members of the House of Representatives of this 100th Legislature extend to her their sincere thanks and appreciation for this splendid song.

The Order received passage.

Thereupon, the Sergeant-at-Arms escorted Mrs. Marie Hoyt to the well of the Hall of the House, amid applause, the Members rising.

The SPEAKER: Mrs. Hoyt wrote the words and the music to her original composition. And she is from Richmond, Maine. (Applause)

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

HOUSE REPORT—Ought Not to Pass—Committee on Inland Fisheries and Game—on Bill "An Act to Field Trials for Beagle Hounds." (H. P. 809) (L. D. 1123)

Tabled — March 17, by Mr. Wellman of Bangor.

Pending — Acceptance of Report.

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

Mr. WELLMAN: I would now move that this item be tabled unassigned.

The SPEAKER: In reference to item five, L. D. 1123, the gentleman from Bangor, Mr. Wellman, moves that this be tabled unassigned pending acceptance of the report. Is this the pleasure of the House?

The motion prevailed.

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

Mr. KENNEDY: Mr. Speaker, in the interest of good legislation I would like to debate the time. I move for reconsideration.

The SPEAKER: The Chair would regretfully inform the gentleman from Milbridge, Mr. Kennedy, that you cannot reconsider a tabling motion since that obviously would be debating the tabling motion which you cannot do, and this item is already on the table and it is no longer before the House.

Mr. KENNEDY: Mr. Speaker, I respectfully request that during our proceedings you perhaps delay your gavel somewhat on matters of this nature, and I apologize for this remark.

The SPEAKER: No apology is necessary, there is a great deal of affection for the gentleman from Milbridge, Mr. Kennedy.

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

Motion that the House Reconsider its action whereby it Adopted Committee Amendment "A" (Filing H-107) to Bill "An Act relating to Short Term Permits for Certain Trucks" (H. P. 917) (L. D. 1251)

Tabled — March 17, by Mr. Storm of Sherman.

Pending — Consideration.

Mr. Storm of Sherman was granted unanimous consent to withdraw his motion to reconsider.

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

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

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

Tabled — March 21, by Mr. Curtis of Bowdoinham.

Pending — Passage to be Enacted.

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

Mr. SMITH: Mr. Speaker, I received a communication this morning from Mr. Curtis, who isn't here, asking that this be taken off the table and passed to be enacted.

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

On motion of Mr. Whitman of Woodstock, the House voted to take from the table the ninth tabled and unassigned matter:

HOUSE DIVIDED REPORT—Majority Ought Not to Pass—Minority Ought to Pass—Committee on State Government—on Resolve, Proposing an Amendment to the Constitution for Appointment of Attorney General by the Governor with Consent

of the Senate." (H. P. 638) (L. D. 855)

Tabled — March 10, by Mr. Whitman of Woodstock.

Pending — Acceptance of Either Report.

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

Mr. WHITMAN: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in the day we acted on a bill of very similar nature. I do not wish to prolong the session with any lengthy debate on this particular bill, but I would like to point out the similarity of this bill and the previous bill, upon which we have acted earlier in the day. I think Mr. Dennett very ably explained the basic political philosophy involved in this bill as well as the earlier bill. However, I would like to point out a few more specific reasons why I am in particular opposed to this Constitutional Amendment.

I spoke to you the other day of a disease which I called "constitutional tinkerphobia." I think this is perhaps another example of that particular line of thinking. For the express and obvious purposes of political expedience, a Constitutional Amendment has been proposed that we appoint the Attorney General by the appointment of the Governor and consent of the Senate. In this particular instance for the express purpose of political advantage, I think they have overlooked some of the underlying factors and perhaps some of the strong disadvantages that perhaps could evolve from such an action. If you will consider first the duties of the Attorney General, it becomes obvious that first off, his duties are to interpret the laws as the Legislature brings them out in the form of the Statutes of the State of Maine. He must interpret the laws as we make them.

Secondly, he is without a doubt the chief prosecutor and perhaps the chief enforcement officer of the State of Maine. He should be without connections with the Executive branch, because he is enforcing the laws as we make them here in the Legislature.

Thirdly, and without a doubt the most important, it is conceiv-

able and it has been the occasion here in the State of Maine at one time when it became necessary for the Attorney General to investigate the Executive branch.

If he was to be appointed by the Executive, this certainly would be an encumbrance upon his duties to carry out such an investigation. And it is perfectly obvious why our forefathers decided that this check and balance should be invoked in particular in the office of the Attorney General. For that reason, I move that the Majority "Ought not to pass" Report be accepted.

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

Mr. LOWERY: Mr. Speaker, I introduced this measure. It is true that there is a difference in the political philosophy of the two major parties.

May I first state that we who are supporting this resolve are not changing the original Constitution of the State of Maine. We are merely going back to the concept established in 1820 when the founding fathers of our State provided in that Constitution that the Attorney General should be appointed by the Governor. This practice continued until 1855 when the present method was adopted. At that time, there was a Governor elected of one party and a Legislature controlled by the opposition. And as a result of the feuding between the two parties, the Legislature, probably to embarrass the Governor, forced through the change. How fitting it would be if this 100th Legislature would vote to change to the wiser system of 1820.

Under our present practice, the selection of an Attorney General is as much of a political race as campaigning for major elective office. It is not uncommon to see a field of several vying for this position, travelling all over the state after the general elections to pick up the votes from members of the majority party and contacting political leaders in various sections to use their influence to gain support. In other words, it has become a political popularity contest only decided by caucus of the majority

party the night before the Legislature convenes.

The Attorney General should be a man of integrity, ability and experience. I cast no aspersions on the present holder of this office. But I do feel that popularity or influence alone should not be the deciding factor in picking our Attorney General. This office is much too important for that method of selection.

The duty of the Attorney General is not only law enforcement and legal advisor and interpreter to the Legislature, he is also the chief legal advisor to the Governor, the legal tie between the Executive, the Legislative and the Judicial branches of Government, and as such the Governor should have the right and the responsibility to select someone in whom he has the utmost confidence.

Let me say in closing, that this resolve was introduced in the 99th Legislature and passed the Senate May 28, 1959, with little opposition, and finally died in a committee of conference. I would suggest that you take this into consideration in your deliberations. Thank you.

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

Mr. JALBERT: Mr. Speaker, for the purpose of being in order, I will state that I concur with the thinking of the gentleman from Brunswick, Mr. Lowery.

I have heard at this session more than once, and I no doubt shall more than once again hear what is termed by the Assistant Floor Leader of the Republican Party, his political philosophy.

Now for the purpose of saving time, I would hope that we could dispense with my saying what my political philosophy is, because all you have to do is see the way I vote a few times, listen to the way I talk a few times, and all I have to do is see the way my good friend from Woodstock, Mr. Whitman, votes all the time, and thinks all the time, and you know what his political philosophy is, so why not stop talking about it.

I might state that insofar as the Constitution of Maine is concerned, it would appear that when conver-

sation is made about our forefathers, I too am very proud to be a Maine product. I too had forefathers. I know that on both sides of the alley they respected the Constitution, and all others after me in my family will. It is not the sacred document that cannot be amended.

Now insofar as political philosophy is concerned, I have stated my feeling and my thinking, philosophically, when I spoke a short while ago on the Floor of the House, and I fully realize after being told time and time again, and I shall again, that whatever we, the people of our party, and some of it directly aimed at my head, would want, politically we wouldn't have. It is perfectly alright with me. I have stated before that I was most appreciative of a comfortable chair in a warm room, a travel check and a pay check every two weeks. My friend from Woodstock expressed it differently when he has stated that there are those who think that he is a pimple on the nose of progress, and who am I to question location?

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

Mr. FOGG: Mr. Speaker, I believe my education has been enhanced somewhat. I learned a new forty dollar word, political "tinkophobia." Thank you, Mr. Whitman. And it appears it is a disease which is peculiar to the Democrats. Well ladies and gentlemen, I think I have news for you. I believe that it is contagious.

If you will refer to your desks here, here is an L. D. 1498, which is a redraft of L. D. 271, and I strongly suspect that this is an administrative bill, an administration bill; I have been watching it ever since it came into the House. The wording in this bill: "The Governor shall appoint a bipartisan commission of 10 persons to study the Constitution of the State of Maine." Now we did have a committee to study this Constitution in 1955, that was a bipartisan committee, and they came out with recommendations, most of them of which concur with what the Democrats have been proposing. Now this Republican-sponsored bill

comes out to study the Constitution again. Well what do they want to study it for? Do they want to study it and come out with a report with a Republican label on it that they can put through and say "we did it"?

I would like to point out also that down in Massachusetts the Federation of Taxpayers Association, which I am quite sure is a Republican - dominated Association, in the Herald Tribune of March 18, 1961, came out and very definitely stated that the Attorney General of Massachusetts and the top officers should be appointed by the Governor, and that they should scrap the very thing which the Republicans here in the State of Maine are trying to adhere to.

Now I wonder if it would be indelicate of me if I should suspect that if the Democrats in the next election should win both the House and the Senate and lose the Governorship, that the Republicans here in the State of Maine might hasten to adhere to the political beliefs of the Republicans in Massachusetts and do an about-face. I am not going to argue this any more because this is Friday and we all want to get home.

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

Mr. WHITMAN: Mr. Speaker, just a few words in reply. I would like to point out that in my earlier remarks regarding "constitutional tinkophobia," I pointed out that individuals of both parties were subject to that particular disease. However, that is neither here nor there.

In regard to the remarks of the gentleman from Lewiston, Mr. Jalbert, a few days back he suggested that perhaps we should oil up the steamroller to eliminate some of the loud, squeaky noises being brought forth. I would propose to make a swap with the gentleman from Lewiston, Mr. Jalbert, that if he will furnish me with an oil can, I will supply him with a crying towel.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert, and will caution all Members to preserve the deco-

rum long an established factor in this House.

Mr. JALBERT: Mr. Speaker, I am most happy — and Members of the House — that you made that last remark, and I am fully aware of the fact that the gavel if I would be wrong, can come down upon me, and should come down as it should on any Members, and while I am on my feet, it would bring about my explaining possibly the reasons why I got up twice this week on a point of order. I am very, very proud to be a Member of this House, and very, very proud of the decorum that we entertain here, and I like to go according to the rules because I am made to go according to the rules, and I know that without saying the Speaker knows my past and present, and I know future feelings, personal feelings, towards him.

I certainly appreciate the fact that the gentleman would have me supply him with an oil can. As far as a crying towel is concerned, ten years as a member in the past of the Appropriations Committee, being the only Democrat on it, I assure you I need no crying towels, because my philosophy at all times has always been that if I couldn't beat nine Republicans put together, I'd quit my party in disgrace.

Now in view of the fact that the gentleman from Woodstock, Mr. Whitman, also is a member of the hierarchy of his party, I would suggest to him that in the essence of time and the saving of money, that he and his partner on his left sometimes might be tempted to treat all measures of ought not to pass that pertain certainly to raises for one departmental head up against another, knowing fully well that it costs a lot of money to table them, to at least do what they do to some of us and did to me the first three days of the session, ask for a division, which means inevitable death. And I would suggest that if we are to continue to have government by caucus, that you may pick my ticket up Tuesday night. I need no crying towel. You can have some of those that I've saved for other members of your party. I have

them all home, I'll bring them up to you.

Mr. WHITMAN: Mr. Speaker?

The SPEAKER: The Chair would caution the gentleman that he has spoken twice and must get permission from the House to speak a third time.

Is there objection to the gentleman speaking the third time?

(Cries of "Yes")

The SPEAKER: There is objection. The gentleman may not proceed.

The question now before the House is the motion of the gentleman from Woodstock, Mr. Whitman, that the House accept the Majority "Ought not to pass" Report on Resolve, Proposing an Amendment to the Constitution for Appointment of Attorney General by the Governor with Consent of the Senate, House Paper 638, Legislative Document 855.

The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. All those in favor of accepting the Majority "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.

Ninety-six having voted in the affirmative and twenty-two having voted in the negative, the motion did prevail, the Majority Report accepted and sent up for concurrence.

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

Mr. PIKE: Mr. Speaker and Members of the House: This is on a subject which has no partisanship as far as I know. You may have noticed this morning that we reported out three water sewerage district bills in new draft. You may or may not know that we have two or three more still in committee. The point I am trying to make is that these have invariably come up to us, with draftsmanship which is inept, sloppy, clumsy, not applicable to the communities to which they are aimed—in general, in disgraceful

shape. This wouldn't be very bad if they weren't so important to the communities involved. Let me give you an example. One of them came up, which by its own terms, prohibited the district from owning its own source of water; prohibited it from serving people in another community which is already being served. Another one came up which had internal illegalities in it, so that if we had reported it out "Ought to pass," the town would have immediately found that it couldn't do what it expected to do, and certainly couldn't borrow money.

Now this is the important item. Each one of these things involves a community borrowing money by the issuance of bonds, sometimes as little as a hundred thousand, and I notice in the Eastport bill as reported out this morning, in an unusual burst of generosity, I take it on the part of the typist, they are entitled to borrow five million dollars. There is an extra zero in there somewhere, but around a million dollars.

Now what happens? These things get passed, they get accepted at the town meetings. They then try to buy the company. The company lawyers point out these errors, or if they don't, the people from whom they want to borrow the money, who are going to float the bonds, they point them out, the town has lost two years and maybe forever an opportunity to take over its system. Now these districts are good things. This is no good for this present Legislature, but some of you will be here again. And I do beg of you that when your community wants to form a district for water or sewerage, or other purposes, that A, you get a good lawyer, that B, you pay him a fee and C, that you get a properly drafted bill. Some of these really are about as bad as if you were trying to dress up some of our beautiful young ladies here in the House today out of patterns drawn from Godey's Ladies Book in 1845. Thank you. (Applause)

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

Mr. KNIGHT: Mr. Speaker, I wish to have it understood clearly



that the Director of Legislative Research does not draft private and special acts. Those are done by the individuals involved, and we have had talk here this morning of sloppy legislation being drafted and I want it clearly understood that it is not the Director of Legislative Research that did the drafting. If I am incorrect, I wish the gentleman from Lubec would correct me.

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

HOUSE REPORT — Ought Not to Pass — Committee on Agriculture on Bill "An Act relating to Prices of Milk Sold by Producers to Dealers by Bulk Tank." (H. P. 787) (L. D. 1102)

Tabled — February 23, 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: In order to preserve an opinion from the Attorney General's office, I now wish to read it into the record, it is a short opinion.

"March 6, 1961

Representative John L. Knight

House of Representatives

State House

Augusta, Maine

Dear Mr. Knight:

We have your letter of February 27, 1961 in which you ask for an opinion on the last paragraph of Section 4, Chapter 33, Revised Statutes of 1954 as amended. The said paragraph reads as follows:

'The minimum prices established for sales of milk by producers to dealers shall, if such sales are made by bulk tank, be increased by such amounts per hundred-weight as may be determined by the Maine Milk Commission.'

In answer to your specific questions we would say:

(1) It is, in our opinion, mandatory that the Maine Milk Commission increase the minimum price established for sales of milk if such sales are made by bulk tank.

(2) To our knowledge the Milk Commission has not asked this office for such an opinion.

Very truly yours,

(Signed) JAMES GLYNN FROST  
Deputy Attorney General"

The purpose of reading this is so that it will be available not only for the Maine Milk Commission, but for the Committee on Agriculture. And I, at this time, move that this Bill be recommitted to the Committee on Agriculture

Thereupon, the Report and Bill were recommitted to the Committee on Agriculture and sent up for concurrence.

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

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

Tabled — February 9, by Mr. Haughn of Bridgton.

Pending — Passage to be Engrossed.

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

Mr. BERRY: Mr. Speaker, prior to the 99th Legislature, the act relating to uniforms for deputy sheriffs provided that subject to the approval of the county commissioners, two uniforms would be provided. The 99th Legislature changed this to four uniforms. We are now being requested to remove any restrictions as to the number of uniforms that may be purchased subject to county commissioner approval. I see here possibilities which would lead to increased costs ultimately to the residents of the county; I also see here technical problems as to the number of uniforms that could be bought, the length of duration of the tenure of office of the sheriff before he qualifies for a uniform. I also see here even more importantly an opportunity to draw a line on the principles which we have been receiving on the expansion of the salary, duties, and influences of the county commissioner. I would move that this act be indefinitely postponed.

The SPEAKER: The question now before the House is the motion

of the gentleman from Cape Elizabeth, Mr. Berry, that L. D. 790, be indefinitely postponed.

The Chair recognizes the gentleman from South Portland, Mr. Hinds.

Mr. HINDS: Mr. Speaker, I wonder if I could ask Mr. Berry, the gentleman from Cape Elizabeth, a question through the Chair. The question is: In regard to the four uniforms they allow the sheriff's department, is that four uniforms apiece or four uniforms for the whole department?

The SPEAKER: The gentleman from South Portland, Mr. Hinds, has asked a question through the Chair to the gentleman from Cape Elizabeth, Mr. Berry, who may answer if he chooses.

Mr. BERRY: Mr. Speaker, to my knowledge this could be four uniforms for one sheriff, or four uniforms for four sheriffs.

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

Mr. HINDS: Mr. Speaker, I may be wrong, but it was my understanding that the four uniforms would allow the sheriff to clothe four of his deputies in uniforms, one uniform apiece. And this bill, which is a new draft from the Towns and Counties committee, would only allow, if a sheriff required his deputies to wear uniforms, this would leave it up to the approval of the county commissioners. They could say yes or no, as they see fit, to either approve uniforms or not. And I think the county commissioners more or less run the county government and I think it would be well that we leave it up to the county commissioners.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I would much rather be voting on something like doing away with the sheriffs, but in the meantime I highly concur with the remarks of the gentleman from Cape Elizabeth, Mr. Berry.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Eliza-

beth, Mr. Berry, that this bill be indefinitely postponed. All those in favor, say aye; opposed, no.

The motion prevailed on a viva voce vote, the Bill was indefinitely postponed and sent up for concurrence.

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On motion of Mr. Smith of Strong, the House voted to take from the table the tenth tabled and unsigned matter:

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

Tabled — March 10, by Mr. Smith of Strong.

Pending — Passage to be Enacted.

Thereupon, on further motion of the same gentleman, the bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

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The SPEAKER: We are proceeding under Orders of the Day. In some very few instances, members during the session have been coming down the aisles and speaking to other Members. That is disconcerting to some of the other Members and sometimes to the stenographers here who are trying to get the recordings. The Chair would suggest that if you wish to talk to another Member, that you call them up back, have a Page get them and bring them up back, preferably out into the hall if it is going to be a lengthy discussion.

I would like to read you Rule 10 under the House Rules. "The seat which a member draws at the commencement of the session shall be his during the session, unless he shall have leave of the Speaker to change it and no other person shall be permitted to occupy a member's seat at any time during a session of the House."

We are proceeding under Orders of the Day. I have a progress report here. You may think that we have slowed up a little bit, but the report will show that we definitely have not. And I believe that progress the next two weeks is also going to be greatly accelerated. Now in capsule form, two years ago at this time we had reported out 629 items out of committees, at this time in this session we have reported out 863

items. That is a total of 234 items more reported out in the 100th Legislature at this time than had been done in the 99th Legislature. And that is a gain this week over what they did the corresponding week two years ago of 35 bills. So you are not only maintaining your pace, but you have turned 35

more than they had done two years ago.

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On motion of Mr. Jalbert of Lewiston,

Adjourned until Tuesday, March 28, at ten o'clock in the morning.