

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 5, 1961

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

Prayer by the Rev. Mr. Jay McCormick Inwood of Parish of SS. Mary and Jude, Northeast Harbor.

The journal of yesterday was read and approved.

Papers from the Senate Senate Reports of Committees Leave to Withdraw

Report of the Committee on Labor on Bill "An Act Exempting Certain Salesmen from the Minimum Wage Law" (S. P. 428) (L. D. 1305) reporting Leave to Withdraw

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Bids Awarded by the City of Lewiston" (S. P. 234) (L. D. 638)

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act Requiring Examination for Motor Vehicle Operator's License for Persons Sixty-five Years of Age and Older" (S. P. 368) (L. D. 1101)

Came from the Senate with the Bill substituted for the Report and indefinitely postponed.

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

Ought to Pass in New Draft

Report of the Committee on Health and Institutional Services on Bill "An Act Repealing Commissioner of Mental Health and Corrections' Authority to Inspect County Jails" (S. P. 39) (L. D. 81) reporting same in a new draft (S. P. 504) (L. D. 1518) under title of "An Act relating to the Inspection of County Jails" and that it "Ought to pass"

Report of the Committee on Retirements and Pensions on Bill "An Act relating to Survivor Benefits and Budget Estimates under

Maine State Retirement System" (S. P. 13) (L. D. 13) reporting same in a new draft (S. P. 503) (L. D. 1517) under title of "An Act relating to Survivor Benefits under Maine State Retirement System" and that it "Ought to pass"

Report of the Committee on Taxation on Bill "An Act to Eliminate Intangibles from Property Taxation" (S. P. 241) (L. D. 645) reporting same in a new draft (S. P. 500) (L. D. 1507) under same title and that it "Ought to pass"

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

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

Ought to Pass

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

Report of the Committee on Inland Fisheries and Game reporting same on Resolve Regulating Fishing in Cupsuptic River, Oxford County (S. P. 288) (L. D. 889)

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 Inland Fisheries and Game on Resolve relating to Opening Date for Open Water Fishing on Certain Waters (S. P. 34) (L. D. 59) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 34, L. D. 59, Resolve, Relating to Opening Date for Open Water Fishing on Certain Waters.

Amend said Resolve by striking out in the 4th line the word and figure "April 15th" and inserting in place thereof the following words "the last Saturday of April"

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

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Open Season for Trout in York County" (S. P. 107) (L. D. 252) 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. 107, L. D. 252, Bill, "An Act Relating to Open Season for Trout in York County."

Amend said Bill in the title by striking out the words "York County" and inserting in place thereof the words "Oxford and York Counties"

Further amend said Bill in the 5th line by striking out the underlined words "York County" and inserting in place thereof the underlined words "Oxford and York Counties"

Further amend said Bill by striking out in the 9th and 10th lines the underlined words and figures "York County shall be from May 1st to September 30th" and inserting in place thereof the following underlined words and figures "Oxford and York Counties shall be from the last Saturday in April to August 15th"

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

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Driving Deer by More Than Four Persons" (S. P. 287) (L. D. 888) 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. 287, L. D. 888, Bill, "An Act relating to Driving Deer by More Than Four Persons."

Amend said Bill in the title by striking out the word "Four" and inserting in place thereof the word "Six"

Further amend said Bill by striking out in the 5th line the underlined figure "4" and inserting in place thereof the underlined figure "6"

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

Report of the Committee on Retirements and Pensions on Bill "An Act Defining Mother, Father and Parent under Maine State Retirement Law" (S. P. 382) (L. D. 1192) 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. 382, L. D. 1192, Bill, "An Act Defining Mother, Father and Parent under Maine State Retirement Law."

Amend said Bill, in the 6th and 7th lines, by striking out the underlined punctuation and words " , or foster father "

Further amend said Bill, in the 13th and 14th lines, by striking out the underlined punctuation and words ", or foster mother"

Further amend said Bill, in the last line, by striking out the underlined punctuation and words ", foster mother, foster father"

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

Report of the Committee on State Government on Bill "An Act Increasing Limits of Industrial Mortgage Insurance under Maine Industrial Building Act" (S. P. 353) (L. D. 1091) 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, 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. 353, L. D. 1091, Bill, "An Act Increasing Limits of Industrial Mortgage Insurance Under Maine Industrial Building Act."

Amend said Bill by striking out the underlined figure "\$5,000,000" in the 8th line and inserting in place thereof the underlined figure "\$2,000,000".

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

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

Ought to Pass in New Draft Amended in Senate

Report of the Committee on Highways on Bill "An Act relating to Area Directional Signs for Sanford" (S. P. 343) (L. D. 1076) reporting same in a new draft (S. P. 493) (L. D. 1489) under title of "An Act relating to Area Directional Signs for Sanford and Range-

ley Areas" and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 493, L. D. 1489, Bill, "An Act relating to Area Directional Signs for Sanford and Rangeley Areas."

Amend said Bill, in the title, by inserting after the word "Areas" the punctuation and words ', and Acadia National Park'

Further amend said Bill in the 6th line of section 1 by striking out the underlined figure "18" and inserting in place thereof the underlined figure '19'

Further amend said Bill in the 5th line of section 2 by striking out the underlined figure "18" and inserting in place thereof the underlined figure '19'

Further amend said Bill by inserting after section 3 the following section:

"Sec. 3-A. R. S., c. 23, Sec. 149-A, sub-sec. VIII-A, additional. Section 149-A of chapter 23 of the Revised Statutes, as enacted by chapter 419 of the public laws of 1957 and as amended, is further amended by adding a new subsection to be numbered VIII-A, to read as follows:

"VIII-A. Acadia National Park—Route 3 — Exit 15;"

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

Ought to Pass Amended in Senate

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Authorized Insurers False Advertising Process Act" (S. P. 406) (L. D. 1348)

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

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

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

SENATE AMENDMENT "A" to S. P. 406, L. D. 1348, Bill, "An Act relating to Authorized Insurers False Advertising Process Act."

Amend said Bill in the title by striking out the word "Authorized" and inserting in place thereof the word "Unauthorized"

Further amend said Bill in the 2nd line of Sec. 17-B by striking out the underlined words "**Commissioner of Insurance**" and inserting in place thereof the underlined words '**Insurance Commissioner**'

Further amend said Bill in Sec. 17-B, subsection III, by striking out the underlined words and punctuation in the 1st and 2nd lines "**person, partnership or corporation,**" and inserting in place thereof the underlined words and punctuation '**persons, partnerships or corporations,**'

Further amend said Bill in Sec. 17-E by striking out in the 1st line of paragraph A the underlined words "**contracts or insurance**" and inserting in place thereof the underlined words '**contracts of insurance**'

Further amend said Bill in Sec. 17-E, subsection III, by striking out in the 3rd line the underlined Roman numeral "**III**" and inserting in place thereof the underlined Roman numeral '**II**'

Senate Amendment "A" was adopted in concurrence 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 Repealing Bounty on Bobcat, Loupcervier and Canada Lynx" (S. P. 226) (L. D. 631)

Report was signed by the following members:

Mr. CYR of Aroostook
— of the Senate.

Messrs. HANSON of Bradford
WADE of Skowhegan
ANDERSON of Ellsworth
DODGE of Guilford
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:

Messrs. STILPHEN of Knox
CARPENTER

of Somerset

— of the Senate

Mr. MERRILL of Stetson
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Stetson, Mr. Merrill.

Mr. MERRILL: Mr. Speaker and Members of the House: It seems that I have made a mistake on my signing that report. I certainly want to sign the "Ought not to pass" Report and I hope that the Majority Report "Ought not to pass" be accepted.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words on this bobcat bill.

Our deer herd is one of the big industries of the State. We must call it that along with our tourist trade, for it certainly brings in bountiful revenue.

This industry is threatened by two predators, the poacher and the bobcat—both of these must be controlled by the vigilance of man power. If this depredation is allowed to go on we will lose our much prized deer herd and a revenue which will be a serious blow to our economy. I am not in favor of bounties as a rule, but on the bobcat, emphatically yes.

In the last two weekends I have been home, two deer have been killed by cats within a radius of twelve miles of Ellsworth. Hunters with dogs took the tracks of three cats in Plantation 8, six miles above Ellsworth. They surprised the cats feeding on a freshly killed deer. The cats were treed a quarter of a mile from their last supper and killed. A cat will tree quickly on a full stomach.

The other cat, a big tom, was killed in Trenton, six miles from Ellsworth on the Bar Harbor road. He was surprised feeding on a freshly killed deer but had not had time to gorge himself. He gave the dogs a merry chase before he was shot, two miles from the deer killing.

There are thirty-one thousand square miles in the State of Maine and sixty-five per cent of this is forest land, haunts of the deer and bobcat. When two deer are killed within a radius of twelve square miles you can well imagine what is taking place over thirty-one thousand square miles.

I have a letter here from the dean of all bobcat hunters, retired game warden, Fred G. Smith. Fred had a record which I don't think will ever be equaled as an efficiency warden in the same service. A short time ago, pamphlets were distributed in the House in regard to the Bounty Hoax, and Mr. Smith mentioned this in heading this letter. If you will bear with me just two or three minutes,—

"After reading a pamphlet entitled 'The Bounty Hoax,' I have come to the conclusion that there is not a word in the dictionary that could fit it any better than Hoax."

That is exactly, in my opinion, what the author is trying to do to Maine's hunters, trappers and sportsmen.

The writer tells us that he made a survey of the United States and Canada for a certain magazine to find out which states and provinces pay bounties and on what predators.

The author has gone to great lengths to try and convince us that bounties are worthless and that wild life authorities in many states want bounties removed, but that farmers and ranchers object. I believe it quite possible that farmers and ranchers know more about damage done by predators than the wild life officials possibly can, while sitting in office chairs.

The writer got figures and opinions from nearly all the midwest, south and northwest as well as some from Canada, but for some reason did not mention Maine; however, he did list Maine in his

bounty chart as paying bounties on bobcat.

I have lived and hunted extensively in the far west and have visited practically all the northwestern and mid-western states and have hunted and rode with the hounds in the south. Most of those states are so infested with coyotes, foxes and badgers, besides wolves, bear and cougar in several, that I believe it practically impossible to tell which kills which.

The author's chart shows that eighteen states, besides Maine, including all the New England States except little Rhode Island, pays bounty on bobcats.

A great majority of the states also pay bounties on other than the bobcat, from the bear and wolf to the rattlesnake and starling.

Connecticut pays yearly bounties of \$750 on bobcats and six others.

Michigan pays \$225,000 on the bobcat, coyote and fox.

Minnesota pays \$175,000 on the bobcat and eight others.

Missouri pays \$70,000 on bobcat and coyote.

Nebraska pays \$35,000 on the bobcat and eight others.

New Hampshire pays \$6,600 on bobcat, lynx and two others.

North Dakota pays \$70,000 on bobcat and eight others.

South Dakota pays \$225,000 on bobcat and four others.

Vermont pays \$2,700 on bobcat, lynx and rattlesnake.

Wisconsin pays \$130,000 on bobcat and three others.

Maine pays \$11,000 on bobcat.

In recent years we have been led to believe that Maine was one of the only states still paying bounties.

We were also told that our bobcat bounty law was outmoded and that scientists had found but little evidence that the cat population was having a harmful effect on the deer population. Evidently, they would have us believe that like the proverbial 'lion and lamb', the deer and bobcat lie down together; I freely confess that they too often do, but you can safely bet that when they do, at least the blood of the deer will be inside the bobcat.

After summing up his findings, the author wrote, and I quote, "The

conclusion is inescapable: Bounties neither eradicate predators nor curb their population."

That one paragraph is proof to me that he either does not know what he is talking about, or is desperately trying to deceive his readers.

Maine State records show in 1931 and 1932 with the bobcat bounty raised from \$10 to \$20, bounties were paid trappers alone on 2,227 cats for an average of 1,113 cats a year, an all time high.

I believe if the bounty was raised to \$20 or \$25, it would be incentive enough for the trappers and hunters to bring the bobcat population down in a very few years.

It worked in 1931 and 1932 and should work again.

The bounty on bobcats in Maine has remained at \$15 for the past twenty-six years, 1935 to 1960 inclusive; while wages, clothing, footwear, food, traps and practically everything else has continually soared in price.

In the mid-thirties bobcat pelts were selling at a fairly good price, while at present they are at an all time low.

During the sixteen year period, 1940 to 1955 inclusive, there were bounties paid on 7,156 cats for a yearly average of 447.

During the following four year period, 1956 to 1959 inclusive, there were bounties paid on 2,879 cats for an average 719 cats a year, or a 60 percent increase over that of the preceding sixteen years. Evidently, bobcats are increasing rapidly.

In Maine there was no bounty paid on any animal or bird prior to 1830. In 1832 a bounty was offered on bear, wolf and bobcat.

The wolves increased so rapidly the bounty was raised from \$8 to \$15. At that time, \$15 was worth more than \$100 is today. Yet our forefathers had brains enough to keep the bounty out until the wolves were entirely wiped out.

The deer had been all but exterminated, but very slowly came back.

My father, Moses Smith, born in Eastbrook in 1848, told me many stories of the wolves.

Two men, named Mace and Davis, hunted or trapped wolves the year around in the Aurora area.

The white-tail deer is, I believe, the most wonderful game animal in the United States today.

As the bobcat is the only animal in Maine at present that constantly preys on the deer and as no animal in our woods preys on the bobcat, it is squarely up to man to keep its numbers under control.

The published statement of our scientist that the bobcat bounty is outmoded is, I believe, not a fact. I contend that it is the amount of the bounty that is outmoded as it has not been raised during the past twenty-six years.

The bobcat not only destroys our deer but he is so far ahead of the cunning fox in catching game birds that it is no contest.

Thousands of nonresident hunters come into our State each fall to hunt game birds and animals, mostly deer. These hunters spend vast amounts of money for licenses, accommodations, guides, guns, clothing, etc.

It is my belief that, if the bobcat bounty is removed and these nonresidents learn that we had rather feed our deer and game birds to the bobcats than to offer an adequate bounty to eradicate or reduce these numbers, a great many of them will hunt elsewhere.

I now urge every member of the House, if you have the interest of the State at heart, to vote to retain the bounty on this predator—This bill ought not to pass.

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

Non-Concurrent Matter

Bill "An Act relating to Use of Live Bait in Little Sebago Lake, Cumberland County" (H. P. 389) (L. D. 554) which was passed to be engrossed in the House on March 31.

Came from the Senate with Report "B" of the Committee on Inland Fisheries and Game reporting "Ought not to pass" accepted in non-concurrence.

In the House: On motion of Mr. Briggs of Portland, the House voted to insist and request a Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. BRIGGS of Portland
MOORE of Casco
HANSON of Bradford

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution to Permit the Term of Governor to Coincide with that of the President of the United States (S. P. 360) (L. D. 1093) which was indefinitely postponed in non-concurrence in the House on March 31.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was re-committed to the Committee on State Government and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. MAYO of Sagadahoc
ERWIN of York
EDGAR of Hancock

In the House: On motion of Mr. Dennett of Kittery, the House voted to insist and join in a Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. DENNETT of Kittery
KIMBALL
of Mount Desert
HAUGHN of Bridgton

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution to Allow the Governor by Appointment to Fill Vacancies in the Legislature (S. P. 307) (L. D. 895) which was indefinitely postponed in non-concurrence in the House on March 31.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was re-committed to the Committee on State Government and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. MAYO of Sagadahoc
ERWIN of York
BATES of Penobscot

In the House: On motion of Mr. Dennett of Kittery, the House voted to insist on its former action and

join in a Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. DENNETT of Kittery
KIMBALL
of Mount Desert
HAUGHN of Bridgton

Orders

On motion of Mr. Haughn of Bridgton, it was

ORDERED, that Kevin and Brian Kilroy of Wilmington, Delaware, be appointed to serve as Honorary Pages for today.

Thereupon, Master Kevin and Master Brian Kilroy of Wilmington, Delaware, were escorted to the well of the Hall of the House by the Sergeant-at-Arms. (Applause)

The SPEAKER: The Chair would like to state that Brian and Kevin are grandchildren of the gentleman from Portland, Mrs. Kilroy.

On motion of Mrs. Harrington of Patten, it was

ORDERED, that Mrs. Shepard of Stonington be excused from attendance the remainder of the week because of a death in the family.

On motion of Mr. Kennedy of Milbridge, it was

ORDERED, that the Maine Commissioners of the Profession of Pharmacy be allowed the use of the Hall of the House on Wednesday, June 21, 1961 for the purpose of giving examinations.

The SPEAKER: We are proceeding under Orders, and the Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker, I would like to ask if L. D. 1213 is still in possession of the House?

The SPEAKER: The Chair will inform the gentleman from Guilford, Mr. Dodge, that L. D. 1213 is in the possession of the House.

Mr. DODGE: Therefore, Mr. Speaker and Members of the House, I would move that we reconsider the action that we took yesterday on this bill and I have two amendments which we would like to put on the bill, and I request unanimous consent to briefly

address the House on the amendments.

This bill that you remember yesterday we had quite a talk about the bill regarding the game management on Mount Desert Island. Now as I understood it yesterday from what was said about the bill, it might open that island to general hunting. I am definitely against that, but I do think that when deer get so numerous and so hungry that they commit suicide by jumping in front of cars, creating a hazard to the people that are driving—that are driving the cars, that something should be done about it. And we have two amendments here which I think and I hope will satisfy most of the people. So I move that we reconsider the action whereby we adhered yesterday on this bill.

The SPEAKER: For the information of the Members of the House; the gentleman from Guilford, Mr. Dodge, has reference to L. D. 1213, in which yesterday the House adhered to its action whereby it had formerly indefinitely postponed this bill. Now the title of the bill is "An Act Designating Mount Desert Island as a Game Management Area," and part of the bill reads as follows: "There shall be a continual closed season on deer on all of Swan Island in the Town of Swan's Island which last mentioned town is in the County of Hancock and on Cross Island and Scotch Island, which last mentioned places are in Washington County, and in the Town of Isle au Haut, and the islands within the confines of the Town of Isle au Haut, which last mentioned town is in the County of Knox, and in game sanctuaries which have been established by law where the closed season shall be perpetual."

Now the question before the House is whether or not the House wishes to reconsider its action whereby the House adhered to its former action whereby this bill was indefinitely postponed. The Chair will order a division.

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

A division of the House was had.

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

The SPEAKER: At this time the Chair will request the gentleman from Woodstock, Mr. Whitman, to come to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Whitman of Woodstock assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Good retired from the Hall.

House Reports of Committees Leave to Withdraw

Mr. Waterman from the Committee on Taxation on Bill "An Act relating to Motor Vehicle Excise Tax" (H. P. 544) (L. D. 741) reported Leave to Withdraw

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Kimball from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing Compensation of Members of Maine Employment Security Commission" (H. P. 775) (L. D. 1057)

Report was read.

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to table this bill, but I would like to make an observation. The compensation of the commissioners of the Maine Employment Security Commission is not paid for by State funds. They are paid for out of Federal money from contributions from employers.

I would like to make just one more observation and request of this House that if the tone of this House changes, and it is not above my conception that it might or might not, that I would be afforded the privilege of recalling this bill from the file at a future date. I move that the "Ought not to pass" Report be accepted.

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

Mr. Albair from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Electricity, Fuel, Gas and Water from Sales Tax" (H. P. 1035) (L. D. 1436)

Mr. Bradeen from same Committee reported same on Bill "An Act Limiting Use of Transient Rental Revenues to Recreational Advertising" (H. P. 1034) (L. D. 1435)

Mr. Letourneau from same Committee reported same on Bill "An Act relating to Reimbursement of Fuel Tax for Miles Travelled on Maine Turnpike" (H. P. 781) (L. D. 1063)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Letourneau from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Providing for Gas Tax Refund for Stock Race Cars" (H. P. 1029) (L. D. 1430)

Report was read.

(On motion of Mr. Coulthard of Scarborough, tabled pending acceptance of Committee Report and specially assigned for Wednesday, April 12.)

Mr. Maxwell from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Tax Refund on Motor Fuel" (H. P. 1028) (L. D. 1429)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Waterman from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Gas for Cooking and Heating from Sales Tax" (H. P. 945) (L. D. 1293)

Report was read.

(On motion of Mr. Hancock of Nobleboro, tabled pending acceptance of Committee Report and specially assigned for Wednesday, April 12.)

Mr. Wheaton from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Electricity for Homes from Sales Tax" (H. P. 943) (L. D. 1291)

Same gentleman from same Committee reported same on Bill "An Act Requiring Record of Receipts of Transient Rental Tax" (H. P. 1033) (L. D. 1434)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Tabled and Assigned

Mr. Dennett from the Committee on State Government reported "Ought to pass" on Bill "An Act Prohibiting Public Employees to Have Pecuniary Interest in Public Contracts" (H. P. 1025) (L. D. 1426)

Report was read.

(On motion of Mr. Dennett of Kittery, tabled pending acceptance of Committee Report and specially assigned for Friday, April 7.)

Referred to Committee on Appropriations and Financial Affairs

Mr. Gill from the Committee on Health and Institutional Services on Bill "An Act Providing for the Rehabilitation of Alcoholics" (H. P. 976) (L. D. 1363) reported that it be referred to the Committee on Appropriations and Financial Affairs.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Reimburse Town of Warren for Cost of Municipal Services Provided for the State" (H. P. 901) (L. D. 1235)

Report was signed by the following members:

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

Messrs. KIMBALL
— of Mount Desert
HAUGHN of Bridgton
WHITMAN of Woodstock
BEARCE of Bucksport
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 member:

Mr. DENNETT of Kittery
— of the House.

Reports were read.

(On motion of Mr. Finley of Washington, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Wednesday, April 12.)

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Increasing Compensation of Boards of Registration in Cities" (H. P. 1023) (L. D. 1424)

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
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. HAUGHN of Bridgton
DOSTIE of Lewiston
NOEL of Waterville
— of the House.

Reports were read.

(On motion of Mr. Lane of Waterville, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Wednesday, April 12.)

Passed to Be Engrossed

Bill "An Act Increasing Number of Medical Examiners in Washington County" (H. P. 429) (L. D. 604)

Bill "An Act to Define Plumbing" (H. P. 518) (L. D. 716)

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 Eliminating Smokeless Powder from Explosives Regulations" (H. P. 610) (L. D. 827)

Was reported by the Committee on Bills in the Third Reading.

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

Mrs. SPROUL: Mr. Speaker, there seems to be considerable interest in black powder, which comes under this particular bill. And I would like to see about an amendment and have the permission of the House to table this unassigned.

Thereupon, the Bill was tabled pending acceptance of the Report of Committee on Bills in the Third Reading, and unassigned.

Bill "An Act relating to Superintending School Committee of Town of Kennebunkport" (H. P. 616) (L. D. 833)

Bill "An Act relating to Superintending School Committee of Town of Kennebunk" (H. P. 617) (L. D. 834)

Bill "An Act relating to Public Funds for Wiscasset Municipal Airport" (H. P. 642) (L. D. 859)

Bill "An Act Increasing Number of Medical Examiners in Aroostook County" (H. P. 713) (L. D. 990)

Bill "An Act Authorizing Sagadahoc County to Reimburse Cumberland County for Certain Court Costs" (H. P. 784) (L. D. 1065)

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 Rental of Space in County Buildings by State Departments" (H. P. 1104) (L. D. 1520)

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

(On motion of Mr. Plante of Old Orchard Beach, tabled pending passage to be engrossed and specially assigned for Friday, April 7.)

Bill "An Act Amending Charter of City of Westbrook" (H. P. 1105) (L. D. 1521)

Was reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed and sent to the Senate.

Amended Bills

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

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

Mr. Brown of Fairfield offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 173, L. D. 419, Bill, "An Act to Amend the Workmen's Compensation Act."

Amend said Bill by striking out the last underlined sentence and inserting in place thereof the following underlined sentences:

"In case the place of hearing so designated is more than 10 miles distant from the place where the accident occurred, the employer shall provide transportation or reimburse the employee for reasonable mileage in traveling within the State to and from said hearing. The amount so allowed for such travel shall be determined by the commissioner or commission and awarded separately in the decree."

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

The SPEAKER pro tem: At this time the Chair would like to recognize the presence in the gallery of the House of twenty members of the eighth grade of Madison Junior High School under the supervision of Miss Ardreth Garrison, their teacher.

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

Bill "An Act relating to the Public Debt Amortization Fund in the City of Waterville" (S. P. 174) (L. D. 420)

Bill "An Act Exempting Oil Burnermen from Plumbing License Re-

quirements for Specific Installations" (H. P. 405) (L. D. 580)

Bill "An Act Increasing Compensation of Jurors" (H. P. 643) (L. D. 860)

Bill "An Act Permitting Counties to Reimburse Other Counties When Court Cases Transferred" (H. P. 783) (L. D. 1179)

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.

Tabled and Assigned

Bill "An Act relating to Annual Permits to Move House Trailers and Mobile Homes Over Highways" (H. P. 915) (L. D. 1249)

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

(On motion of Mr. Chapman of Norway, tabled pending passage to be engrossed and specially assigned for Friday, April 7.)

At this point, Speaker Good returned to the rostrum.

SPEAKER GOOD: The Speaker wishes to compliment the gentleman from Woodstock, Mr. Whitman, for the excellent performance of his duties as Speaker pro tem. (Applause)

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

Emergency Measure Tabled

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

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.)

Finally Passed Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Enactor Tabled

An Act Providing for an Assistant County Attorney for York County (S. P. 21) (L. D. 46)

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

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

Passed to Be Enacted

An Act to Amend the Charter of the Union Mutual Life Insurance Company (S. P. 158) (L. D. 404)

An Act relating to Open Season on Black Bass Fishing (S. P. 193) (L. D. 526)

An Act Repealing the Tri-State Authority for Collective Construction and Operation of Institutions in Maine, New Hampshire and Vermont (S. P. 196) (L. D. 529)

An Act Providing for a Compact with New England States for Confinement, Treatment and Rehabilitation of Offenders (S. P. 198) (L. D. 531)

An Act relating to Hospitalization of Persons Suffering from Excessive Use of Alcohol (S. P. 200) (L. D. 533)

An Act relating to Penalty for First Offense for Driving Motor Vehicle under the Influence of Intoxicating Liquor (S. P. 289) (L. D. 900)

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

An Act Increasing Salary of Secretary of State (S. P. 384) (L. D. 1194)

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

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

An Act relating to Use of Artificial Lights for Lighting Game (H. P. 112) (L. D. 152)

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

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

Mr. WESTERFIELD: Mr. Speaker and Members of the House: With reference to item eleven, I would like to say that this bill has bothered me desperately through the various periods that it has been before the House. I feel that it imposes unnecessarily upon the rights of the individual, I feel that it is a very poorly drafted bill; and I do not feel that it will accomplish the intent for which it was drafted.

Therefore, at this time, I move that this bill be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that in reference to L. D. 152, that it be indefinitely postponed.

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

Mr. KENNEDY: Mr. Speaker and Members of the House: Not being prepared to debate the issue and the merits of this bill, feeling that it has already had the storm and weathered it through the House and the Senate, I really am not prepared to make a long dissertation on its merits. However, I will recall to the Members of the House that you did pass this, it went through the Senate and it was passed by amendment, the amendment designating the dates through the hunting season that lights may not be used for lighting game. I think this is a good bill, I will admit that it may put the poachers out of business in the State of Maine, it will be an assistance to the enforcement officers in protecting our game, also in protecting the lives and property of individuals

who live on isolated farms during the hunting season. And I rise in hopes that the House will not support the motion of the gentleman from Liberty, Mr. Westerfield. And I ask for a division when the vote is taken.

The SPEAKER: The question before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that this Bill 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.

Fifteen having voted in the affirmative and ninety-four having voted in the negative, the motion to indefinitely postpone did not prevail.

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

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

An Act to Provide for the Sale of Attached Personal Property (H. P. 398) (L. D. 573)

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

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

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

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

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

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

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

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

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 Defining Contract of Life Insurance (H. P. 921) (L. D. 1269)

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

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

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

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

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

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

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.)

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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 Report Ought to Pass with Committee Amendment "A" (Filing H-130) — Minority Report Ought Not to Pass — Committee on Transportation on Bill "An Act relating to Notification for Renewal of Operators' Licenses and Providing for a Two Year License." (H. P. 949) (L. D. 1297)

Tabled — March 29, by Mr. Baxter of Pittsfield.

Pending — Acceptance of Either Report.

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

Mr. BAXTER: Mr. Speaker and Members of the House: Since there is another bill on this same subject tabled until Wednesday, April 12, I would like to do likewise with this bill and I so move.

Thereupon, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Wednesday, April 12.

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

Bill "An Act relating to Specifying Insurance and Other Benefits in Contracts for Sales Financing of Motor Vehicles." (H. P. 920) (L. D. 1268) In House Read the Third Time.

Tabled — March 29, by Mr. Danes of South Portland.

Pending — Adoption of House Amendment "A" (Filing H-117)

Mr. Jones of Farmington withdrew House Amendment "A" and offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 920, L. D. 1268, Bill, "An Act Relating to Specifying Insurance and Other Benefits in Contracts for Sales Financing of Motor Vehicles."

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

Further amend said Bill by striking out the period at the end and inserting the underlined punctuation and words 'unless it is included in the finance charge.'

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

'Sec. 2. Effective date. This act shall become effective January 1, 1962.'

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of twenty-six pupils from Strong High School, accompanied by their teacher, Mr. Davidson; Mrs. Durrell, Mrs. Crossett, Mrs. Clark and Mr. Reed, parents. On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

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

HOUSE REPORT — Ought to Pass With Committee Amendment "A" — (Filing H-44) — Committee on Inland Fisheries and Game on Resolve Regulating Ice Fishing on Portage Lake, Aroostook County. (H. P. 489) (L. D. 689)

Tabled — March 29, by Mr. Prue of Ashland.

Pending — Motion of Mr. Stewart of Presque Isle that Report and Bill be Indefinitely Postponed.

The SPEAKER: The Chair recognizes the gentleman from Ashland, Mr. Prue.

Mr. PRUE: Mr. Speaker, I don't want to go into any lengthy talk on this particular lake, but when we had the hearing on this, I might explain the Committee Amendment. The Committee Amendment is for a two year period for two months. I have here on my desk eight telegrams from that area, and seven cards, and over the weekend when I went home I contacted some of the interested parties trying to get this lake open. There was handed to me a statement that a group of them had contacted 225 camp owners that would be interested in the lake, and 160 of those camp owners want to open up the lake. They have tried for years to get this lake open. In the 99th Legislature it passed this House by a considerable majority. So I would hope the House would go along and not indefinitely postpone this Resolve.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Stewart.

Mr. STEWART: Mr. Speaker, the arguments that were given last week on this bill would apply to

day as they did last week. I would like to point out to the Members of the House that last week on Friday, there were three lakes that were opened in this particular area without objection by anyone, and they were sent to the Senate; that several other lakes are open at the present time in the area, and perhaps there should be other lakes opened, but as far as Portage Lake, it is a lake that is covered with camps, many of these camps, or a goodly percentage of them are owned by people in Presque Isle. They pay a heavy tax on their property and they like to enjoy the fishing. However, the fishing that they enjoy is in the open water or in the summer, and not through the ice. I hope that my motion to indefinitely postpone will prevail.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: You might think it strange anyone coming from Friendship would be interested in Portage, but along about 1925 I taught school up there and to back up what the gentleman from Ashland, Mr. Prue has said, this bill was before the Legislature in 1949. If you want to take the trouble to look in the records, you will find that people from Portage favored it as far back as then, and it seems to me the people in Portage should have the right to say whether they want to fish in their own lake or not, so I am much in favor of the passage of this bill.

The SPEAKER: The Chair recognizes the gentleman from Stockholm, Mr. Johnson.

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

The SPEAKER: A division has been requested.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I spoke the other day on the ice fishing bills affecting Aroostook County in general. The remarks that I made at that time in opposition to opening up all of the lakes to ice fishing apply to this particular

bill, and I hope the motion of the gentleman from Presque Isle, Mr. Stewart, will prevail.

I might say further that I have been contacted by several of the camp owners on Portage Lake, and definitely they are certainly not all in agreement with the remarks made by the gentleman from Ashland, Mr. Prue. Many of them are in definite opposition to opening up this lake to ice fishing.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Gallant.

Mr. GALLANT: Mr. Speaker and Members of the House: I don't think it is fair to open some of these lakes and some others not to open them. I think to be fair about it we should open every one of the lakes and give everybody a chance to fish if they so desire. That is my opinion, and I would like to go on record in favor of the bill and I hope the motion of the gentleman from Presque Isle, Mr. Stewart does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Tweedie.

Mr. TWEEDIE: Mr. Speaker and Members of the House: This House saw fit to go along with a bill which reduced a state-wide fish limit from fifteen to ten. This is another step in the same direction, to protect our fishery. We have three lakes open and that will adequately cover anyone who wants to fish in that area.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen: Perhaps I shouldn't get involved in the Aroostook War, but I think I have a right to, and the reason I say I think I have a right to is for three terms I served Aroostook County in this Legislature, perhaps not too well, but nevertheless did. And I can confirm the fact that this bill was in here twenty years ago, because I introduced it myself. The bill I introduced as I recall, and I did not bother to dig it out, pertained only to a certain type of fishing. The lake that they are speaking of to-

day is one that I am quite familiar with. In fact that particular area was my home area prior to being removed from the county, and I can confirm too that in 1953 the bill was introduced in the Legislature, and I can further state that it passed this House as indicated by this book. And I can further state that the reason that it did not pass the Legislature was because there was pending a survey of the lake. The survey of the lake has been completed and the deepest place in the lake at any one point is twenty-five feet.

Now for those who believe that you are going to damage fishing in Portage Lake, I might say this. I am not an authority, but I might say this, that it is only reasonable to believe that salmon and trout will not stay in Portage Lake during the summer months. Now for those people who expect to catch fish in Portage Lake during the summer months, I respectfully request that they go elsewhere because they are not going to have very good luck. It is true that they may catch some, but it is going to be very few in number.

I would like to read one statement from the survey that was made on this lake, and that is this: The surface temperature is sixty-seven degrees. The temperature at twenty-three feet, which is nearest to the two points of greatest depth in the lake, is sixty-five degrees. Now I can't for the life of me imagine salmon or trout remaining in that lake during the summer months, and when there are those that contend that they can't catch salmon in the summer, they are telling the truth, because they won't stay there.

Now there is one other statement in this report: Water quality conditions are considered marginal for salmon or trout. Now if these reports are worth anything at all then what they say should be considered, and I would presume that the Committee on Inland Fisheries and Game, which reported this bill unanimously, did have access to this report and did consider this report in arriving at their unanimous ought to pass decision.

There may be one other sidelight that should be mentioned. It has

been mentioned today that there were two or three lakes opened to ice fishing in this area, but may I point out to you that those lakes are not in Aroostook County, but they are in Piscataquis County, the county from which I currently serve in this Legislature. One other lake in one other bill, and I may speak of that since reference to all has been made here, is not in either Piscataquis or Aroostook County, it is in Penobscot County. So you are not in effect opening all the lakes in Aroostook County, you are in effect going across the lines to other counties.

While Portage is readily accessible by vehicle, the only means of getting to most of the other lakes that have been mentioned under usual conditions is by plane, so I don't think you are going to deplete lakes a great deal, because I don't think there are too many who can afford or who do have planes that will take them to these back-lying lakes in the wilderness, and I for one am going along with the gentleman from Ashland, Mr. Prue, and I hope the motion of the gentleman from Presque Isle does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Ashland, Mr. Prue.

Mr. PRUE: Mr. Speaker, I am glad that the gentleman from Greenville brought up the clarification points on the three lakes being in Piscataquis County. I would like to tell the members here of the House, just to clarify their minds, that the only lakes that we have open are the smelt fishing lakes. St. Froid is open for smelt fishing and Squa Pan Lake is open for smelt fishing. Outside of that I don't know of any of the lakes in Aroostook County that are open to our people. I know that the people are in favor of opening these lakes.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't see in this day and age where way up in Aroostook County that there should be such a dispute on the floor of the House in matters to opening up a lake

that is way out in the wilderness that it is going to deplete a lake by having a few residential persons from going ice fishing on those lakes, and I see no reason why in this day and age why some of the lakes in the lower part of the State that are not being depleted by ice fishing and by so using Portage Lake that it would deplete the fish by having a few fishermen in our area of the State be able to go there and ice fish through the winter.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Presque Isle, Mr. Stewart, that Resolve, Regulating Ice Fishing on Portage Lake, Aroostook County, House Paper 489, Legislative Document 689, be indefinitely postponed. A division has been requested. All those in favor of the motion to indefinitely postpone please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

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

COMMITTEE AMENDMENT "A" to H. P. 489, L. D. 689, Resolve, Regulating Ice Fishing on Portage Lake, Aroostook County.

Amend said Resolve by striking out the words "each year" at the end and inserting in place thereof the words "the calendar years 1962 and 1963"

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

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

Resolve Regulating Ice Fishing on Millinagassett Lake, Mooseleuk Lake and Big Machias Lake. (H. P. 485) (L. D. 685) In House Read the Second Time. Committee Amendment "A" (Filing H-46)

Tabled — March 29, by Mr. Prue of Ashland.

Pending — Motion of Mr. Albair of Caribou to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from Ashland, Mr. Prue.

Mr. PRUE: Mr. Speaker, here again is the same thing, so I am not going into any explanation on this one. It is an Aroostook County lake and they are all in the same category with all the same people back of them, so I again ask the House not to indefinitely postpone this one.

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

Mr. ANDERSON: Mr. Speaker, if you are going to kill the bill, you should kill it with its right name, and I think the spelling of the name should be corrected. Therefore, I offer House Amendment "A" and move its adoption.

The SPEAKER: Since a motion to amend has precedence over a motion to indefinitely postpone, the gentleman offers House Amendment "A" and the Chair understands he moves its adoption, and the Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 485, L. D. 685, Resolve, Regulating Ice Fishing on Millinagassett Lake, Mooseleuk Lake and Big Machias Lake.

Amend said Resolve in the title by striking out the word "Millinagassett" and inserting in place thereof the word "Millimagassett."

Further amend said Resolve in the 3rd line by striking out the word "Millinagassett" and inserting in place thereof the word "Millimagassett."

House Amendment "A" was adopted.

The SPEAKER: The question before the House is the motion of the gentleman from Caribou, Mr. Albair, that the Resolve be indefinitely postponed.

Mr. PRUE: I would ask for a division, Mr. Speaker.

The SPEAKER: A division has been requested. All those in favor of the motion to indefinitely postpone, please rise and remain stand-

ing until the monitors have made and returned their count.

A division of the House was had.

Forty-one having voted in the affirmative and eighty-three having voted in the negative, the motion did not prevail.

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

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

Resolve Regulating Fishing in Eagle Lake, St. Froid Lake and Long Lake, Aroostook County (H. P. 396) (L. D. 571) In House Read the Second Time. Committee Amendment "A" (Filing H-47)

Tabled — March 29, by Mr. Gallant of Eagle Lake.

Pending — Motion of Mr. Albair of Caribou to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Gallant.

Mr. GALLANT: Mr. Speaker and Members of the House: This is another one of those bills in the same category, and I would ask a division. I think we are very much in need of fishing up there, especially while we are in a recession. Thank you very much.

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

Mr. ANDERSON: Mr. Speaker, they have long cold winters up there in the arctic circle in Aroostook County. If the natives can get a little pleasure out of ice fishing, I think they should be given that opportunity. I urge the passage of this bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Caribou, Mr. Albair, that the Resolve be indefinitely postponed. All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

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

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

SENATE REPORT — Ought Not to Pass — Committee on Business Legislation on Bill "An Act relating to Coercive Practices in Retail Sale and Distribution of Gasoline." (S. P. 403) (L. D. 1299) In House Acceptance of Ought Not to Pass Report Reconsidered.

Tabled — March 29, by Mr. Pike of Lubec.

Pending — Acceptance of Report.

On motion of Mr. Pike of Lubec, the "Ought not to pass" Report was accepted in concurrence.

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

HOUSE REPORT — Ought Not to Pass — Committee on Judiciary on Bill "An Act relating to Ways to Great Ponds." (H. P. 400) (L. D. 575)

Tabled — March 31, by Mr. Maxwell of Jay.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen: I would like to take just a minute or two of your time this morning to fully explain this particular L. D., An Act Relating to Ways to Great Ponds. It is self-explanatory up to a point, but it is that point that I think I should explain. Simply because coming out in the Lewiston Sun on Tuesday morning, March 14, a big headline; Paper Firms Protest Bill Providing New Roads in Wildlands. Now this is the farthest from the truth that anything could possibly be, and I think when I get through talking you will understand that.

This is very necessary legislation and perhaps one of the more needed acts to come before us this year. As a reason to want, let me read you a few lines from some letters and papers I have on my desk. First, from the Inland Fisheries and Game Department, to "Selectmen, Town Managers, and County Commissioners of Maine. Gentlemen: May I respectfully call to your attention the fact that

many Maine towns still have time to provide access or right of way to the ponds and lakes within their jurisdiction. In certain of our Maine villages it is already late, because the land surrounding some of our good fishing and recreational waters has been purchased by private interests who have denied the general public the privilege of enjoying these areas. May I point out that because of the increasing trend to bar the public from such waters, it has become necessary for this department to adopt the policy that waters so closed shall not be stocked with fish in the future. Our reason for this is that we operate almost entirely on income from the sale of hunting and fishing licenses, and if licensed fishermen are to be denied access, we should not spend their money on these waters. Under our present law, towns have the right to acquire and take by eminent domain, if necessary, suitable access sites on Maine waters."

Then to repeat, January 29, 1960, the January Newsletter from the department: Continued effort needed on access problem, and almost the same that I just read. Last year up in Franklin County, we petitioned, and by we, I mean Franklin County Fish and Game Association, petitioned the County Commissioners on Arnold Pond, asking that an access route be laid out. I would like to read a little from this petition, or from the report passed back to us: "Pursuant to the foregoing petition of Linwood A. Rolfe and others, the Order of Court thereon, we, the County Commissioners for the County of Franklin met the parties at the time and place for the purpose designated in said order and it being then and there satisfactorily proved to us that all the notices named in said order had been duly and seasonably published, served and posted, and that all the requirements thereon had been fully complied with, we thereupon proceeded with the parties and viewed the route prayed for in said petition, other routes and roads connected therewith, and immediately after such view on the same day, at the entrance to Arnold Pond Camps, that being a convenient place in the

vicinity of said route, we gave a hearing to the parties and their witnesses."

Now we start with the rule of law, this is where they tell us that they couldn't do it. We start with a rule of law that has come down to us from early colonial times which gives the right of free fishing and fowling for all in and upon any great pond more than ten acres in extent with a further right to pass and repass on foot through man's property for that end so they trespass not upon any man's corn or meadow. In more modern language, the fisherman may travel on foot without trespass over another man's unimproved land to reach a great pond. We understand from the petitioners that they would be satisfied if we merely laid out a public way without proceeding to construct it in the usual manner. We understand that the municipal officers of towns and cities have the power to lay out bridal paths, trails and public landings as well as town ways, and that such paths, trails and landings do not have to be maintained as town ways must be maintained. However, we know of no law that gives the county commissioners comparable powers in the unorganized territory. Believe that we must either lay out a way and accept the usual responsibility and expense for its construction and upkeep or do nothing. That part was very important.

At the public hearing on L. D. 575 some members of the so-called Third House said this was unnecessary as large companies do maintain roads and allow people to use them in going to great ponds to fish and so forth. While this is so, there were many, many ponds located in areas not covered by such a condition, and these are the ones that we want and need this act for. As I pointed out, the bill says county commissioners may, and I repeat that word, may, lay out, alter or discontinue ways, this is language used by town and city officials and requires a petition of several citizens asking them to do so.

At this point, I would like to commend the large timber and land owners for a truly remark-

able job being done to bring about better relations between themselves and the fishermen, campers, boaters and so forth. Recreation is said to be our second largest income-producing business in the State of Maine today, but if we don't recognize this and start on a program to extend better service, then we will find ourselves out in left field without a glove so to speak.

One more point that may have been overlooked is that we are not asking for roads by this bill, but merely trails and or paths, and I would like to point out that if a place was marked or laid out the sportsmen themselves would soon make the path. And where a pond was only feet from a road, as is the case just cited by me, that interested sports clubs and individuals would make boat landings themselves. The present law does allow roads to be built and or discontinued by county commissioners. This point is very important. I don't think any group of commissioners would misuse or for years at least go too far from state roads. They are just as reluctant to add to our taxes as we are. I would now move that this bill, L. D. 575, be substituted for the Committee Report and move its passage. You have been a good audience and may you be a kind one. Thank you very much.

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

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps nobody is going to be more surprised than my seat neighbor, the gentleman from Jay, Mr. Maxwell, that I am getting up in support of his bill. I fully appreciate a condition that is existing and has existed for many years in the State of Maine, this growing inaccessibility to many of the recreational areas. Now I am not familiar with what took place at the hearing before the Judiciary Committee, nor am I of a legal mind, but I do want to emphasize that if we are to stay in the recreational field, that position which we

so well enjoy at the present time, I believe that some serious consideration must be given to legislation of this type, and I do support the bill of the gentleman from Jay, Mr. Maxwell.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Ladies and Gentlemen of the House: Briefly to explain the position of the Judiciary Committee regarding this bill, the Committee voted unanimously ought not to pass on the bill presented by the Representative from Jay, Mr. Maxwell. The Committee felt unanimously that it presented a multitude of very serious legal problems. The Committee felt that the bill was poorly conceived and particularly that it involved one particular pond of which the Franklin County representative was concerned with. It gave to the county commissioners on the county level some powers which the Committee did not feel should be vested in the county commissioners, and we were looking at it purely as a legal bill and as a legal problem for taking land and laying out roads, the Committee felt unanimously that the bill should not pass.

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

Mr. MINSKY: Mr. Speaker, I have had the opportunity of serving both on the Judiciary Committee and also on the Committee on Industrial and Recreational Development, and I am fully aware of the plight of those who wish to reach our lakes, because a separate bill has been introduced and gone before the Committee on Industrial and Recreational Development concerning the access to our lakes and ponds for launching of boats for fishing and pleasure. There will be coming shortly from that Committee a bill which I think over a period of years will solve the problem that the gentleman from Franklin County referred to, but I don't think that the bill that received a unanimous ought not to pass report from the Judiciary Committee will in any way help solve his problem or help solve the problem of the recreational industry in

this state, and I hope that the decision of the committee of ought not to pass is sustained.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I cannot conceive of a bill here that presents so many legal problems that this Legislature cannot in time at least work on part of the problems. We have before us an emphasis on recreational activity in this state, and when an individual hauls a boat from out of the state into this state and when other folks from around here haul your boats to other ponds and places throughout this State of Maine and then find that you have absolutely no way to get to that pond, I think it is about time we did something about it. I haven't any boat. This is no personal problem of mine at all, but I can well see how it would present a problem to many recreational people coming into the State of Maine.

I doubt very seriously if Mr. Maxwell has any pet axe to grind. I know of this problem that exists in Franklin County, but it is a problem that exists throughout the State of Maine, and I hope that we do something today to start opening up these great ponds making them available to the tourists of this state and to those of us living here to use our boats upon them and be able to get to them. I trust now that we will permit this motion of the gentleman from Jay, Mr. Maxwell to substitute the Bill for the Report to pass.

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

Mr. DODGE: Mr. Speaker and Members of the House: We in our county have the same problem as Mr. Maxwell, the gentleman from Jay has. There are two lakes which we have had quite a lot of trouble with, the people who own the land have refused to let people go across their land to these lakes. There is no other way of getting there except across this land. There are some of those places that have been open for years to go in and all of a sudden they have a chain across the road, you can't go in

or you have to pay fifty cents or something before you go down through. Now I think our county commissioners, certainly in my county, will not use this power in any way that won't help us all, and I am in favor of this bill.

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

Mr. KNIGHT: Mr. Speaker and Members of the House: I agree with the Representative from Strong, Mr. Smith, and all the other gentlemen here that something should be done, but their problem will not be solved by L. D. 575. The bill, the way it is written and the way it is set up, just gives the county commissioners the right to lay out, alter or discontinue ways. It makes no provisions for hearings, makes no provisions for payment of damages or assessing damages. It does not solve the many problems that accompany eminent domain, and do not give the power of eminent domain away lightly. I hope that the Judiciary Committee Report unanimous ought not to pass is upheld.

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

Mr. BERRY: Mr. Speaker, I think this particular bill is beginning to assume a little more general importance than was originally attached to it. I know very specifically that it was conceived to solve the Arnold Pond situation, and it has a very definite local nature. I think that we are here facing a problem where we have a competent committee of lawyers who are advising us that we have real legal problems in enacting this particular piece of legislation, and there is in sight a more general solution of the problem. I strongly urge that we support the committee. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Members of the House: Once again to emphasize or explain a little more fully perhaps, D. E. D. has had this same problem and we bounced it around. We have had — the gentleman from Bangor, Mr. Minsky, and I and one or two House

Members have had conferences over in the other building with various department heads, and the bill that we had in question had quite a survey price tag on it, and I don't know that we have had any report out yet, but I feel free to say that the departments over there are cooperating whole heartedly with us in regard to this problem. They realize it especially in the recreation field, and they are going ahead with facilities and information in the next building to compile and prepare for us a complete list of all existing entrances so the problem won't be near as large when we get this report and the work we propose to do on it in the future.

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

Mr. WADE: Mr. Speaker, I was very happy to hear the remarks of the gentleman from Hope, Mr. Hardy. Prior to his making the statement that he did, I was about to arise to say to the great abundance of the membership in the legal profession that we enjoy here in this 100th Legislature, that in their wisdom and knowledge of law, isn't there something that they can come up with that might remedy this situation which we all are aware of? I appreciate that is a question and I did not mean to put in in that form, but I do hope that something can be done and that the minds that we have, such brilliancy in the legal profession, can be put to that type of use.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Judiciary Committee which heard this particular bill, I would like to make a few remarks as to why I agree with the ought not to pass report.

Now a great pond so-called consists of ten acres or more. Now ten acres is not too large an area and there are a great number of them in the built-up areas of the state which have been—which the shore lines have been bought up by private interests, and these people have bought up the shore lines to make these ponds more or

less private for their own purposes and they have a right to do so since they own all the shore line. A fisherman has a right to go across the unimproved portions to fish in the pond because the ponds themselves, the water, is our public property. However, it was felt that by this type of legislation you would be bringing on to the county commissioners of the more urban counties a great deal of pressure from local interests to open up roads to these private areas specifically for the purpose of fishing, and for that reason, that was one of the reasons that I voted ought not to pass.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: Just one more word or two about this thing. This was not brought on by the Arnold Pond thing at all. I merely used that as an example. It is what is happening all over the state; we are all aware of it. I would also like to make it very emphatic that presently the county commissioners do have the right to build roads, and had we asked for a road to be built into Arnold Pond, without a doubt they would have built it. We do not want to spend the taxpayers' money that way, it is unnecessary. This would merely allow a trail to be marked.

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

Mr. JONES: Mr. Speaker, in view of the discussion that has been going on here relative to this bill, I would be of the opinion that our legal minds could be put to work to take out the bad areas in this bill, and therefore, I move that it be tabled unassigned for an amendment.

Mr. RUST: I would request a division.

The SPEAKER: A division has been requested on the tabling motion. The question before the House now is the motion of the gentleman from Farmington, Mr. Jones, that this bill be tabled unassigned pending the motion of the gentleman from Jay, Mr. Maxwell, to substitute the Bill for the Report. 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.

Sixty-six having voted in the affirmative and sixty-five having voted in the negative, the motion did prevail.

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

Mr. HAUGHN: Mr. Speaker, may I ask that there be a recount of the vote in division one please because there was a miscount I believe.

The SPEAKER: The final result has been announced so the objection is too late. The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, I did not hear the gavel go, but as you have made the decision I will abide by it, but I would now move that this bill be tabled and specifically unassigned.

The SPEAKER: The bill is on the table unassigned.

The SPEAKER: At this time the Chair will request that the gentleman from Pittsfield, Mr. Baxter, approach the rostrum to act as Speaker pro tem.

Thereupon, Mr. Baxter of Pittsfield assumed the Chair as Speaker pro tem and Speaker Good retired from the Hall.

The SPEAKER pro tem: The Chair lays now before the House item eight, —

Mr. RUST: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. RUST: For a point of inquiry. What happened to item seven?

The SPEAKER pro tem: Item seven was tabled unassigned pending the motion of the gentleman from Jay, Mr. Maxwell, that the bill be substituted for the report.

Mr. RUST: I don't think I was asleep, but I heard no vote.

The SPEAKER pro tem: The House will be in order, the vote was taken and counted and was announced and not doubted.

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

HOUSE DIVIDED REPORT — Majority Ought to Pass — Minority Ought Not to Pass — Committee on Agriculture on Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes." (H. P. 866) (L. D. 1201)

Tabled — March 31, by Mr. Curtis of Bowdoinham.

Pending — Motion of Mr. Boothby of Livermore to Accept the Majority Ought to Pass Report.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I have no personal interest in this bill except as a citizen and as a legislator. It is true that for twenty-odd years I was a milk producer and for some twenty years I was a dealer, but two years ago I sold out both businesses and I have no particular interest personally. But I tabled this that you might get a little more knowledge of what has been happening in this industry as far as the producer is concerned. Now I have here the reports and with your kind permission I will briefly run over them for you.

Back in the days of 1934, when the control board — minimum price law was enacted — there was set up a certain amount of revenue to be derived from the milk producing people and the dealer. One cent per hundred from each one and that has paid the control board's expenses ever since. In other words the control board, the milk control board, does not have to go to the general fund for their expenses as this is paid. Now later on, this one is called the Maine Dairy Council and it brought in last year \$68,430, half of that was from the producer and one half from the dealer. In 1957, this Maine milk tax committee law was enacted, and it was enacted only for two years because there was somewhat opposition to it and it died in two years and again it was renewed in 1959. Now this money is made up entirely from the producer to advertise his milk. I am quite opposed to that way of doing business. But

I am just wondering now, as I have wondered for the past four years, what would the lawyers in this legislature, what would the pharmacists or what would the dealer in groceries or any other merchandise that is being sold within the State, what would they think if this Legislature set up a committee whereby they were taxed a certain amount and the money was spent to advertise their business without them having anything to say about it. They would run to the Supreme Court right away and say it was not constitutional and I am just wondering if this is constitutional since it taxes the milk producer. But they have never seen fit to make an issue of it. But anyway in the past year, this amount has brought in \$115,000 from the producer and it has been used in many ways—several ways which I don't think have done the milk producer in Maine any good. For instance, there was \$16,000 of this money that was sent to Chicago, now just why that it would help the people out in Maine to sell milk — sell the Maine milk — to send \$16,000 to Chicago is just beyond me. In fact, that's one of the great fears that we have right now, is that western milk being produced so much cheaper on account of grain being so much cheaper that it may be shipped into the State of Maine, which would be a great disadvantage to the producer in Maine.

And we also find that \$10,000 was sent to Boston. Well, we do have producers selling their milk to Boston, so perhaps if it does any good, it would do some good there, but then we have \$21,000 that was sent to the New England Dairy, and which went all over New England. I don't know how much good that did the people in Maine because Vermont produces a great deal of milk as the other states.

So, I'm just wondering just how much good it does. At least there was \$53,500 of this \$115,000 that was sent outside of the State, and I just wanted you to know this, and I think — it is my personal opinion anyway — that two cents tax is enough and I do not see any need of this one-half cent. I might say that the personal serv-

ices of this committee cost the farmers in Maine \$9,500.

The SPEAKER pro tem: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, the problem here is a very simple one, and the majority on the committee thought that a little more money would sell a little more milk, and that's exactly what we're after. And it will cost the dairymen of this state some money, but if we can sell the product, we can get it back with plenty with it. There is an honest difference of opinion here and I'm not going to hold out seriously for or against, but the majority thought some more tax, some more advertising would sell more milk. There is one area of the State in the eastern part that hasn't received their full share, I believe, of the advertising and this bill would provide money so that they could get their share of the advertising around in the Bangor and the eastern area. Without any further ado I will sit down.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Livermore, Mr. Boothby, that the House accept the Majority "Ought to pass" Report.

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

Mr. JAMESON: Mr. Speaker, you'd think after the trimming I got here two weeks ago, that I'd forget the word milk. But I am not allowed it seems to forget it. Every day I come in here, somebody wants to know how much is a quart of milk today, here comes the milkman. Now two weeks ago, I tried to stress the fact that I did not wish to injure the producer, the majority of the votes evidently assumed that I did. That was evidenced by the count. I am opposed to this bill because I think that the producer gets little enough for his milk. There's a wide margin as I stressed before between the producer's price and the distributor's price, why not let the distributor assume this two and one-half cents? I'm not going to talk any longer. I would like to table this bill to the year 2000 our Lord, is that permissible?

The SPEAKER pro tem: The gentleman may move the indefinite postponement if he wishes.

Mr. JAMESON: How about tabling it indefinitely? I move the indefinite postponement.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Bangor, Mr. Jameson, that both Reports with regard to House Paper 866, Legislative Document 1201, Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes," that both Reports be indefinitely postponed. The Chair will order a division.

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.

Sixty-three having voted in the affirmative and forty having voted in the negative, the motion prevailed.

Thereupon, the Reports and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER pro tem: At this time the Chair would like to recognize the presence in the gallery of the House of students from the American History class of Dexter High School. They are accompanied by their teacher, Hector Herbert. On behalf of the House the Chair extends to you a most hearty and cordial welcome and we hope you will enjoy and profit by your visit with us here today. (Applause)

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

Bill "An Act Concerning Qualifications of Municipal Court Judges and Associate Judges" (S. P. 252) (L. D. 769) In Senate Passed to be Engrossed.

Tabled — March 31, by Mr. Haughn of Bridgton.

Pending — Passage to be Engrossed.

On motion of Mr. Haughn of Bridgton, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act Providing for Registration of Sanitarians" (H. P. 975) (L. D. 1342) In House Read Third Time.

Tabled — March 31, by Mr. Malenfant of Lewiston.

Pending — Passage to be Engrossed.

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

Mr. MALenfant: Mr. Speaker and Members of the House: I tabled this bill the other day to give a chance to every member of this House to study this bill. There are six pages of this bill, I know you are all very busy on different bills, I don't know if there are any of you that have had a chance to study this bill. If this bill becomes a law, that would create another State board. In my opinion we have too many state boards already. And this bill asks for college education to become a sanitarian, what we call health inspectors. I discussed this bill with the health officers in two different cities and they are all against this bill. Because if this bill becomes a law, they are going to form some kind of an association and they are going to raise their pay every little while. And that deprives good many men that didn't have the chance to receive a college education to earn their living as health inspectors. I represent a city with 40,000 people—we always get along all right with our health inspectors, none of them have a college education, and — this bill will cost a lot of money because the cities and towns are going to be obliged to pay more for their sanitarians because, like I said before, they are going to form some kind of associations and they are going to fix their own salary.

Now, Mr. Speaker, I move indefinite postponement of this bill and I am going to ask for a division.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Lewiston, Mr. Malenfant, the Bill "An Act Providing for Registration of Sanitarians," be indefinitely postponed, and the Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: This bill I introduced at the request of the sanitarians. The association is already formed. I am sure that all of you realize in this State that we do not have to have a law to form an association or for any profession that we happen to belong to. Now sanitarians are inspectors, that is true, this bill was written according to the national code and this bill will not be a cost to the state. It will be paid by those who wish to be registered as sanitarians. I would like to point out to you also I think most of you know how I feel about tying up different groups and allowing no one in. I don't believe there is very much doubt about it in this House, I went over this quite thoroughly, you may wonder why I have the bill. At the time that I was president of the Maine Restaurant Association, the first move was made to up-grade sanitation in restaurants and these sanitarians whom we use as inspectors have to take a special course and they ask that we send in a representative to represent the restaurant groups to see if we could bring to the attention of these inspectors the things that we did not like about the things that they did. So when it came time to introduce a bill, I think perhaps it seemed logical to ask me to take it.

Now, I went over this quite thoroughly and if you will note on page two, they can be a graduate of a college or they may not be. However, they cannot be registered sanitarians unless under the four year course, with a four year college course they must have had two years' experience as sanitarians. And under a higher degree course, they must have had one year's experience as a sanitarian. So the law specifically states that a college degree does not allow you to become a sanitarian. Also that you may become a sanitarian by having had five years' experience working as one. It does not say that anyone must hire a sanitarian in any way. It says nothing about it. It simply allows them to receive an education and qualify themselves as sanitarians, and I

can't see for any reason why we should wish to deny them this right and I would also say that before I took the bill, I took it up with the restaurant association and with others and they are very much in favor of it, and I am sure we hear a great deal about the recreation industry, about up-grading our industry, so I hope that the motion of the gentleman from Lewiston does not prevail.

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

Mr. STEVENS: Mr. Speaker, Members of the House: It was my pleasure to attend the meeting of the Health and Institutional Services when they heard this bill, L. D. 1342, it came out of this committee unanimous "Ought to pass." At that time there were no opponents to this bill whatsoever, there were several members of the Health Department from several cities and counties throughout the State. They were all in favor of it, they all thought it would be beneficial to the citizens of our State, they do think and they knew of course, that their profession is a very technical and exacting one, and it's becoming more so every day. They felt, and they feel that now and in the future people who assume this office of sanitarian or health inspectors should be better trained, should have more technical knowledge of the aspects of the job.

As I see this bill, it is in no way detrimental, it in no way restricts the present health officers who are now employed, it gives them every opportunity to up-grade themselves, it gives them every opportunity to assume the position of sanitarian in the future. There's a grandfather clause in here that protects them to a great degree. I believe that a profession such as the health officer or so-called sanitarian is a very important one. In fact I liken them to the fire department who goes out and inspects buildings and wiring and so forth, before we have a fire. These sanitarians are in much that same position. They inspect our food before it is canned, they inspect it at its source, they inspect it before it is offered to the public for

sale or distribution. In the name of humanity, in the name of health, I think we should offer these gentlemen the right to organize themselves to up-grade their profession, and I therefore hope that the motion of my colleague from Lewiston does not prevail.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I much appreciate the lady from Falmouth's talk and also the gentlemen who just spoke, and perhaps there is a need for these people. But there's nothing to hinder them now from up-grading themselves, there's nothing to hinder them now for getting all this education. Now what I fear, and I fear it because it's happening all around us, is once they get this then the next legislature or soon after they will come in and want to make it mandatory that no one but people from their organization can be hired. We do have that. If you recall for several times since I have been in the Legislature, we've had people from the real estate people come in and try to make it mandatory that you cannot be in real estate no matter how much you know about it, how well you pass an examination, you cannot be a real estate broker unless you serve a certain length of time as a salesman or something. It has been defeated so far, but it will be back again. And we find if the barbers come in—I was on that committee which passed this out for three different terms, and each time there was always someone coming in to want to fence themselves in—the barbers, the nurses, and they are fencing themselves in somewhat. I am just wondering with the State of Maine with our death rate being more favorable than it has ever been with our birth rate being very favorable, just why our population does not increase. I think perhaps it may be due somewhat to this fencing in. If you want a job, if you were born in the State of Maine, and get up to where you want a job, you have to go out of the State of Maine and get it, you find yourself fenced in here

and you've got to belong to this and that. I think soon you are going to have in this Legislature a bill in here where you can't sell insurance unless you go out and write for somebody else for a year or more or length of time before you can be an insurance agent. Now, we've had very good insurance agents all over these past years and all they've had to do is come down here and pass an examination. I do say it is a rather stiff examination, but if you have education enough, and know enough about the business, you can pass it, and that should seem to be sufficient.

Now they say it's not going to cost the State of Maine anything, probably it is not now, but it seems to me these cities and these municipalities who hire these men, it's up to them to say they should be qualified. It's their business, it's their food they are going to look over, and it seems to me that we are infringing upon the rights of the individual and the officers in the municipalities in saying that the Legislature is going to set up certain rules and regulations whereby they are going to be governed entirely. Surely we have enough laws without any more of these, and I don't see any particular need of this thing and I don't see where it's going to do anybody any good except just these people that it's going to fence in.

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

Mrs. SMITH: Mr. Speaker, I think there is misunderstanding about this. I haven't been able to remember all that the gentleman from Bowdoinham, Mr. Curtis, has said. But I would like to point out to you that this bill would have to be completely re-written in order to write out the idea that people had to have a college education to register as a sanitarian. It has no provisions in it to prevent anyone from being a sanitarian or an inspector which is what they are, in any way, it simply allows those who wish to to register as sanitarians. And I think you will go back with me to the days when we first had inspection in restaurants, and know that on the spare

time and such people, we quite commonly picked up almost anyone to inspect the restaurants, and that result was that the restaurant operators did not have too much respect for the inspectors either. Now I ask you if you operate a business, and the inspectors are coming in, remember that, because you have a law on the books that says that we must be inspected, organizations do not have to be inspected, church groups do not have to be inspected; but the restaurants do have to be inspected and we do have to abide by the decision of the inspector.

Now there was a time when we were picking almost anyone to come in and do these jobs; however, the department itself has upgraded itself to a certain extent and they are using a great many principals of high schools and different people who do come back year after year and inspect as a summer job. Some of these people now belong to the sanitarians' association, but there is no provision in this bill that says that any city is to hire anybody in particular, they can hire anyone that they want to. They can hire anyone from the street or anywhere else, that they consider would make good inspectors, and there isn't one thing that can be said about it. This simply says that those who wish may register as sanitarians, that they may pay for it, and that they may do so only after they have had at least one year's work as a sanitarian. And if you can't be registered as a sanitarian, unless you've had either one or two or four years' experience as one, I ask you how you could prevent the municipalities from hiring a sanitarian?

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

Mr. MALENFANT: Mr. Speaker, Members of the House: If this bill becomes a law, the board is going to make it so hard to pass examinations only a handful with a college education will be able to pass the examination. There is so much red tape in this bill and the strict requirements in this bill is going to make it almost just as hard for

the sanitarians to pass the examinations as it is for a lawyer to pass the bar examination, or a doctor to pass the state board examination. Cities and towns are going to be hurt by this bill, only a little handful of lucky people with college education will receive the benefit of this bill. I hope my motion prevails.

The SPEAKER pro tem: Is the House ready for the question? The Chair recognizes the gentleman from Portland, Mr. Stevens.

Mr. STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: In reference to the statements made by my colleague, Mr. Malenfant, regarding not being able to pass examinations pertaining to health inspections. He made references to doctors, dentists, and so forth. I submit to you ladies and gentlemen of the House, would you like to be attended by a physician who was unable to pass the board of medical examination? I am certain you would not, neither would I, and I am most certain that I would not like to see the health of my children and your children and the health of the people of this State entrusted in the hands of incompetent inspectors. Thank you.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Lewiston, Mr. Malenfant, that Bill "An Act Providing for Registration of Sanitarians," L. D. 1342, be indefinitely postponed and the Chair will request a division.

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

A division of the House was had.

Thirty-nine having voted in the affirmative and eighty-one having voted in the negative, the motion did not prevail.

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

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

Bill "An Act relating to Inspection and Supervision of Public Improvements by Bureau of Public

Improvements." (H. P. 1098) (L. D. 1511) In House Read Twice.

Tabled—March 31, by Mr. Moore of Casco.

Pending—Acceptance of Report of Committee on Bills in the Third Reading.

Thereupon, the Report of the Committee on Bills in the Third Reading was accepted.

Mr. Moore of Casco offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1098, L. D. 1511, Bill, "An Act Relating to Inspection and Supervision of Public Improvements by Bureau of Public Improvements."

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

Further amend said Bill by adding 'Sec. 2.' to read as follows:

"Sec. 2. R. S., c. 15-A, Section 26, amended. Section 26 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended by adding a new paragraph to read as follows:

'On any bid submitted by a prime contractor under this chapter all of his sub-contractors and their quotations shall be listed, but no sub-contractor shall be required to file bids with the Bureau of Public Improvements.'

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

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

Bill "An Act to Incorporate the Calais Water District" (H. P. 770) (L. D. 1067)—Committee Amendment "A" (L. D. 1519)—In House Read the Third Time.

Tabled—April 4, by Mr. Davis of Calais.

Pending—Passage to be Engrossed.

Mr. Davis of Calais offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 770, L. D. 1067, Bill "An Act to Incorporate the Calais Water District."

Amend said Bill in the 9th line of section 4 by striking out the word "shall" and inserting in place thereof the word 'may'

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

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass—Minority Ought to Pass—Committee on State Government on Bill "An Act relating to Salary of Commissioner of Education." (H. P. 776) (L. D. 1058)

Tabled—April 4, by Mr. Dennett of Kittery.

Pending—Acceptance of Majority Ought Not to Pass Report.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I am fully aware of the position taken by the Committee on State Government and of this House regarding Departmental salary bills. This particular bill was one of two that received a divided report. At the time of presentation, this bill was supported by all citizens groups in the State that are identified with the education of the children of our State. State Board of Education, the Governor's Advisory Committee on Education, the Maine Congress of Parents and Teachers and the State School Boards' Association all supported this measure. I am concerned that the retention of the Commissioner's services to education in this State is vital. Just five years ago, as far as the State of Maine is concerned, the shoe was on the other foot. At the time we procured the present commissioner, he was not an applicant for this position. There were many, but he was not one. It was decided by the State Board of Education that he was the man

that they would like to have and they went and got him. At that time he was president of a teachers college in Connecticut. Since that time he has been very active and instrumental in the forming of the educational philosophy of this State. The administration of its policy affects two hundred thousand pupils. He is also directly responsible for the operation of teacher colleges. I am aware that the Commissioner of Education within three months has had an offer of a nationally-known university to serve as its president, a substantial salary above what he is now receiving. I am also aware that industry within the last month has offered him a sum that is way beyond that which we are proposing to pay in that Commissioner of Education.

For your information, ladies and gentlemen, I would like to recall some of the salaries of comparable positions in other states. New Hampshire is currently paying as near the same as we are \$14,800; and their Legislature is considering a bill to increase the salary of their commissioner comparable to the one that we are considering. Massachusetts has a range scale for their commissioner of \$20,000 to \$25,000, and are now paying \$25,000; Rhode Island has a present salary of \$14,000, but the State Board of Education has recommended to the Governor \$18,000 and there's no legislative action required; it is fully expected that the Governor will establish that base for Rhode Island; Connecticut has a range scale of \$14,000 to \$26,000 and are now paying \$18,500 and the range calls for an automatic increase this year. I have a whole list of salaries of commissioners from other states which I won't take the time but just a couple. Pennsylvania pays \$20,000; Virginia, \$17,000; Wisconsin, \$17,000; New York pays \$24,486, but I was interested to note that they also have a \$5,000 expense allowance. In our own State, we pay the Director of the Bureau of Mental Health, a classified service in the scale from \$18,000 to \$23,000; the superintendent of the hospital for the mentally ill, in a

range scale from \$14,300 to \$17,500, and we pay the president of our own state university, \$20,000 a year.

I am concerned that the interest of education in order to be maintained, even if we could replace the present commissioner with one qualified, would suffer drastically should we lose this man. I have been authorized by the State Board of Education to offer an amendment to this bill, and I ask your indulgence in order to offer that amendment for your consideration. I believe that the bill is now in the Committee Report stage, it cannot be amended until it has had a second reading. I would also call to your attention that any appropriation will probably be placed on our special table for consideration along with the other services in our State. Therefore, I hope that the Majority "Ought not to pass" Report does not prevail and I will request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Medford, Mr. Hichborn.

Mr. HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: Everyone will agree that education is big business. Everyone will agree that quality education is the logical objective of all our educational programs. The kind and the quality of our educational programs directly affects every member of this House, and every constituent, man, woman and child. In our efforts to provide quality education for our youth in most Maine communities, we are spending half or more of our local tax dollars on education. At the State level, you and I are being asked to consider a budget which will approximate forty million dollars for the coming biennium. Support of that budget will probably make the enactment of most of this possible, because you and I hope and believe that by so doing, we can provide the quality of education that our youth needs. In summary it suffices to repeat perhaps that education is big business and to say that we need the best administrator for that job that we can find.

During the past thirty years or more I have personally known every Commissioner of Education that

the State has had during that period. And during this time I have worked with and for them. Some of these gentlemen have given very distinguished service to the State. Some possessed magnetic personalities, some excelled as business administrators, some inspired their co-workers to a very commendable degree, and some displayed admirable qualities of leadership. It is unfortunate that some did not. At the present time we have a Commissioner of Education who possesses as many or more of these desirable qualities and abilities as any educator that we have had as the head of our Education department. He is recognized nationally as a leading educator and a leading administrator. Confidence in the Commissioner is equaled only by the loyalty of the people who know him and work with him and for him. Economy is a popular word. It is sometimes a word the meaning of which we do not understand. Economy can be real and economy can be false, but it would seem to me that when we are closing up shop in another month or so and going home to leave a forty million dollar business in operation down here, that it would be false economy to leave our Department of Education in other than the best and the most capable hands. Ladies and Gentlemen, I repeat that education is big business. We need the best administrator we can get, it's my personal opinion that we have that man, and I further believe that we should do everything that we can to keep him on the job, and I hope that the motion by the gentleman from Portland, Mr. Estey, does prevail.

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

Mr. DENNETT: Mr. Speaker, Ladies and Gentlemen of the House: There is no doubt but what this bill had very careful consideration in Committee. As you well know, it came out with a Majority and Minority Report. At the hearing we were attended by various groups who represented Education in the State of Maine. They were quite steadfast in stating that the Commissioner of Education had

not asked for any increase in salary, but they were doing it for him. They considered him an excellent man for the position. I have no argument for that. I believe that he is an excellent man, but we have twenty some odd other department heads who are also excellent men and we put out "Ought not to pass" on their pay raises too.

Education is definitely important in the State of Maine. It is as important as anything else, but so are these other departments important. And they all have a bearing on the welfare of this State. We were further told by these various committees that appeared as witnesses before the Committee on State Government that the present Commissioner of Education liked his job in Maine. He is a native of Maine, he would like to stay in Maine, he regarded his position here as a challenge. I feel that if he feels that way, he certainly should make every effort to stay in Maine. He receives \$14,000 a year; to use a vulgar phrase that isn't peanuts, that is a pretty good salary. Oh, yes, we have heard this morning of the salaries that the commissioners of education get in other states, \$25,000 in Massachusetts. Massachusetts is eight times the size in population of the State of Maine. The salaries that they get in New York, New York is many times the population of the State of Maine.

Now the point in bringing this bill out, those of us who signed the Majority "Ought not to pass" Report, was in no means a reflection on the capabilities of the Commissioner of Education. It is merely an effort to hold the line in this Legislature. This morning I feel that you are at the crossroads. If you are going to start giving increases, you have got to give them right down the line. You cannot make flesh of one and fish of the other. You must be steadfast in your determination or your program is going to collapse, and I am not going to argue further on this matter, this is all I have to say. When the vote is taken, I ask for a division, and I hope that the "Ought not to pass" Majority Re-

port of the Committee will prevail.

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

Mr. CURTIS: Mr. Speaker, I do not agree at all with my good friend who has just spoken. I do not agree simply because New York is larger than we are, that we don't owe our children as good an education as if they had been born in New York. I do not agree that because a child is forced to be born in Maine, that he should not be considered the same consideration as if he had been born in a larger state. Now I have been a member of the superintending school committee for a number of years in a municipality. I have worked with the Commissioners of Education. I have no particular fault to find with them, but since I have been a member of the Board of Education and having worked with Dr. Hill, I want to agree with everything that the gentleman from Medford has said about him. And the one great fear that I have today is that we may lose him for the sake of a few dollars. I hate to pay taxes just as bad as anyone does. Now I was an employer of labor for a number of years. And I used to say to a man when I hired him, you never need to ask me for a raise. The day that I think you are worth it, you will get it. And I didn't say that I was going to give it to everybody, I usually had from five to ten men working for me most of the time and I didn't say to them that if I was going to raise one man, I was going to raise all the rest. I do not think the gentleman from Kittery—that we have got to raise everybody because we have one outstanding man and we want to keep him on the job. Now when a man is working for the money that our Commissioner — and somebody comes along and offers him \$17,000 or \$20,000, \$5,000 more, why of course, as bad as I would hate to see him leave, I wouldn't ask him to stay. I think this man is worth the money to us, much more than what we are asking for, and I hope that we do pay him somewhere near—something what he is

worth, and I realize that if we give him this amount, we will not be paying him adequately.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the Minority "Ought to pass" Report and believe that we should explain to the House my stand and the reason for it. And at the outset I would like to say in all due courtesy to our Chairman of our committee, which I consider him to be an outstanding chairman of any committee in this House, I have the highest regard and respect for his opinions and his thoughts and expressions. But I do disagree in his application as to why the gentleman should not receive a raise in his opinion. Number one, as far as taking other states, I will agree with him, they are of population and size far greater than we are and have the economic means to probably meet the needs and desires, but we are coming down to the basic thought which is, shall we keep the man of quality, the man who has proven himself able, or should we by a few paltry dollars dispose of this man which I think eventually you would because of any action detrimental to the minority report. I can name places where there are small communities of one hundred thousand population they are paying their superintendents \$12,000 or \$14,000—let alone the Commissioner of Education. Now if we want to take population basis we can prove that point.

Secondly this man did not ask for a raise, that's true, we have a few other department heads that did not ask for raises, but they were submitted because the general run was done on one so they all followed suit and had some individual legislator, like I myself, put in for others which I plan to give them the courtesy and right to be heard to see whether they are worthy of the raise and increase, so that part of it is out as far as I am concerned for consideration. We might say too that the gentleman from Portland, Mr. Estey, has presented to you facts and figures which are commonly known and

able to be proven as the substance has been truth and no kidding about it as to what they actually mean for the State of Maine. There are so many reasons I could discuss and debate on this issue, but I don't want to take the time any longer, but I certainly hope that when you vote that you consider one thing, this man devotes his full time to his office, he's not like a lot of the department heads that are here one or two days a week or at their convenience for the office hours they desire to make when we are out of session, this man is continually on the go day and night. May not always be in his office, but he is doing school work on behalf of the State of Maine—all over the state travelling. So I hope that you consider well that if you want to keep a man of this calibre you will allow this amendment to be offered and reject the motion now pending before you. If you do not, then I will say that you are helping to get rid of a man that we certainly need and desire and should keep in Maine.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am heartily in accord with the remarks made by the gentleman from Kittery, Mr. Dennett. I do not go along with any increase in salary for the Commissioner.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: First I would like to assure you all, when I came into this House this morning I had no intention whatsoever of making any remarks on this particular measure; but the arguments, the comments pro and con most certainly offer a challenge to my thinking.

It appears from a news letter that was sent out recently by the MTA, that I have been selected for some personal attention. I feel duly honored. I think the time has come when we should all take due note that the people who profess to speak for education in Maine

have held the banner sign so high that many of us have great difficulty in seeing anything else.

Now I want to assure you again there is no personal feeling in the remarks that I make. Warren Hill comes from a town—as a matter of fact he graduated from Buxton High School, which is about ten miles from my home. I am satisfied that he is a man of marked ability. I am satisfied that he would do a good job in education or in industry wherever he might be placed. But I would like to ask this House one question, and before I ask it I am going to direct the attention of all of you to a booklet that was placed on the desks in this House about two months ago, a report of the Maine School District Commission. It had two sections, a report of the activities and recommendations of the Commission, number one; number two, a suggestion of the Commission as to what should be presumably the future policies of education in this state and the direction that education should take.

My first reaction to that report was a reaction which I still hold—who speaks for education in Maine today? Is it the Maine School District Commission headed I understand by Dr. Shibles of the School of Education in Orono? Is it Dr. Shibles? Or is it Warren Hill, the Commissioner of Education, the head of a duly constituted State Department which is supposed to activate, work out the policies set by our State Board of Education? That, I want to know.

Furthermore, we have these increasing costs. I have a letter, it may be out there now, I don't know, I sent it away for a good friend of mine to read. I felt certain that he would be interested in it, signed by Mary Woodman, who I understand is the Public Relations Officer of the M.T.A. Apparently some of those people are disturbed at my remarks. I am sorry about that. Nevertheless, they represent as usual my thinking. I replied to that letter in kind. I drew attention to a comment which I made in this House some two months ago, that the power to tax is the power to destroy, and I question if at times such

as this it was a good proposition to spend and spend and spend. I don't think so.

Dr. Hill may earn more money than he is getting. I won't argue that point. I don't think my good friend from Kittery, Mr. Dennett, would argue that point either, but in my considered judgment, we are able in this state to spend just about so much money on education; no more. I don't believe that we should ask the people back home—I know many of them who are what might well be termed marginal livers—to maintain a salary schedule which to my mind, based upon Maine's industrial capacity and economic standards today, is unrealistic.

Now I am not going to bore you people with any further remarks. I have stated my position. I am not a pessimist. I am not against education but I am a realist, and I think I will say one thing more that comes to my mind. It seems to me in a way it might be appropriate. One hundred and seventy-five years ago the distinguished gentleman from Mount Vernon served as the presiding officer of the Constitutional Convention in Philadelphia. Now if you people who are interested in history care to explore the minutes of the meeting, I think you will find something to the effect that he says that we should create a standard. I take this out of context, but I am aware of what went before. Create a standard to which the wise and honest may repair. Good advice then. Good advice now I wonder when I see certain suggestions made in the State today, has that standard yet been unfurled? I am afraid not. I thank you for your close attention.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bucksport, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of the House: I was the other member of that committee that was in the Minority Report. I have a lot of respect for our Chairman, the gentleman from Kittery, Mr. Dennett, but in this particular case, I certainly voted against him for a reason, and the reason was that I want to see the continuation on a sound basis of the poli-

cies and activities and development of our educational system here in Maine, and the man to do that would be our Commissioner Hill. And the small amount of \$1,500 one year and an additional \$1,500 the second year is peanuts compared to the amount of money that he has to administer and the work that he can do. I certainly want to support the report to give him this additional salary. Thank you.

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

Mr. ESTEY: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: The gentleman from Portland, Mr. Estey, has moved the previous question. For the Chair to entertain the motion for the previous question, it must have an expression of a desire for the previous question on the part of one-third of the members. All those in favor of the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously, more than one-third having arisen, the motion is entertained.

The question now is, shall the main question be put now? All those in favor of the main question being put now please signify by saying aye; those opposed, no.

A viva voce vote being taken, the motion did prevail.

The SPEAKER pro tem: 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 on Bill "An Act relating to Salary of Commissioner of Education," House Paper 776, Legislative Document 1058. A division has been requested. Will 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 the count.

A division of the House was had.

Ninety-six having voted in the affirmative and thirty-five having voted in the negative, the motion did prevail, the Majority Report

was accepted and sent up for concurrence.

At this point, Speaker Good returned to the rostrum.

SPEAKER GOOD: The Chair wishes to congratulate the gentleman from Pittsfield, Mr. Baxter, for the excellent performance at his job as Speaker pro tem.

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

The Chair laid before the House the fourteenth tabled and today assigned 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 to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. (H. P. 845) (L. D. 1159)

Tabled — April 4, by Mr. Fogg of Madison.

Pending — Acceptance of Either Report.

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

Mr. **WHITMAN:** Mr. Speaker, and Members of the House: Because of the lateness of the hour and in

order to allow ample time for any debate desired on this particular bill, I would move that this item be tabled until Friday, April 7.

Thereupon, the Reports and Resolve were tabled pending acceptance of either Report and specially assigned for Friday, April 7.

On motion of Mrs. Sproul of Bristol, the House voted to take from the table item three under Bills in the Third Reading, Bill "An Act Eliminating Smokeless Powder from Explosives Regulations," House Paper 610, Legislative Document 327, that was tabled earlier in the day by that gentleman.

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

Mrs. **SPROUL:** Mr. Speaker, my point with reference to black powder has been clarified, and I now move this bill have its third reading.

Thereupon, the Report of the Committee on Bills in the Third Reading was accepted, the Bill given its third reading, passed to be engrossed and sent to the Senate.

On motion of Mr. Baxter of Pittsfield,

Ajourned until Friday, April 7, at nine o'clock in the morning.