

# 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 28, 1961

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

Prayer by the Rev. Mr. James A. Purrington of the First Baptist Church, Waldoboro.

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 Judiciary on Bill "An Act Regarding Commitment to Pineland Hospital and Training Center by Municipal Courts" (S. P. 347) (L. D. 1080) reporting Leave to Withdraw

Report of the Committee on Liquor Control reporting same on Bill "An Act relating to Definition of 'Class A Restaurant'" (S. P. 437) (L. D. 1309)

Came from the Senate read and accepted.

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

### Ought Not to Pass Covered by Other Legislation

Report of the Committee on Transportation on Bill "An Act relating to Number Plates for Antique Motor Vehicles" (S. P. 454) (L. D. 1318) 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.

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Coercive Practices in Retail Sale and Distribution of Gasoline" (S. P. 403) (L. D. 1299)

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act relating to Rules and Regulations in Fishing" (S. P. 43) (L. D. 120)

Report of same Committee reporting same on Bill "An Act relating to Open Season on Deer in

Somerset County" (S. P. 345) (L. D. 1078)

Report of the Committee on Judiciary reporting same on Bill "An Act Providing for Appointment of Clerks of Courts by Chief Justice of Supreme Judicial Court" (S. P. 89) (L. D. 185)

Report of the Committee on Public Utilities reporting same on Bill "An Act to Authorize the Northern Steam Service Company to Become a Limited Public Utility" (S. P. 300) (L. D. 911)

Report of the Committee on State Government reporting same on Bill "An Act Increasing Salary of the Adjutant General" (S. P. 331) (L. D. 1006)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Commissioner of Labor and Industry" (S. P. 359) (L. D. 1092)

Report of the Committee on Transportation reporting same on Bill "An Act relating to Penalty for Weight Violations of Commercial Vehicles" (S. P. 453) (L. D. 1317)

Came from the Senate read and accepted.

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

### Ought to Pass Tabled

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels" (S. P. 90) (L. D. 186)

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

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

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

Mrs. SMITH: Mr. Speaker, in regard to item twelve, I would like the courtesy of the House to table this item unassigned and I will remove it as expeditiously as possible.

Thereupon, the Report and Bill were tabled pending assignment for third reading and unassigned.

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Repeal the Acts Creating the Oxford Village Corporation" (S. P. 143) (L. D. 326)

Report of same Committee reporting same on Bill "An Act relating to License Fees by Boxing Commission" (S. P. 175) (L. D. 421)

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

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

#### Ought to Pass with Committee Amendment

Report of the Committee on Business Legislation on Bill "An Act Revising the Savings and Loan Laws" (S. P. 404) (L. D. 1386) 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," being Legislative Document 1494, was read by the Clerk.

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

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Duties of Department of Labor and Industry Concerning Industrial Safety" (S. P. 254) (L. D. 771)

Report was signed by the following members:

Messrs. MAYO of Sagadahoc  
EDMUNDS of Aroostook  
— of the Senate.  
Messrs. WINCHENPAW  
of Friendship  
BROWN of South Portland  
HARDY of Hope  
THAANUM of Winthrop  
BOISSONNEAU  
of Westbrook

HANCOCK of Nobleboro  
— of the House.

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

Report was signed by the following members:

Mr. COUTURE of Androscoggin  
— of the Senate.  
Mr. JOBIN of Rumford  
— of the House.

Came from the Senate with the Majority Report accepted.

In the House, Reports were read, and the Majority "Ought not to pass" Report was accepted in concurrence.

#### Divided Report Tabled

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (S. P. 325) (L. D. 1000)

Report was signed by the following members:

Mr. COUTURE of Androscoggin  
— of the Senate.  
Messrs. WINCHENPAW  
of Friendship  
THAANUM of Winthrop  
HANCOCK of Nobleboro  
JOBIN of Rumford  
BROWN of South Portland  
BOISSONNEAU  
of Westbrook  
— of the House.

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

Report was signed by the following members:

Messrs. MAYO of Sagadahoc  
EDMUNDS of Aroostook  
— of the Senate.  
Mr. HARDY of Hope  
— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House, Reports were read.  
The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, I move the indefinite postponement of the consideration of this bill and all its accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Hope, Mr. Hardy, that the Reports and the Bill be indefinitely postponed.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I move at this time that item seventeen, including the motion made by the gentleman from Hope, Mr. Hardy, be tabled unassigned.

The SPEAKER: The question now before the House is that this bill be tabled unassigned pending the motion of the gentleman from Hope, Mr. Hardy, that the Reports and the Bill be indefinitely postponed.

The Chair would advise the gentleman that the tabling motion is not debatable.

Mr. HARDY: Mr. Speaker, I only rise to ask for a division.

The SPEAKER: A division has been requested.

The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that this Bill and the Reports be tabled unassigned. 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.

Seventy-one having voted in the affirmative and fifty-five having voted in the negative, the Reports and Bill were tabled unassigned pending the motion of Mr. Hardy, of Hope to indefinitely postpone.

#### Non-Concurrent Matter

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

Which was indefinitely postponed in the House on March 21.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

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

Mr. LOWERY: Mr. Speaker, I move the House recede and concur.

The SPEAKER: The question now before the House is the motion of the gentleman from Brun-

wick, Mr. Lowery, that the House recede and concur.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tynedale.

Mr. TYNDALE: Mr. Speaker, at the last appearance of this bill before this House it was defeated by an overwhelming majority. I am opposed to this bill; I am opposed to the infringement of the rights of the local people to judge their districts accordingly. Therefore, I sincerely trust this House will adhere to its previous vote and defeat this motion, and I ask for a division.

The SPEAKER: A division has been requested on the motion to recede and concur. Is the House ready for the question? All those in favor of receding and concurring please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Seventeen having voted in the affirmative and one hundred eight having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

#### Non-Concurrent Matter

Resolve to Provide Retirement Credit for Kenneth W. Hodgdon of Augusta (S. P. 146) (L. D. 329) which was finally passed in the House on February 15 and passed to be engrossed on February 9.

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 February 15 whereby the Resolve was finally passed and to recede from its action of February 9 whereby the Resolve was passed to be engrossed.

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

SENATE AMENDMENT "A" to S. P. 146, L. D. 329, Resolve, to Provide Retirement Credit for Kenneth W. Hodgdon of Augusta.

Amend said Resolve, in the 4th line, by inserting before the period at the end the following punctuation and words ', to be paid for from the funds of the Department of Inland Fisheries and Game'

Senate Amendment "A" was adopted and the Resolve 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:

#### **Health and Institutional Services**

Bill "An Act relating to Practicing Dental Hygiene by Students in Schools" (H. P. 1095) (Presented by Mr. Berry of Portland)

(Ordered Printed)

Sent up for concurrence.

#### **Orders**

On motion of Mr. Lowery of Brunswick, it was

ORDERED, that Mr. Lacharite of Brunswick be excused from attendance this week because of business.

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

On motion of Mrs. Harrington of Patten, it was

ORDERED, that Mr. Morse of Oakland be excused from attendance for the duration of his illness.

On motion of Mrs. Baker of Orrington, it was

ORDERED, that the members of the House of Representatives of the 100th Maine Legislature who made the trip to Castine on the Maine Maritime Academy Ship, S S State of Maine, express their sincere thanks and appreciation to the Castine Civic Club for the delicious refreshments served on arrival at Castine,

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this order to Dr. Robert F. Russell, President of the Castine Civic Club.

The SPEAKER: The Chair would recognize the presence in the gal-

lery at this time of approximately twenty-five pupils from the Samuel D. Hanson High School of Buxton, seniors in the class of Problems of Democracy, accompanied by Mrs. Elwell, the teacher, Mrs. Sargent, Mrs. Rowe, Mrs. Roberts, Mrs. Kimball and Mrs. Libby, parents of the pupils. On behalf of the House the Chair extends to you a most cordial and hearty welcome, and we hope that you will enjoy and profit by your visit with us here today. (Applause)

The Chair would also like to recognize at this time the presence in the gallery of a group of seventh and eighth grade students from Litchfield Academy and their teacher, Mr. Drake. On behalf of the House the Chair wishes to state that we are very happy to have you with us on this occasion and to observe democracy in action, and we hope that you too will enjoy and profit by your visit with us here today. (Applause)

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

Mrs. Knapp from the Committee on Legal Affairs on Bill "An Act relating to Chief Engineer of Fire Department of City of Westbrook" (H. P. 510) (L. D. 708) reported

Leave to Withdraw

Report was read and accepted and sent up for concurrence.

#### **Ought Not to Pass Tabled and Assigned**

Mr. Berry from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Number of Members and Terms of Office of Boards and Commissions of City of Lewiston" (H. P. 204) (L. D. 299)

Report was read.

(On motion of Mr. Malenfant of Lewiston, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

Mr. Berry from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Repealing Laws Requiring that Cemeteries be Fenced" (H. P. 1008) (L. D. 1409)

Report was read and accepted and sent up for concurrence.

**Tabled**

Mrs. Knapp from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Providing for the Appointment of a Civil Engineer of the City of Lewiston by the Department of Public Works" (H. P. 99) (L. D. 139)

Report was read.

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

Mr. MALENFANT: Mr. Speaker, I move this bill be tabled unassigned pending acceptance of the Committee Report and I promise the House I won't leave them on the table very long.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert, but would remind the gentleman a tabling motion is not debatable.

Mr. JALBERT: Mr. Speaker, I ask for a division.

The SPEAKER: A division has been requested on the tabling motion. 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.

Ninety-five having voted in the affirmative and eighteen having voted in the negative, the motion did prevail.

**Tabled**

Mrs. Sproul from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Term of Office of the City Clerk of Lewiston" (H. P. 98) (L. D. 138)

Report was read.

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

Mr. MALENFANT: Mr. Speaker, I move this be tabled unassigned and I won't leave that on the table very long, —

The SPEAKER: The gentleman is debating a tabling motion.

Mr. JALBERT: Mr. Speaker, I rise on a point of personal privilege.

The SPEAKER: The gentleman may do so.

Mr. JALBERT: Mr. Speaker, last Friday the gentleman from Milbridge, Mr. Kennedy, cautioned the Speaker not to be too hasty as to

when the gavel was coming down. This morning I rose to table a bill — to ask for a division on a tabled bill. As I rose, I —

The SPEAKER: The gentleman is not stating personal privilege.

Mr. JALBERT: I am coming to it. As I rose, I was told that I could not debate a tabling motion. I am fully aware of that. However, just two minutes previously for the first time and the second time a moment ago, the Speaker allowed the gentleman from Lewiston, Mr. Malenfant, to speak after he made a tabling motion.

I don't care what happens to these bills. Six bills straight, "Ought not to pass" Reports of Committee. What do I care what happens to them? I have faith in the Committee. I don't care if you table them forever. I don't care if we stay here forever, I'll still ask for a division, and I won't debate the motion.

The SPEAKER: Is the gentleman asking for a division?

Mr. JALBERT: I certainly am.

The SPEAKER: 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.

Eighty having voted in the affirmative and thirty-six having voted in the negative, the tabling motion did prevail.

**Tabled and Assigned**

Mrs. Sproul from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Municipal Officers in the City of Lewiston" (H. P. 156) (L. D. 219)

Report was read.

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

Mr. BERRY: Mr. Speaker, while I appreciate very much the privilege accorded to the members of this House on tabling motions, I would like to call to the attention of the House that these bills, and this one in particular, have received the careful attention of the Committee on Legal Affairs. Knowing the background and the arguments that were presented pro and con at the hearing, I personally

believe that no good will come from tabling the bill. Accordingly, I move that the bill ought not to pass.

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

Mr. MALENFANT: Mr. Speaker, if I am in order, I move this bill lay on the table specially assigned for tomorrow pending acceptance of the Report of the Committee.

The SPEAKER: The gentleman from Lewiston, Mr. Malenfant, moves this matter be tabled pending acceptance of the Committee Report and be specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed.

Mrs. Sproul from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Compensation of Officers and Employees of City of Lewiston" (H. P. 157) (L. D. 220)

Report was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am just going to try to see if I can salvage something here based on time, and frankly I don't care, but I mean it is just a point on all of these bills. I went to the hearings, I didn't say anything at all on any one of the bills, and I defy any member of this House to say that I have lobbied in one way or another on these bills or any other Lewiston charter bills. None of these are mine anyway, because mine is signed by the Governor — I got ahead of the mob.

Now on this one here, this bill here, I don't think the Legal Affairs Committee that reported this bill out ought not to pass unanimously could have devoted too much time on it, because it didn't need it. Our mayor is a part-time mayor; our good charter calls it a part-time mayor. We can't expect a good sound business man to spend all his time in the mayor's office. This would require to open up the gates of the mayor's office from eight thirty until five every day as long as the offices of the City of Lewiston are open, as long as the building is open,

but also under the terms of the bill have him possibly open up the offices even when people are working overtime. We would also ask him to spend more money by hiring secretaries and what leg people he would need. Consequently, I would move the acceptance of the good work of the Legal Affairs Committee which is the unanimous "ought not to pass" Report.

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

Mr. MALENFANT: Mr. Speaker, the gentleman from Lewiston, Mr. Jalbert, says he didn't go to the hearing, but I caught him twice speaking to them in private in the Legal Affairs room. Now I move this bill lay on the table unassigned pending acceptance of the Report of the Committee, and I am going to remove the bill as soon as possible.

The SPEAKER: The gentleman is debating a tabling motion. The question before the House is the motion of the gentleman from Lewiston, Mr. Malenfant, that the Report and Bill be tabled unassigned pending acceptance of the Committee Report. Is this the pleasure of the House?

(Cries of No)

Thereupon, a viva voce vote being taken and doubted by the Chair, a division of the House was had.

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

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

Mrs. Sproul from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Office Hours of Office of Mayor of Lewiston" (H. P. 158) (L. D. 221)

Report was read and accepted.

On motion of Mr. Malenfant of Lewiston, the House voted to reconsider its action whereby the "Ought not to pass" Report was accepted.

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

Mr. MALENFANT: Mr. Speaker, I move we substitute the bill



for the "Ought not to pass" Report.

The SPEAKER: The gentleman from Lewiston, Mr. Malenfant, moves the House substitute the Bill for the Committee "Ought not to pass" Report. Is this the pleasure of the House?

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

Mr. JALBERT: Mr. Speaker, I presumed that we were finished with this one. Apparently we are starting all over again. I hope the motion of the gentleman from Lewiston, Mr. Malenfant, does not pass. I could have arisen again and asked for a point of personal privilege when my good friend stated that I — I stated that I didn't go to the hearings, that he caught me twice in the Legal Affairs room speaking on the bills. I went in last Thursday to speak with Ralph Farris with whom I have been personally acquainted for thirty years. I asked someone in this House that I am very close to personally, I have not spoken to her on any of these bills to influence her at all. I think all the members of the House who have been here previously know my feelings and I hope her feelings toward me. I am speaking of the gentleman from Yarmouth, Mrs. Knapp, and I am not going to go on any further. I hope the motion of the gentleman from Lewiston, Mr. Malenfant, does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Malenfant, that the House substitute the Bill for the Report. All those in favor say aye; those opposed, no.

Mr. MALENFANT: I ask for a division, Mr. Speaker.

The SPEAKER: A division has been requested. All those in favor of substituting the bill for the report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seven having voted in the affirmative and one hundred eleven having voted in the negative, the motion did not prevail.

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

The SPEAKER: The Chair would like to recognize the presence in the gallery at this time of a group of seventh and eighth grade students from Jordan Small School in Raymond. They are accompanied by their Principal, Sam Talbot and Selectman, D. C. Shaw and Mr. Gordon Brown.

The Chair would also like to recognize the presence in the gallery of the class from Cony High School in Augusta in Problems of Democracy, accompanied by their teachers, Mrs. Harvey, Mr. Moore and Mr. Bishop.

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

#### Ought to Pass Printed Bills

Mrs. Hanson from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Formation of School Administrative Districts for Certain Towns in York County" (H. P. 470) (L. D. 670)

Mr. Berry from the Committee on Legal Affairs reported same on Bill "An Act Transferring South Portland Sewerage District to City of South Portland" (H. P. 606) (L. D. 823)

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

#### Tabled and Assigned

Mr. Berry from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act Eliminating Smokeless Powder from Explosives Regulations" (H. P. 610) (L. D. 827)

Report was read.

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

Mr. Berry from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating

to Notes of Augusta Parking District" (H. P. 613) (L. D. 830)

Same gentleman from same Committee reported same on Bill "An Act relating to Power of Squirrel Island Village Corporation to Borrow Money" (H. P. 615) (L. D. 832)

Same gentleman from same Committee reported same on Bill "An Act Enabling Municipalities to Obtain Additional Federal Grants for Urban Renewal Projects" (H. P. 938) (L. D. 1286)

Mr. Kellam from same Committee reported same on Bill "An Act to Repeal the Charter of the Cousins and Littlejohns Islands Village Corporation" (H. P. 203) (L. D. 298)

Mrs. Knapp from same Committee reported same on Bill "An Act Repealing Certain Obsolete Private and Special Laws Relating to City of Portland" (H. P. 408) (L. D. 583)

Same member from same Committee reported same on Bill "An Act to Incorporate the Town of St. Albans School District" (H. P. 516) (L. D. 714)

Same member from same Committee reported same on Bill "An Act Repealing Law Enabling School District Number One in Gorham to Hold Trust Funds for Educational Purposes" (H. P. 762) (L. D. 1048)

Same member from same Committee reported same on Bill "An Act relating to Superintending School Committee of Town of Gorham" (H. P. 763) (L. D. 1049)

Mrs. Sproul from same Committee reported same on Bill "An Act relating to Holding of Property by Nonprofit Corporations Operating Educational Television or Radio Stations" (H. P. 826) (L. D. 1141)

Same member from same Committee reported same on Bill "An Act to Incorporate the Town of Athens School District" (H. P. 1007) (L. D. 1408)

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

#### Ought to Pass with Committee Amendment

Mr. Kellam from the Committee on Legal Affairs on Bill "An

Act relating to Municipal Regulation of Subdivisions of Land" (H. P. 258) (L. D. 372) 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. 258, L. D. 372, Bill, "An Act Relating to Municipal Regulation of Subdivisions of land."

Amend said Bill by striking out in its entirety and inserting in its place thereof the following:

'Be it enacted by the People of the State of Maine, as follows:

R. S., c. 90-A, Sec. 61, sub-sec V, Para A, sub-Para 1, repealed and replaced. Subparagraph 1 of paragraph A of subsection V of section 61 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957, is repealed and the following enacted in place thereof:

1.) Subdivision means the division into 3 or more lots in urban areas or 4 or more lots in rural areas, except this provision shall not apply to any divisions for agricultural uses, including associated sales, service, processing and storage.

a. Urban areas shall mean areas so designated in the local zoning ordinance, or if there is no local zoning ordinance, the areas designated as urban compact by the State Highway Commission.'

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

Mrs. Sproul from the Committee on Legal Affairs on Bill "An Act relating to Allowance for Uniforms of the Police Department of the City of Lewiston" (H. P. 279) (L. D. 393) 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. 279, L. D. 393, Bill, "An Act Relating to Allowance for Uniforms of the Police Department of the City of Lewiston."

Amend said Bill by striking out the word "male" in the first line of 'Sec. 7-A.'

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

The SPEAKER: You will see a blue notice on your desk entitled Supplement Number 1, and the following Report was received this morning with the urgent request of the Senate Chairman of the Committee on Towns and Counties that it be acted on today, so we are taking this matter up under Supplement 1 since it was not on the advance journal.

Mrs. Shaw from the Committee on Towns and Counties on Resolve for Laying of the County Taxes for the Years Nineteen Hundred Sixty-one and Nineteen Hundred Sixty-two (H. P. 1079) (L. D. 1490) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 1079, L. D. 1490, Resolve for Laying of the County Taxes for the Years Nineteen Hundred Sixty-one and Nineteen Hundred Sixty-two.

Amend said Resolve by striking out the words in the 30th line which read as follows: "Oxford... \$185,550.00 \$185,550.00" and inserting in place thereof the following "Oxford... \$190,550.00 \$190,550.00"

Further amend said Resolve by striking out the words in the 37th line which read as follows: "York... \$267,356.00 \$270,756.00" and inserting in place thereof the following "York... \$231,296.00 \$234,696.00"

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

The SPEAKER: The Chair recognizes the presence in the Hall of the House of over one hundred students I am sure, and I would like to compliment them on their decorum and rapt attention to proceedings.

### Passed to Be Engrossed

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

Bill "An Act relating to Collection and Disposition of Money Received for Violation of Fish and Game Laws" (H. P. 139) (L. D. 202)

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

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

### Tabled and Assigned

Bill "An Act to Include the Town of Winslow in the Kennebec Water District" (H. P. 416) (L. D. 591)

Mr. BROWN: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. BROWN: Mr. Speaker, I do not believe this Committee Report should be accepted.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Brown, and the Chair understands that the gentleman moves that the House not accept the Committee Report. That motion is in order.

Mr. BROWN: I wish to speak on the bill.

The SPEAKER: You may do so.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Since I am opposed to this bill, there seems to be at least four avenues of approach which would prevent passage of this measure 591. These are: Number one, to ask for recommitment to the committee; Number two, offer an amendment; Number three, table unassigned; and Number four, to indefinitely postpone.

These methods are outlined for a specific reason. For example, Number one, a motion to recommit. On Friday of last week we heard our esteemed colleague, the gentleman from Lubec, Mr. Pike, caution us on submitting poorly drafted bills which would not accomplish the purpose for which they were intended and which would create havoc. This bill, 591, is, I

believe, an example of that very thing. It proposes to amend a section of the public law which was repealed and replaced in 1945 and thus is no longer in existence.

Furthermore, it proposed to incorporate the town of Winslow into the Kennebec Water District with no mention of the assumption of its share of the District's obligations.

Finally, no mention is made to determine the wishes of the citizens of Fairfield and Waterville; only those in the town of Winslow.

Number two: Amendments could be offered and I have one prepared, which provided the legal technicalities cited above could be clarified. This amendment would allow the other two towns the opportunity to vote whether or not Winslow should be admitted to the District.

Number three: To table unsigned. This particular method would only increase the length of our table and cause the State additional money, which I am loath to do.

Number four: Move to indefinitely postpone. This motion would be somewhat conclusive one way or the other.

A brief history of the Kennebec Water District would be in order at this time.

This District was formed a number of years ago and was conceived in the mind of the late Harvey Eaton, of Waterville. The language of this charter and its uses was the first in the United States and has been the basic model for districts since that time.

The town of Winslow was offered the opportunity to join the District at its conception and elected not to do so. The early days were a financial and a development struggle, but with the type of management it enjoyed, the District today is very well established.

No occurrences such as we on the Natural Resources Committee have witnessed in reference to Half Moon Pond can happen, for the far-seeing trustees gradually acquired the land surrounding the water supply at China Lake where camps and swimming are prohibited; hence the supply of water is free from pollution and will continue so.

The legislative hearing committee received a letter from the mayor of Waterville after the public hearing, which he did not attend, was held. It is my understanding that he went on record as favoring this bill. The question arises in my mind: "Did he do so with the consent of the people of Waterville?" There has been no public expression of sentiment by referendum in Waterville and former mayors of this city have not felt this same way.

Or was there another reason? That of assisting a fellow member of the Democratic party to establish two more political jobs? - which would incidentally be an added expense for the district, and for what gain?

Ladies and gentlemen, my water rate, and it's a standard meter one, is \$2.68 per quarter for a family of five. Is it conceivable this rate could be lowered by the passage of this act; and if not, how could Winslow be otherwise helped? In my opinion, the larger number of trustees would react to the detriment of the District.

Please note, furthermore, that the town of Winslow has been represented on the District's board of directors for seventeen years of its existence and will be again in the future.

The argument that Winslow has now become slightly larger in population and uses more water than Fairfield now entitles them to equal representation is asinine. What about representation for Benton, Vassalboro, Central Maine Sanatorium, and yes; even Keyes Fibre Company? This company, itself, uses more water than many parts of the District.

It would be equally in order for Waterville representatives to present a bill increasing their trustee participation in the District. In essence, this is tantamount to saying, "Now that you are successful, we want part of the management prerogatives. Of course, we will not be responsible for debt obligations, nor will we purchase our way into the District; we simply want to tell you how to operate."

Why couldn't this same reasoning be used to enter the manage-

ment of a company such as a public utility? If the product is used extensively, perhaps the users should be represented on the board of directors.

Whenever the State of Maine exercises its right of eminent domain, it does not do so without adequate compensation to the parties involved and consultation with them.

Again this bill does not do so.

Perhaps this is a trivial matter with which to concern you and I have been too lengthy in outlining the obvious courses of procedure. Justice, however, is still an important factor to everyone; therefore, I believe that you will see the reasons for such action and will support me.

I now choose one of these four courses and move that this bill be indefinitely postponed.

**THE SPEAKER:** The Chair recognizes the gentleman from Waterville, Mr. Noel.

**Mr. NOEL:** Mr. Speaker, I hope that the gentleman from Fairfield, is representing Fairfield, not Waterville. We happen to have two representatives in Waterville. It seems to me that they should be representing Waterville. Now the gentleman from Fairfield kept saying the Waterville voters have not been given a chance to express their opinions on this and that with this bill. He saw it, somebody in the city government saw it, they didn't see fit to instruct us to oppose the bill, and now does the Town of Fairfield wish to oppose the bill, that's perfectly all right with the Town of Fairfield, but so far, we have heard of no opposition from Waterville. The gentleman kept insisting Waterville this and Waterville that. So if he is representing Waterville, that's alright, but if he's representing Fairfield, it's also alright. Thank you.

**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, I will have to concede this bill was signed out without the presence of two members, namely myself and Mr. Westfield, so therefore and on that account, I would ask the House

in their indulgence to table this bill and specially assign it for April 7, until we get an opportunity to review it.

Thereupon, the Bill was tabled pending the motion of the gentleman from Fairfield, Mr. Brown, that the Report and Bill be indefinitely postponed, and specially assigned for Friday, April 7.

**Bill "An Act Clarifying the Renewal of Motor Vehicle Operators' Licenses" (H. P. 444) (L. D. 619)**

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

#### **Tabled and Assigned**

**Bill "An Act relating to Powers of Arrest by Inland Fish and Game Wardens" (H. P. 491) (L. D. 691)**

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

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

**Mr. HAUGHN:** Mr. Speaker and Members of the House: In regard to this item 6, as I read that L. D. 691, I am a little disturbed and I would like to ask through the Chair of any member of the Judiciary Committee if they could tell me whether or not the game wardens do not have the power of arrest at the present time. I would like to ask that question before I speak a little further on the bill.

**THE SPEAKER:** The gentleman from Bridgton, Mr. Haughn, has asked a question through the Chair to anyone who may answer if he chooses.

The Chair recognizes the gentleman from Moscow, Mr. Beane.

**Mr. BEANE:** Mr. Speaker, they have not the power at the present time. The same question was asked at that Committee hearing.

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

**Mr. HAUGHN:** Mr. Speaker, I want to thank the gentleman from Moscow for answering, but I am still a little disturbed when I see the word hinders, that is pretty broad in scope. I am not of legal mind, but I am wondering what

the definition of the word hinders means, whether it can be as the warden himself may proclaim as being hindered, and the word intimidates. Now the legal aspect, maybe they have interpretation but in a layman's viewpoint to me they are really disturbing. We have at the present time before us several bills in regard to power by the sheriffs, departments, we have it by county commissioners. We now have a request by fish and game wardens. We haven't as yet been requested by the Sea and Shore fisheries group, which I anticipate might be an amendment to this if this bill is allowed to go by as it is, but for further clarification and for time to be able to have that, I would move this bill be tabled for one week from today so to give an opportunity so the members of this House will fully understand the meaning of this bill.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Tuesday, April 4.

Bill "An Act Prohibiting Wrongful Removal of Fish from Private Ponds" (H. P. 497) (L. D. 696)

Bill "An Act relating to Settlement of Inheritance Taxes When Computation is Impossible" (H. P. 502) (L. D. 701)

Bill "An Act relating to Mandatory Fines on Axle Weights of Commercial Vehicles" (H. P. 563) (L. D. 760)

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 relating to Open Season on Deer in Zone 2" (H. P. 594) (L. D. 815)

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

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

Mr. WHEATON: Mr. Speaker, this bill isn't consistent with the game laws. It makes a closing season in district 2 which is comprised of Washington County, Hancock County and the eastern por-

tion of Penobscot County, which is a small area. It makes a closing season for deer hunting five days later than the rest of the State. Due to another bill that may be coming along or time to amend this bill, I would like to have this tabled unassigned.

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

Bill "An Act relating to Contracts of Minors in Furthering Their Higher Education" (H. P. 601) (L. D. 821)

Bill "An Act Prohibiting the Taking of Certain Land Products" (H. P. 756) (L. D. 1042)

Bill "An Act to Create the Gorham Sewerage District" (H. P. 771) (L. D. 1068)

Bill "An Act Increasing Number of Justices of the Superior Court" (H. P. 840) (L. D. 1155)

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

Bill "An Act Designating Mount Desert Island as Game Management Area" (H. P. 878) (L. D. 1213)

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

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

Mr. KIMBALL: Mr. Speaker, I beg your indulgence, ladies and gentlemen, for bringing up again this question of deer and the open season on deer which is concealed in the name of this bill, calling it Game Management. In the corner of the House you will see today a map of Mount Desert Island. The red areas on that map constitute Acadia National Park. May I first of all call your attention to how much red there is in the right hand section of that map which is the section that includes the Town of Bar Harbor from which my good friend and colleague, Mr. Smith, comes, and who entered this bill in.

Notice the absence of white area which would be the area affected as far as this bill is concerned. I also had occasion to talk with

the Superintendent of Acadia National Park on Sunday, asking about what the Park was doing and how it was handling the question of the so-called over-population of deer, there in the park areas of the island. He told me at that time that when the park rangers originally lined up to thin down the deer herd, three men were specifically assigned to the job. He also stated that three men proved to be too many, and that they have now cut that by one so that there are two men assigned with the job of thinning out the deer herd in the red area which constitutes more than fifty per cent of the island. The remaining white strips are the sections in question as far as this bill is concerned.

I have here a letter from the Town of Bar Harbor my colleague, Mr. Smith's, town, which says:

"May I call your attention to a bill now in the Legislature which I believe has not yet been acted upon, which has to do with putting Mount Desert Island into a Game Management Area. You must be wondering why there has been no opposition to this bill when we all know that a large number of people on the island are very much against what apparently is being planned. The National Park has a so-called game management program in that part of the island that lies in the national park which incidentally is a very large part of the island. In their program they have prohibited hunting of deer, but they have managed the number of deer by two or more of their rangers shooting a few deer to reduce the herd and giving the meat to institutions. It is only natural that the people presume that the word 'game management' as used in this bill meant the same kind of management that the park has been giving. The people are just beginning to find out that the national park is going to continue their game management program on the same basis as in the past, but the remainder of the island which means the small areas around each village on the island is going to be under the game management of the State Fish and Game Commission. The local game warden has said pri-

vately that he plans to open it to public deer hunting. I hope that you can prevail upon your fellow legislators to amend this bill to give us the same type of game management that the national park is giving us, by definitely prohibiting deer hunting or else to defeat the bill in its entirety. It is generally known over the eastern part of the United States that we have these tame deer here. To open it to deer hunting would attract a large number of hunters and it would be bad enough if they could hunt in the heavily wooded areas that lie mostly within the national park. It is horrible to contemplate when they can only hunt in the fringe areas back of our houses and I can assure that a great majority of the people in my area are frightened at the thought of it, and do not wish such a bill to pass."

(Signed) John Whitcomb

In addition to this I have been receiving a series of telegrams this morning from various people interested. I have one here from the Town of Bernard. If you look to the left on this map, you will see there's a large amount of white area over on the left hand side of the island that comes under the Town of Tremont. Bernard is one of the communities of Tremont. This telegram simply says: "the following citizens of the Town of Tremont, which contains a large portion of the island's privately owned wildland, strongly protests the opening of Mount Desert Island to deer hunting." That is signed by eighteen different representatives from that area.

In addition to that two more telegrams from people in the Town of Bar Harbor. One says: "Several years ago, I appeared at a legislative hearing on Mount Desert. Have since become convinced that deer here need thinning. I do oppose any open season or game management program, if the national park plans could not come under the program to the fullest degree."

(Signed) Albert H. Cunningham

This says: "Very much opposed to opening the small remaining area of the island to deer hunting es-

pecially when park is going to be closed. (Signed) Ralph Douglas.

Here is a telegram from a man who signed the original petition not understanding what the term 'game management' meant. He says: "Please vote against hunting on the island. Let's preserve the lives of the people on our island."

(Signed) Maurice J. Merrill

From the Town of Mount Desert which includes Northeast Harbor, Somesville, Seal Harbor. If you notice on the southern section of the island on the bottom of the map, there is a little white area which includes Seal Harbor and Northeast Harbor. Then if you will look up to the scattered portion just about in the center of the island, you will see some scattered white spots and red spots, making it almost impossible to determine where a line is and even the park rangers do not know where some of those lines are. There's quite a story on that that could be told.

From that area, I hear "definitely opposed to game management bill. Deer have an advertising value to the island." (Signed) Elsie Moore.

"Disapprove greatly of game management bill. Too much power allowed Fish and Game Commissioner." (Signed) Meredith Bardeau.

"Against game management bill. Safety of island residents could be jeopardized." (Signed) Gary Taylor.

"Would be very displeased if game management bill passed. No good if park not included." (Signed) John Lampher.

"Not in favor of game management bill. Could cover more than deer management." (Signed) John Fernald, Jr.

Mr. Speaker, I would move at this time that item fifteen, both Bill and Report, be indefinitely postponed, and I request a division.

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

Mr. SMITH: Mr. Speaker, in the interest of accuracy and to assist the House members in making their decision in this matter, I would like to call attention to the map in the front of the room, already

referred to by the gentleman from Mount Desert, Mr. Kimball.

I represent the Town of Bar Harbor, and the principal village is of course where Mr. Kimball has pointed out in the upper right hand corner or the northeasterly corner of the red portion. Incidentally north is the top of the map and east is of course to the right of the map. The Town of Bar Harbor has so many towns, as is typical of so many towns, consists of a large area outside the immediate village built-up portion, and almost the entire northerly portion of the island as you see it there is in the Town of Bar Harbor. So, the town is not by any means made up almost entirely of the red area.

Before we vote on this matter, I would like to refresh your memories to the extent of pointing out that the report of the committee on Inland Fisheries and Game was unanimous "Ought to pass." Further, that no concealment certainly is intended and none is brought about if one reads the bill, namely that the game management area be set up. Game management places in the Fish and Game Commissioner the authority to regulate hunting and fishing in the area designated.

Effective deer reduction already started in the red area obviously calls for consistent treatment in the entire area involved, that entire here being Mount Desert Island. This bill seeks to enable the Fish and Game Commissioner to cooperate with the national park authorities who have jurisdiction over the red area. However, many park rangers have been engaged in this deer reduction program, yet the fact remains that 215 deer were removed, killed or removed, this last fall through January, this year. One more point, there is definitely a traffic hazard on Mount Desert Island. Sixty-nine collisions occurred between September 15 and January 1 this past year between motor vehicles and deer on Mount Desert Island.

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

Mr. TYNDALE: Mr. Speaker, for some two and one-half hours the



other evening, I listened to quite a thesis on the promotion of the recreational industry in the State of Maine. Mr. Kimball represents one of the largest recreational interests in that area. This seems to me somewhat of a local issue. He has the backing of every resident in his area. Now I quite agree with the Fish and Game Department in a great many of their principles and I have gone along with them on a great many of their principles, but this is a small deer herd. As far as the accidents are concerned, I am wondering whether it was the deer's fault or the automobile's fault. I don't think that that's an issue at all. I think the big issue before this House is whether a local territory has the right to know its territory the best. Now this has come up several times before the House, and I would ask the House to sincerely support the gentleman from Northeast Harbor, Mr. Kimball, in his request for indefinite postponement of this bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, in reference to item 15, Legislative Document 1213, "An Act Designating Mount Desert Island as Game Management Area," that it be indefinitely postponed. All those in favor of the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Eighty-three having voted in the affirmative and twenty-eight having voted in the negative, the motion to indefinitely postpone prevailed. Sent up for concurrence.

Bill "An Act relating to Notice to Municipal Officers Prior to Filing of the State Valuation" (H. P. 905) (L. D. 1239)

Bill "An Act relating to Operation of Deisel or Deisel-Electric Locomotives in Reverse" (H. P. 1017) (L. D. 1418)

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 relating to Special-ly Designed Motor Vehicle Number Plates for Representatives of Indian Tribes at the Legislature" (H. P. 1047) (L. D. 1447)

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

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

Mr. BRAGDON: Mr. Speaker with regard to item eighteen and I might also ask you to look at item 20, I won't attempt to speak on them both, I am going to speak very briefly anyway. With regard to item 18, this item, I would — the matter that is bothering me with regard to these two items is, how far are we going in this matter of issuing special number plates? Until we see whether there are any other moves in this direction, I would move that this item be tabled, and when item 20 comes up I would make the same motion in regard to that.

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

Bill "An Act relating to Insurance Coverage on Motor Vehicles for Hire" (H. P. 1051) (L. D. 1451)

Was 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 Providing Added Special Designating Plates for Handicapped Person" (H. P. 1087) (L. D. 1497)

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

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

Bill "An Act relating to the Allocation of Moneys from Eastport-Perry Causeway to City of Eastport, State Park Commission and Washington County Development Authority" (H. P. 1088) (L. D. 1499)

Bill "An Act relating to Examination of Alleged Insane Criminals

Before Municipal Courts" (H. P. 1089) (L. D. 1500)

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 Recommitted

Bill "An Act relating to Powers of Houlton Water Company to Issue Notes and Other Certificates of Indebtedness" (H. P. 1090) (L. D. 1501)

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

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

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: As House Chairman once again of the Public Utilities Committee, it was brought to my attention that there were changes needed on item twenty-three. So therefore because of that, and in consideration of the Committee, I would move that this be recommitted to the Public Utilities Committee for further consideration.

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

### Third Reader Amended

Bill "An Act to Incorporate the Eastport Water District" (H. P. 1091) (L. D. 1502)

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

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker, in relation to item number twenty-four, L. D. 1502, I sincerely appreciate the generosity of my colleagues here in the House and of the committee that heard us on this particular bill, but I must admit with a twinge of conscience that I can't sincerely accept four and a half million dollars for a bond issue; so I would request that we accept an amendment that has been reproduced and distributed on the members' desks at the

present time, correcting an error that was found in Section 11 of that document.

The SPEAKER: The gentleman from Eastport, Mr. MacGregor, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 1091, L. D. 1502, Bill, "An Act to Incorporate the Eastport Water District."

Amend said Bill in section 11 by striking out in the 4th line the figures "\$5,000,000" and inserting in place thereof the figures "\$500,000".

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

### Tabled

Bill "An Act to Create the Boothbay Harbor Sewer District" (H. P. 1092) (L. D. 1503)

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

The SPEAKER: The Chair recognizes the gentlewoman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker, with reference to this matter, the Committee on Public Utilities has gone to a great deal of work on this, but apparently there still needs to be a few more things ironed out. Therefore, I request that this Bill be tabled unassigned.

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

Bill "An Act to Clarify Definition of 'Class A Restaurant' under Liquor Law" (H. P. 1093) (L. D. 1504)

Bill "An Act relating to Municipal Traffic Control Ordinances" (H. P. 1094) (L. D. 1505)

Resolve Reimbursing City of Bangor for Improving Bass Park (S. P. 279) (L. D. 880)

Resolve Authorizing the Setting Out of Buoys in Moosehead Lake (H. P. 8) (L. D. 27)

Resolve Closing Bowker Brook, Oxford County, to Smelt Fishing (H. P. 41) (L. D. 75)

Resolve to Reimburse Town of Bristol for Aid Extended to Charles Maines (H. P. 582) (L. D. 802)

Resolve Opening Big Concord Pond, Oxford County, to Ice Fishing (H. P. 675) (L. D. 953)

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

#### Amended Bills

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

Bill "An Act to Provide for the Sale of Attached Personal Property" (H. P. 393) (L. D. 573)

Bill "An Act relating to Speed of Commercial Vehicles and School Buses" (H. P. 716) (L. D. 915)

Bill "An Act relating to Warning Lights on Rural Mail and Doctors' Motor Vehicles" (H. P. 916) (L. D. 1250)

Were 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.

Bill "An Act Defining Contract of Life Insurance" (H. P. 921) (L. D. 1269)

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

#### Passed to Be Enacted

An Act relating to Purchase of Land by Municipalities for Industrial Parks (S. P. 163) (L. D. 409)

Was 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 Indefinitely Postponed

An Act relating to Public Health Nursing (S. P. 320) (L. D. 995)

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

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

Mr. BROWN: Mr. Speaker and Members of the House: It has been said that eternal vigilance is the price of liberty. I think this moral applies to this particular act. If you will note, it completely reverses the language of the present Statute. It now places the power in the hands of the Department of Health and Welfare, and takes it away from the municipality. These are the type of bills which I am strongly against. I believe that if the town pays the full freight it should also have a say in what the nurse does and have the prerogative of hiring their own nurse. I wish you people would look with favor upon my motion to indefinitely postpone this measure.

The SPEAKER: In reference to item two, L. D. 995, the question now before the House is the motion of the gentleman from Fairfield, Mr. Brown, that this Bill be indefinitely postponed.

All those in favor of the motion to indefinitely postpone say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

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

An Act to Clarify the Employment Security Law (S. P. 351) (L. D. 1084)

An Act Removing Exemption of Certain Employees from Minimum Wage Law (H. P. 80) (L. D. 123)

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.

#### Tabled and Assigned

An Act relating to Workmen's Compensation Insurance (H. P. 201) (L. D. 296)

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

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

Mr. KNIGHT: Mr. Speaker, in reference to item five, before voting upon it, I would like an explanation, or ask a question through

the Chair of any member of the Labor Committee, to explain how this changes our present law in its major portion. I realize it is a lengthy document but I believe that some member of the committee could make the explanation.

The SPEAKER: In reference to item five, the gentleman from Rockland, Mr. Knight, has asked a question through the Chair to anyone on the Labor Committee who may answer if he chooses.

The question was, how does this legislative document affect the law as it now exists?

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

Mr. KNIGHT: Mr. Speaker, I realize this is a lengthy document — I mean, what are its major changes? I wouldn't expect all the clarifications and everything—

The SPEAKER: The question is, what is the major change? Anyone may answer if he chooses.

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

Mr. BROWN: Mr. Speaker, I ask to have this tabled until tomorrow.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for Wednesday, March 29.

#### **Tabled**

An Act Exempting Proceeds of Pension and Profit Sharing Plans from Inheritance Tax Law (H. P. 423) (L. D. 598)

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.)

An Act relating to Night Hunting of Wild Birds (H. P. 879) (L. D. 1214)

Was 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.

#### **Tabled**

An Act relating to the Control of Sources of Ionizing Radiation (H. P. 925) (L. D. 1273)

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.)

An Act Regulating Vaccine Dealers and Distributors (H. P. 956) (L. D. 1323)

An Act Increasing Lobster and Crab Fishing License Fee and Establishing the Lobster Fund (H. P. 1082) (L. D. 1491)

#### **Finally Passed**

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

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

#### **Orders of the Day**

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

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 21, by Mr. Dos-tie of Winslow.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I move for the passage of the Majority "Ought not to pass" Report. In explanation of that I would say that these present terms of the Workmen's Compensation Law have stood the test of time for a great many years, and that there were similar bills of this kind in the last four sessions of the Legislature, which were defeated. As the law now stands, the employer is charged to pay for the employee's medical surgical and hospital care, and has the right

to select the physician. Again some doctors are experienced in the treatment of industrial accidents, and their aftermath results are more experienced than some others. Many doctors specialize in this field. And I am sure that employers want injured employees to receive the best of treatment available and get their skilled and semi-skilled employees repaired in full and back to work in gainful employment as soon as possible.

Many large industries at the same time have up-to-date and full time medical centers in their own plants, and any change in existing law would discourage the development of such facilities. These medical centers, at times, not only treat for major industrial accidents, but treat the plant employees for many minor illnesses, which is much to the advantage of the employee. I think that the passage of this bill would be a disservice to the injured employee wherein workers can consult the nurses and doctors many times for many kinds of advice in these plants. They not only consult the medical facilities of the plant for their own sicknesses, but sometimes for the sicknesses of their families. It would also tend to do away with the situation as it exists in my area where mills usually have a contractual arrangement with a local physician with top priority on his services in case of any accident in any one of our local mills.

Now I don't want to take up too much time on this, but I would also mention just in closing that it seems to me that it will be a tremendous proposition for the Industrial Accident Commission to set up panels of doctors in the various parts of the state. I understand that on file with the Commission are some eleven thousand insurance policies in connection with industrial accidents. I am quite sure that even now in some of the smaller communities it would be pretty hard to even make up the panels of doctors, and I think perhaps there might possibly be some difference of opinion or some ill feeling between our doctors in the setting-up of such a panel. I think, taking all concerned, that this bill is not a good bill;

and I again move that the Majority Report of the Committee "Ought not to pass" be accepted.

The SPEAKER: The Chair would request that when another is speaking, that you not stand in your place unless you feel that he is about to finish.

The Chair recognizes the gentleman from Waterville, Mr. Noel.

Mr. NOEL: Mr. Speaker, in regards to this bill, I wonder if my colleague has ever worked in a mill. Now I have in front of me four departments from the Scott Broadcast of March, 1961. Four departments had one million and one-half hours without an accident. Now what does that mean? A lost-time accident. Now I wonder if my learned colleague ever worked in a mill where anybody had a leg in a cast. It wasn't a lost-time accident, because they transported him back and forth to the mill by truck. Now the only way that you can have a lost-time accident in the mill where they have safety contests is either if you land in the hospital and you can't walk out, or in the morgue. That is called a lost-time accident.

Any other time that you cannot do your job, they say, well, if the plant physician says we have got some work that you can do, well that's it. You go in, you punch your card in the morning, and you punch it out in the afternoon. You spend your time in the cafeteria, that would be alright if they paid you your wages. But if you earn \$2.50 an hour or \$2.35 an hour, they give you the right to work on a lower paid job of about \$1.75 an hour. You lose about—sometimes maybe fifty or sixty cents an hour. Also our schedule of work is five days and Sunday. You also lose Sunday, they put you on a forty-hour basis. We have asked to work on our regular work shift, but in order to preserve this lost-time accident, you have to go in regardless of whether you can walk or they carry you in or anything of the sort. Now we have had some accidents in the mill when some of the men lost two fingers, the plant physician said they could work. Now I wonder how many members in this House, if they buy insurance from any insurance firm and the

insurance firm will say, well, from now on, you will have an insurance with us, you will have to take the doctor that we recommend. How many would like to have a broken leg and say well, I would like to go to this doctor.

Now it isn't asking too much from a panel of six named by the employer that we could refer to in case of a serious accident.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, as you are aware I was the one who sponsored Legislative Document 1044, and there are several reasons why I did it. First, I firmly believe that this measure should receive a great deal of consideration from everyone here concerned. As I have already told committee at the hearing, there are at least seventeen states who have adhered to this program. Maine will not be the first one to do it, whereby an injured employee would be permitted to select a physician from a panel which has been chosen by the employer. At the hearing I was very much impressed and pleased to hear these lobbyists state for their class the wonderful medical services they provided, hospital care, nursing service; and since then I have inquired and the facts are that Bath Iron Works and several large paper mills do that service. But I am also aware of the fact there are a lot of places throughout the state that do not have this type of service. And I sincerely believe that it would create a better patient-doctor relationship if that injured employee would have the right to choose his own physician. I am also sure that you will agree with me that when a patient has confidence in his physician, his chances of recovery are greatly enhanced, because any person who is gravely injured or seriously ill has lots of faith and confidence in his physician for a quick recovery.

I wholeheartedly believe that a family physician naturally and understandingly has a more personal interest in the injured employee than someone attending him or her who has much less knowledge as to the injured employee's environment, his background and a multi-

tude of other things pertaining to that person's characteristics and make-up, especially his immediate family.

These factors are some of my principal desires in regards to the above bill, and I really believe that there are others in this Legislature who share with me in that belief. Therefore, with malice toward none, I humbly ask you members to accept the Minority Report, giving the injured employee a little comfort by allowing him the right to the above bill. Thank you for your consideration and I urge you to have a division on this measure.

The SPEAKER: The prevailing motion is the motion of the gentleman from Winthrop, Mr. Thaantum, that the House accept the Majority "Ought not to pass" Report. A division has been requested. Is the House ready for the question?

All those in favor of the House 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.

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

Mr. PLANTE: I move that a roll call be had.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, has requested a roll call. For the Chair to order a Roll Call, it must have an expression of a desire for a Roll Call, by at least one-fifth the members present. Will all those who favor or desire a Roll Call, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the gentleman from Bucksport, Mr. Bearce.

Mr. BEARCE: Mr. Speaker, I just want to say that I have been in the industrial field for twenty-five or thirty years, and we have handled a lot of these cases with the physicians, and I am sure that by and large ninety per cent of the—probably ninety-nine per cent of the cases, if the doctor is not employed by the company, doesn't

handle the case, why they will get a doctor that will. In other words, it was customary for the companies to try to get the men healed and give them every possible attention. Now this bill is going to complicate the whole doggone thing, in my opinion, and make it very difficult to really give service to the employees of the different industries. I certainly hope that we accept the ought not to pass report.

The SPEAKER: The Chair will again state the question.

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

Mr. DODGE: Mr. Speaker, I have been employed in many factories and I cannot see why this isn't a good bill. No factory which is interested in the health of employees could — well I can't see why they object to it. Certainly in my locality, they wouldn't.

The SPEAKER: The Chair will state the question before the roll is called. The question before the House is the motion of the gentleman from Winthrop, Mr. Thaanum, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Permitting Injured Employee Under Workmen's Compensation Act to Choose Physician from Panel Named by Employer," House Paper 758, Legislative Document 1044. If you are in favor of that motion, Ought not to pass, you will answer "yes" when your name is called. If you are opposed to that motion, you will answer "no" when your name is called. Once the roll has been commenced, no further motions are in order. The Clerk will call the roll.

### ROLL CALL

YEA—Anderson, Ellsworth; Anderson, Greenville; Baker, Baxter, Bearce, Berman, Auburn; Berry, Cape Elizabeth; Berry, Portland; Boissonneau, Bradeen, Bragdon, Brewer, Brown, Fairfield; Brown, So. Portland; Brown, Vassalboro; Buckley, Bussiere, Carter, Chapman, Gardiner; Chapman, Norway; Cooper, Coulthard, Danes, Dennett, Dennison, Drake, Dunn, Durgin,

Edgerly, Edwards, Estey, Gardner, Gill, Hague, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Hartshorn, Haughn, Hopkinson, Hughes, Humphrey, Hutchins, Jones, Kennedy, Kimball, Knapp, Lincoln, Linnekin, MacGregor, Maddox, Malenfant, Matthews, Merrill, Minsky, Moore, Morrill, Perry, Philbrick, Augusta; Pike, Prince, Rust, Schulten, Shaw, Smith, Bar Harbor; Stevens, Storm, Thaanum, Turner, Tweedie, Wade, Walker, Westerfield, Whitman, Whitney, Winchenpaw.

NAY—Albair, Beane, Moscow; Bedard, Berman, Houlton; Binnette, Boothby, Briggs, Crockett, Curtis, Cyr, Davis, Dodge, Dostie, Lewiston; Dostie, Winslow; Finley, Fogg, Gallant, Ham, Hendricks, Hichborn, Jalbert, Jameson, Jobin, Johnson, Smithfield; Johnson, Stockholm; Karkos, Kellam, Kilroy, Knight, Lane, Lantagne, Letourneau, Levesque, Littlefield, Lowery, Maxwell, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Philbrick, Bangor; Plante, Poirier, Prue, Roberts, Shepard, Sirois, Smith, Falmouth; Smith, Strong; Sproul, Stewart, Swett, Tardiff, Thornton, Tyndale, Vaughn, Walls, Waltz, Waterman, Wheaton, Wood, Young.

ABSENT—Beane, Augusta; Bernard, Burns, Choate, Hinds, Lacharite, Matheson, Morse, Sevigny, Wellman, Williams.

Yes 78; No 61; Absent 11.

Seventy-eight having voted in the affirmative and sixty-one having voted in the negative, with eleven absent, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair would like to call the attention to the House Republicans that there will be a caucus in the Hall of the House this evening at seven-thirty.

On motion of Mr. Whitman of Woodstock,

Adjourned until nine o'clock tomorrow morning.