

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, April 7, 1961

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

Prayer by the Rev. Mr. Robert A. Hils of Gardiner.

The journal of the previous session was read and approved.

**Papers from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Tax on Quahogs" (S. P. 236) (L. D. 640) reporting that they are unable to agree.

(Signed)

MAYO of Sagadahoc

CHASE of Lincoln

BROOKS of Cumberland

— Committee on part of Senate

SPROUL of Bristol

LOWERY of Brunswick

MAXWELL of Jay

— Committee on part of House

Came from the Senate read and accepted.

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

From the Senate: The following Order:

ORDERED, the House concurring, that there be paid to John S. Nelson, Representative of the Penobscot Tribe of Indians, and George Stevens, Jr., Representative of the Passamaquoddy Tribe of Indians, on account of compensation, the sum of One Hundred Dollars each, as balance due on their compensation (S. P. 508)

Came from the Senate read and passed.

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

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Taxation on Bill "An Act relating to Refund of State Excise Tax on Malt Beverages Sold to Government Instrumentalities" (S. P. 363) (L. D. 1096) reporting Leave to Withdraw

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Modifying the Notice Required on Finance Board Budget Recommendations to City Council of Lewiston" (S. P. 294) (L. D. 905)

Report of the Committee on Towns and Counties reporting same on Bill "An Act Providing for Three Medical Examiners for Franklin County" (S. P. 188) (L. D. 434)

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

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Legal Affairs on Bill "An Act relating to Passage of Ordinances by Lewiston City Council" (S. P. 329) (L. D. 1004) 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. 329, L. D. 1004, Bill, "An Act Relating to Passage of Ordinances by Lewiston City Council".

Amend said Bill by striking out 'Sec. 2' in its entirety and inserting in its place thereof the following:

'Sec. 2. Ordinances. The power to enact, amend or repeal ordinances shall vest in the city council. Every ordinance, before final passage, shall be published, marked "City of Lewiston, Proposed Ordinance" in the daily newspapers published

in Lewiston at least 48 hours before the meeting at which such action is taken and shall take effect at the expiration of 30 days after it shall have been approved by a justice of the supreme judicial court **except an emergency ordinance which shall become effective 7 days after it shall have been approved by a justice of the supreme judicial court.** Every ordinance shall require on final passage the affirmative vote of at least 4 aldermen **except emergency ordinances which shall require the affirmative vote of at least 6 aldermen.** The foregoing provisions shall govern procedure for the amendment or repeal of an ordinance; provided, however, that for the repeal of an ordinance the publication of such ordinance shall be by title only.'

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

Petitions, Bills and Resolves Requiring Reference

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

Towns and Counties

Bill "An Act Providing for Additional Washington County Taxes for the Year Nineteen Hundred and Sixty-one" (H. P. 1108) (Presented by Mr. Dennison of East Machias) (Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mrs. Hendricks of Portland, it was

ORDERED, that Master Danny Bernard, and his friend Patrick Nasson, both of Sanford, be appointed to serve as Honorary Pages for today.

Thereupon, the Sergeant-at-Arms conducted Masters Danny Bernard and Patrick Nasson, to the well of the Hall of the House to serve as Honorary Pages.

The SPEAKER: The Chair would like to state that Danny Bernard is the son of Representa-

tive Louis J. Bernard of Sanford. (Applause)

This is the birthday of Danny Bernard, son of Representative Bernard. (Applause)

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

On motion of Mr. Waterman of Auburn, it was

ORDERED, that Rev. Aubrey Dwelley of the East Auburn Baptist Church be invited to officiate as Chaplain of the House on Thursday, April 27, 1961.

House Reports of Committees Leave to Withdraw

Mr. Smith from the Committee on Judiciary on Bill "An Act Changing Name of Norway Municipal Court to South Paris Municipal Court and its Location to South Paris" (H. P. 757) (L. D. 1043) reported Leave to Withdraw

Mrs. Sproul from the Committee on Legal Affairs reported same on Bill "An Act to Revise the Charter of the Universalist Church of Maine" (H. P. 765) (L. D. 1051)

Mr. Stewart from same Committee reported same on Bill "An Act Creating the Limestone Medical District" (H. P. 331) (L. D. 483)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mrs. Baker from the Committee on Towns and Counties on Bill "An Act Increasing Salary of Sheriff of Kennebec County" (H. P. 170) (L. D. 233) reported Leave to Withdraw, as covered by other legislation.

Same member from same Committee reported same on Bill "An Act relating to the Payment to the Sagadahoc County Law Library" (H. P. 320) (L. D. 472)

Same member from same Committee reported same on Bill "An Act Increasing Payments to Cumberland County Law Library" (H. P. 855) (L. D. 1169)

Mr. Beane from same Committee reported same on Bill "An Act Increasing Payments to York County

Law Library" (H. P. 319) (L. D. 471)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Clerk of Courts of Kennebec County" (H. P. 434) (L. D. 609)

Mr. Jones from same Committee reported same on Bill "An Act relating to Payments to County Law Libraries in Arrostook County" (H. P. 600) (L. D. 921)

Reports were read and accepted and sent up for concurrence.

Tabled

Mr. MacGregor from the Committee on Towns and Counties reported Leave to Withdraw on Bill "An Act Increasing Annual Payments to Waldo County Law Library" (H. P. 172) (L. D. 235)

Report was read.

(On motion of Mr. Thornton of Belfast, tabled pending acceptance of Committee Report and unassigned.)

Mrs. Shaw from the Committee on Towns and Counties reported Leave to Withdraw on Bill "An Act Increasing Payments to Hancock County Law Library" (H. P. 914) (L. D. 1248)

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Drake from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Disposition of Fines and Costs of Imprisonment under Sea and Shore Fisheries Laws" (H. P. 128) (L. D. 191)

Mr. Durgin from the Committee on Education reported same on Bill "An Act to Authorize the Municipalities of Appleton, Union and Warren to Form a School Administrative District" (H. P. 872) (L. D. 1207)

Mr. Nadeau from the Committee on Highways reported same on Bill "An Act Authorizing Construction of a Bridge Across the Androscoggin River" (H. P. 806) (L. D. 1120)

Reports were read and accepted and sent up for concurrence.

Tabled

Mr. Turner from the Committee on Highways reported "Ought not to pass" on Bill "An Act Transferring Working Capital Fund of Highway Garage to General Highway Fund" (H. P. 977) (L. D. 1364)

Report was read.

(On motion of Mr. Turner of Auburn, tabled pending acceptance of Committee Report and unassigned.)

Mr. Berry from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Single Tax Assessor and Board of Assessment Review for City of Waterville" (H. P. 767) (L. D. 1053)

Mr. Briggs from same Committee reported same on Bill "An Act to Provide a Mayor Form of Government for City of Gardiner" (H. P. 681) (L. D. 959)

Mr. Ham from the Committee on Public Utilities reported same on Bill "An Act relating to Motor Carriers Operating as School Buses" (H. P. 834) (L. D. 1149) which was recommitted.

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation Tabled and Assigned

Mr. Knight from the Committee on Judiciary on Bill "An Act relating to Transportation of School Children to Private Schools" (H. P. 114) (L. D. 154) reported "Ought not to pass", as covered by other legislation.

Report was read.

(On motion of Mr. Johnson of Smithfield, tabled pending acceptance of Committee Report and specially assigned for Friday, April 14)

Mrs. Sproul from the Committee on Legal Affairs reported "Ought not to pass" as covered by other legislation on Bill "An Act Permitting a Building Code for Town of Mechanic Falls" (H. P. 511) (L. D. 709)

Same member from same Committee reported same on Bill "An Act Regulating Traffic by Council of Town of Mechanic Falls" (H. P. 512) (L. D. 710)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Hartshorn from the Committee on Health and Institutional Services on Bill "An Act relating to Practicing Dental Hygiene by Students in Schools" (H. P. 1095) (L. D. 1508) reported same in a new draft (H. P. 1110) (L. D. 1525) under same title and that it "Ought to pass"

Mr. Nadeau from the Committee on Highways on Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Androscoggin River (H. P. 71) (L. D. 113) reported same in a new draft (H. P. 1111) (L. D. 1526) under title of "Resolve Authorizing State Highway Commission to Study Need and Cost of a Bridge Across the Androscoggin River" and that it "Ought to pass"

Mrs. Sproul from the Committee on Legal Affairs on Bill "An Act relating to Power of Universalist Church of Maine to Hold Property" (H. P. 764) (L. D. 1050) reported same in a new draft (H. P. 1113) (L. D. 1531) under title of "An Act relating to Power of The Universalist Church of Maine to Hold Property" and that it "Ought to pass"

Reports were read and accepted, the New Drafts of Bills read twice, the New Draft of Resolve read once, and assigned the next legislative day.

Passed to Be Engrossed

Mr. Haughn from the Committee on Public Utilities on Bill "An Act relating to Powers of Houlton Water Company to Issue Notes and Other Certificates of Indebtedness" (H. P. 1090) (L. D. 1501) first new draft of H. P. 697, L. D. 975 and which was recommitted, reported same in a second new draft (H. P. 1106) (L. D. 1522) under same title and that it "Ought to pass"

Report was read and accepted and the second New Draft read twice.

On motion of Mr. Haughn of Bridgton, the Rules were suspended and without reference to the Committee on Bills in the Third Reading the second New Draft was given its third reading, passed to be engrossed and by unanimous

consent sent forthwith to the Senate.

Mr. Pike from the Committee on Public Utilities on Bill "An Act Creating the Richmond Utilities District" (H. P. 833) (L. D. 1148) reported same in a new draft (H. P. 1107) (L. D. 1523) under same title and that it "Ought to pass"

Mrs. Shaw from the Committee on Towns and Counties on Bill "An Act relating to Payments to Androscoggin County Law Library" (H. P. 313) (L. D. 465) reported same in a new draft (H. P. 1112) (L. D. 1527) under title of "An Act relating to Payments to County Law Libraries" and that it "Ought to pass"

Mr. Tweedie from the Committee on Towns and Counties on Bill "An Act relating to Expending Aroostook County Funds for Maine Potato Blossom Festival" (H. P. 278) (L. D. 392) reported same in a new draft (H. P. 1109) (L. D. 1524) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bills

Mr. Drake from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act relating to Allocation of Funds for Purchase of Real Estate by State" (H. P. 285) (L. D. 437)

Mr. Plante from same Committee reported same on Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 183) (L. D. 279)

Mrs. Smith from same Committee reported same on Resolve Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line (H. P. 185) (L. D. 281)

Same member from same Committee reported same on Bill "An Act relating to Disposition of Income from Out of State Children at Governor Baxter State School for the Deaf" (H. P. 450) (L. D. 650)

Mr. Berman from the Committee on Legal Affairs reported same on Bill "An Act relating to Superintending School Committee of Town

of Mechanic Falls" (H. P. 513) (L. D. 711)

Mr. Briggs from same Committee reported same on Bill "An Act Providing for Civil Service for the Old Orchard Beach Police Department" (H. P. 614) (L. D. 831)

Mr. Kellam from same Committee reported same on Bill "An Act to Grant a New Charter to the Town of Old Orchard Beach" (H. P. 604) (L. D. 863)

Mrs. Baker from the Committee on Towns and Counties reported same on Bill "An Act relating to Rental for Brewer Municipal Court" (H. P. 211) (L. D. 306)

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

The SPEAKER: At this time the Chair would recognize with great pleasure the presence of a group in the gallery of students from the eighth grade of Gardiner Junior High School. They are accompanied by their teacher, presumably, Mrs. Stickney, and Mr. Ingerson.

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

Ought to Pass with Committee Amendment

Mr. Levesque from the Committee on Education on Bill "An Act Changing Fort Kent Normal School to Fort Kent Teachers' College" (H. P. 586) (L. D. 807) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 586, L. D. 807, Bill, "An Act Changing Fort Kent Normal School to Fort Kent Teachers' College."

Amend said Bill in the title by adding after the words "Fort Kent" which appear in 2 places in the title, the word 'State'.

Further amend said Bill by striking out all of section 2.

Further amend said Bill by striking out all of section 11 and inserting in place thereof the following:

'Sec. 11. Appropriation. There is appropriated from the General Fund to the Department of Education to carry out the purposes of this act, the sum of \$64,621 for the fiscal year ending June 30, 1963; the breakdown of which is as follows:

Department	1962-63
EDUCATION, DEPARTMENT OF	
Personal Services	\$29,952
All Other	26,669
Capital Expenditures	8,000
	<hr/>
	\$64,621.'

Further amend said Bill by renumbering sections 3 to 11 to be 2 to 10.

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

Tabled

Mr. Berman from the Committee on Legal Affairs on Bill "An Act relating to Exits in Buildings" (H. P. 1006) (L. D. 1407) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Hinds of South Portland, tabled pending acceptance of the Committee Report and unassigned.)

Mr. Kellam from the Committee on Legal Affairs on Bill "An Act Clarifying Electricians Licensing Law" (H. P. 821) (L. D. 1136) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 821, L. D. 1136, Bill, "An Act Clarifying Electricians Licensing Law."

Amend said Bill by striking out the last word "intelligence" of Section 1 and inserting in place thereof the following:

'heat activated fire alarms and electrically supervised manual fire alarms and sprinkler systems'.

Further amend said Bill by deleting Sections 2, 3 and 4 in their entirety.

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

Mr. Stewart from the Committee on Legal Affairs on Bill "An Act relating to Nursing Home in Town of Mars Hill" (H. P. 411) (L. D. 586) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 411, L. D. 586, Bill, "An Act Relating to Nursing Home in Town of Mars Hill."

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

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

Whereas, the hospitalization and nursing care of people in and around the Town of Mars Hill is an obligation and duty of the Town of Mars Hill; and

Whereas, in order to provide such hospitalization and nursing care a nursing home in the Town of Mars Hill should be constructed as soon as possible this year; and

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

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

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

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

Mrs. Baker from the Committee on Towns and Counties on Bill "An

Act to Incorporate Baring, Washington County, into an Organized Plantation" (H. P. 280) (L. D. 394) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 280, L. D. 394, Bill, "An Act to Incorporate Baring, Washington County, into an Organized Plantation."

Amend said Bill by striking out in Sec. 4 the first sentence which reads as follows: "The State of Maine shall assume responsibility for any outstanding indebtedness at the time of reincorporation; and thereafter neither the Plantation of Baring nor the inhabitants therein shall be deemed responsible for any obligations incurred prior to these dates."

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act to Regulate Issuance of Trading Stamps" (H. P. 461) (L. D. 661)

Report was signed by the following members:

Messrs. BROWN of Hancock
PORTEOUS
 of Cumberland
CHASE of Lincoln
 — of the Senate.
Mr. MORSE of Oakland
Mrs. SHEPARD of Stonington
Messrs. HUGHES of St. Albans
CHOATE of Hallowell
 — of the House.

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

Report was signed by the following members:

Messrs. BERNARD of Sanford
EDWARDS
 of Stockton Springs
JOHNSON of Smithfield
 — of the House.

Reports were read.

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

Mr. CHAPMAN: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The question now before the House is the motion of the gentleman from Gardiner, Mr. Chapman, that the Majority "Ought not to pass" Report be accepted.

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

Mr. FOGG: Mr. Speaker, there is some more information I would like to get on this bill, and I would like to table it until next Wednesday.

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

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

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

All those who favor the tabling motion, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Ninety-two having voted in the affirmative and nine having voted in the negative, the motion did prevail, the Reports and Bill were tabled pending the motion of the gentleman from Gardiner, Mr. Chapman, that the Majority "Ought not to pass" Report be accepted, and specially assigned for Wednesday, April 12.

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Form of Standard Fire Insurance Policy" (H. P. 652) (L. D. 930)

Report was signed by the following members:

Messrs. BROWN of Hancock
PORTEOUS
 of Cumberland
CHASE of Lincoln
 — of the Senate.
Messrs. MORSE of Oakland
JOHNSON of Smithfield
CHOATE of Hallowell
Mrs. SHEPARD of Stonington

Mr. BERNARD of Sanford
 — of the House.

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

Report was signed by the following members:

Messrs. HUGHES of St. Albans
EDWARDS
 of Stockton Springs
 — of the House.

Reports were read.

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

Mr. HUGHES: Mr. Speaker, due to the fact that there is other legislation germane to this same subject coming along later, I would like to table this until Tuesday, April 18.

Thereupon, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Tuesday, April 18.

Divided Report Tabled and Assigned

Majority Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation (H. P. 578) (L. D. 798) which was re-committed.

Report was signed by the following members:

Messrs. PORTEOUS
 of Cumberland
BREWSTER of York
PARKER of Piscataquis
 — of the Senate.

Messrs. HUGHES of St. Albans
ANDERSON of Greenville
HAGUE of Gorham
HUTCHINS of Kingfield
BREWER of Bath
 — of the House.

Minority Report of same Committee on same Resolve reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. JOHNSON of Stockholm
GALLANT of Eagle Lake
 — of the House.

Reports were read.

(On motion of Mr. Johnson of Stockholm, tabled pending accept-

ance of either Report and specially assigned for Friday, April 14.)

Divided Report

Majority Report of the Committee on Claims on Resolve Reimbursing Bay Ferry Corporation for Loss of Business (H. P. 579) (L. D. 799) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. PORTEOUS
 of Cumberland
BREWSTER of York
 — of the Senate.

Messrs. HUGHES of St. Albans
 HAGUE of Gorham
 GALLANT of Eagle Lake
 HUTCHINS of Kingfield
 ANDERSON of Greenville
 JOHNSON of Stockholm
 BREWER of Bath
 — of the House.

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

Report was signed by the following member:

Mr. PARKER of Piscataquis
 — of the Senate.

Reports were read.

On motion of Mr. Hughes of St. Albans, the Majority "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. 579, L. D. 799, Resolve, Reimbursing Bay Ferry Corporation for Loss of Business.

Amend said Resolve in the title by inserting before the word "Business" the word "Its"

Further amend said Resolve in the 2nd line by striking out the figure "\$20,000" and inserting in place thereof the figure '\$10,000'

Further amend said Resolve by inserting in the 3rd line before the word "business" the word "its"

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

Divided Report

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on

Bill "An Act relating to Private Shooting Preserves" (H. P. 985) (L. D. 1372) which was recommit-
ted.

Report was signed by the following members:

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

Messrs. DODGE of Guilford
HANSON of Bradford
MOORE of Casco
WADE of Skowhegan
ANDERSON of Ellsworth
MERRILL of Stetson
 — of the House.

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

Report was signed by the following member:

Mr. WALLS of Millinocket
 — of the House.

Reports were read.

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

Mr. Crockett of Freeport was granted unanimous consent to address the House briefly.

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen of the House: I am very sorry to take the action that I am taking this morning in order to receive information that you and I need in order to decide upon bills that will be coming before us very shortly. I have done my utmost to receive this information without referring to this method. I have asked the Public Utilities Commission to get this information, and they have refused to give them, the Public Utilities Commission, this information. I personally saw one of the officers of the Maine Central Railroad yesterday; he refused again to give me the information that you and I would like and I know that we need in order to decide upon a certain bill that will come before us in the near future. So therefore, I am very sorry that I have to take this course in order to get the information that you and I need to act intelligently upon a

bill that will be before us in the near future. Thank you.

Thereupon, Mr. Crockett of Freeport presented the following Order out of order and moved its passage:

Order Out of Order

ORDERED, that the Public Utilities Commission be directed to obtain and furnish, as soon as possible, to the House of Representatives the following information:

1. Total number of acres of land owned and used by the Maine Central Railroad in Maine.

2. Total number of acres of land owned and used by the Maine Central Railroad in Portland, Augusta, Waterville, Bangor, Lewiston, Brunswick, Skowhegan, Greene and Freeport.

3. Total number of acres of land owned and used by the Portland Terminal Co.

4. Total number of acres of land owned and used by the Portland Terminal Co. in Portland, South Portland and Westbrook.

The acreage pertaining to the above cities shall be reported separately.

The Order received passage.

The SPEAKER: The Chair would like to recognize the presence in the gallery at this time of twenty-nine students in the seventh and eighth grades from Liberty, accompanied by their teacher, Robert Tufts.

Also in the gallery at this time, there are seventeen eighth grade students from the Levant Consolidated School, accompanied by their Principal, David R. Ellis; their teacher, Mrs. Gordon, and two parents, Mrs. Keith and Mrs. Goodwin.

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)

Passed to Be Engrossed

Bill "An Act relating to Transfer of County Jail Prisoners" (S. P. 197) (L. D. 530)

Bill "An Act to Eliminate Intangibles from Property Taxation" (S. P. 500) (L. D. 1507)

Bill "An Act relating to Survivor Benefits under Maine State Retirement System" (S. P. 503) (L. D. 1517)

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

Tabled and Assigned

Bill "An Act relating to the Inspection of County Jails" (S. P. 504) (L. D. 1518)

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

(On motion of Mr. Wellman of Bangor, tabled pending passage to be engrossed and specially assigned for Wednesday, April 12.)

Resolve Regulating Fishing in Cupsuptic River, Oxford County (S. P. 288) (L. D. 889)

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

Amended Bills

Bill "An Act relating to Open Season for Trout in Oxford and York Counties" (S. P. 107) (L. D. 252)

Bill "An Act relating to Driving Deer by More Than Six Persons" (S. P. 287) (L. D. 888)

Bill "An Act Increasing Limits of Industrial Mortgage Insurance under Maine Industrial Building Act" (S. P. 358) (L. D. 1091)

Bill "An Act Defining Mother, Father and Parent under Maine State Retirement Law" (S. P. 382) (L. D. 1192)

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.

Third Reader Amended

Resolve relating to Opening Date for Open Water Fishing on Certain Waters (S. P. 34) (L. D. 59)

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

Mr. Westerfield of Liberty offered House Amendment "A" and moved its adoption.

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

HOUSE 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 adding at the end of the part designated "Waldo County" the following:

'Crotch Pond	Palermo
Sam Pond	Palermo
Jump Pond	Palermo

House Amendment "A" was adopted.

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

Resolve Regulating Ice Fishing on Portage Lake, Aroostook County (H. P. 489) (L. D. 689)

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

Bill "An Act relating to Unauthorized Insurers False Advertising Process Act" (S. P. 406) (L. D. 1348)

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

Tabled and Assigned

Bill "An Act relating to Area Directional Signs for Sanford and Rangeley Areas, and Acadia National Park" (S. P. 493) (L. D. 1489)

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

(On motion of Mr. Hague of Gorham, tabled pending passage to be engrossed and specially assigned for Wednesday, April 12.)

The following Enactor appearing on Supplement Number one was taken up at this time:

Passed to Be Enacted Emergency Measure

An Act relating to Powers of Houlton Water Company to Issue

Notes and Other Certificates of Indebtedness (H. P. 1106) (L. D. 1522)

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. 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted and signed by the Speaker.

On motion of Mr. Haughn of Bridgton, the Bill was sent forthwith to the Senate by unanimous consent.

Emergency Measure

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

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. 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Nonforfeiture Benefits and Valuation Standards for Life Insurance Policies (S. P. 156) (L. D. 402)

An Act relating to Retirement Benefits for Members of the Lewiston Fire Department (S. P. 260) (L. D. 777)

An Act Authorizing City of Bangor to Construct Bridge Structures over Kenduskeag Stream (S. P. 296) (L. D. 907)

An Act Providing for Compensation for Members of the Planning Board of the City of Lewiston (S. P. 328) (L. D. 1003)

An Act to Repeal the Charter of the Cousins and Littlejohns Islands Village Corporation (H. P. 203) (L. D. 298)

An Act relating to Municipal Regulation of Subdivisions of Land (H. P. 258) (L. D. 372)

An Act relating to Allowance for Uniforms of the Police Department of the City of Lewiston (H. P. 279) (L. D. 393)

An Act Repealing Certain Obsolete Private and Special Laws Relating to City of Portland (H. P. 408) (L. D. 583)

An Act relating to Formation of School Administrative Districts for Certain Towns in York County (H. P. 470) (L. D. 670)

An Act to Incorporate the Town of St. Albans School District (H. P. 516) (L. D. 714)

An Act Transferring South Portland Sewerage District to City of South Portland (H. P. 606) (L. D. 823)

An Act relating to Notes of Augusta Parking District (H. P. 613) (L. D. 830)

An Act relating to Power of Squirrel Island Village Corporation to Borrow Money (H. P. 615) (L. D. 832)

An Act Repealing Law Enabling School District Number One in Gorham to Hold Trust Funds for Educational Purposes (H. P. 762) (L. D. 1048)

An Act relating to Superintending School Committee of Town of Gorham (H. P. 763) (L. D. 1049)

An Act Enabling Municipalities to Obtain Additional Federal Grants for Urban Renewal Projects (H. P. 938) (L. D. 1286)

An Act to Incorporate the Town of Athens School District (H. P. 1007) (L. D. 1408)

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

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.

Orders of the Day

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

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

Tabled — March 28, by Mr. Haughn of Bridgton.

Pending — Motion of Mr. Brown of Fairfield that the Bill be indefinitely postponed.

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

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

As House chairman of the Public Utilities Committee, and with consent of the gentleman from Fairfield, Mr. Brown, and the committee members desire to have this back, I move this bill be recommitted back to the Committee on Public Utilities.

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

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

HOUSE DIVIDED REPORT — Majority Ought to Pass With Committee Amendment "A" (Filing H-145) — Minority Report Ought Not to Pass — Committee on Transportation on Bill "An Act relating to Weight of Commercial Vehicles." (H. P. 718) (L. D. 917)

Tabled — March 31, by Mr. Morrill of Harrison.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, the Senate chairman and the House chairman have requested that this bill be sent back to committee for a correction. I move that it be returned to the Transportation Committee.

Thereupon, the Reports and Bill were recommitted to the Committee on Transportation and sent up for concurrence.

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

SENATE REPORT — Ought Not to Pass — Committee on Judiciary on Bill "An Act Clarifying Validation of Street Installations." (S. P. 376) (L. D. 1187) — In Senate Recommended to Committee on Judiciary.

Tabled — April 4, by Mr. Berry of Cape Elizabeth.

Pending — Acceptance of Report.

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

Mr. BERRY: Mr. Speaker, I move the acceptance of the Committee "Ought not to pass" Report in non-concurrence.

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

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

HOUSE REPORT — Ought to pass — Committee on State Government on Bill "An Act Prohibiting Public Employees to Have Pecuniary Interests in Public Contracts." (H. P. 1025) (L. D. 1426)

Tabled — April 5, by Mr. Dennett of Kittery.

Pending — Acceptance of Report.

On motion of Mr. Dennett of Kittery, the "Ought to pass" Report was accepted, the Bill read twice, and assigned for third reading the next legislative day.

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

Bill "An Act relating to Rental of Space in County Buildings by State Departments." (H. P. 1104) (L. D. 1520) — In House Read the Third Time.

Tabled — April 5, by Mr. Plante of Old Orchard Beach.

Pending — Passage to be Engrossed.

(On motion of Mr. Plante of Old Orchard Beach, the Bill was retabled pending passage to be engrossed and specially assigned for Tuesday, April 11.)

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

Bill "An Act relating to Annual Permits to Move House Trailers and Mobile Homes Over Highways." (H. P. 915) (L. D. 1249) — House Amendment "A" (Filing H-155) — In House Read the Third Time.

Tabled — April 5, by Mr. Chapman of Norway.

Pending — Passage to be Engrossed.

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

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I find that there is other legislation pertinent to this same item, other legislation in the mill,

and as much as I dislike to I would request that this might be tabled unassigned until the other legislation has been presented here. It might have a bearing on—

The SPEAKER: The gentleman is debating the tabling motion. And the motion is, pertaining to item six, L. D. 1249, that this be tabled unassigned pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The Chair laid before the House the seventh 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 5, by Mr. Whitman of Woodstock.

Pending — Acceptance of Either Report.

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

Mr. FOGG: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill which I put in some time ago. In introducing this bill, I don't want anybody to feel that I have any feeling of personal animosity or ill will toward any members of the Council. In fact the ones who I know, I like and respect and I feel that they also like and respect me. I also don't want anybody to feel that in introducing this bill, I'm carrying a cross for the Democratic party. To be sure, it is a Democratic bill and it's backed by the Democratic State Committee; however, I am introducing this bill also because I believe in it. I believe it is a needed change in our State government.

Now my first session in this Legislature was ten years ago. I was a newcomer here, I didn't know too much about the Legislature. When I came down here one of the first things that left a lasting and also a disturbing impression upon me was the fact that

every two years, it's every four years now, the people of the State of Maine went to the polls and they elected a Chief Executive to come to Augusta and do a job for them. They also went to the polls and elected their State Representatives and their State Senators. One of the first acts of the Legislature, that is, your House and your Senate, I was amazed to find when I got down here, was to get together in joint session and elect a panel of seven men who took away just about all the authority from the Governor. He ended up that he had practically no authority at all, everything he does about he has to seek their advice and consent.

Now I did wonder how that came about. It puzzled me. So, I turned to the Constitution, and as I turned to the Constitution, I became even more concerned as to how this happened, because in turning to the Constitution, in Section 1, of the Executive Powers, it says "The supreme executive power of this state shall be vested in a Governor." That's all it says. It doesn't say that it is a limited executive power; it doesn't say that he has to seek anybody's else consent in acting. And turning to Webster's dictionary the word "supreme," the first definition is, highest in power or authority. "Executive" they give this meaning, "designating or pertaining to that branch of Government which administers the laws." Now I believe according to the very first paragraph in executive powers of the Governor, they have given him top control of the state government. A few pages on in the first section pertaining to the Council, they very definitely state that the Council is strictly an advisory capacity to the Governor. They don't say there that the Governor has to seek the consent of the Council.

Now there seems to be quite a few different ideas as to why this happened. Now some people feel that they are sort of tossing a curve ball at the Governorship, but a few sections later, they violated this very same clause, by stating that the Governor in his pardons would have to have the advice and consent of the Council; then three sections later they violated again.

Now in one way the Constitution is a legal document. Now I heard some glowing phrases about the legal talent which we have in the Legislature, but I don't believe that there's any member of this legal talent in the Legislature that would start out any legal document by stating flatly the very things he intended not to say.

It seems to me that subsequent Legislatures and law-making bodies, after the Constitutional Convention, took their cue from these first few paragraphs, and everything since then has been with the advice and consent of the Council. And that has grown over the years to the point where now the Council advises the Governor in everything he has to seek their consent. He has to seek their consent in his appointments; if he wants to change the wallpaper in the Blaine House, I believe he has to seek the advice and consent of the Council. To me, it verges on the ridiculous.

Now, the general feeling seems to be that back in those days the Governor didn't have the administrative organization behind him to take care of a lot of the state functions, and it is thought that's one of the reasons why the Council functioned as it did. It functioned as the watch dog of the treasury, it served the same function as the present highway department; handled problems of personnel; supervised public improvements and operated in the area of pardons. Now most of those functions have been replaced by regular state departments. And the need for a Council in that respect, I think, has passed by. There's no doubt about it, there should be some sort of an advisory committee to the Governor, but I don't think that he should be completely subservient to that advisory committee.

Now the book, 'The Governors' Councils of New England' has made this observation: "As an administrative body, it performs unnecessary and trivial functions and needlessly hampers the Governor." It says "politically the Council where elective is a long ballot oddity, the average voter has no idea who his councilor is nor what the

function of this official might be." The survey of State Government which was conducted for Governor William Tudor Gardiner in 1930 advocated the abolition of the Council. The recent PAS survey made just a couple years ago or so, advocated the curbing of the Council if not its complete abolition. There seems to be a move all over the New England States to remove the Council from the State Government. I don't believe that we are going to get anything that is going to replace it and function perfectly right away, but I do believe that the job can be done better. In my own opinion I believe the Council is more or less of an administrative monstrosity, of mongrel parentage and its grown fat with the power which has been lack of proper attention to the details of the Constitution. I think it's maintained that way just through a selfish desire to control the state government on the part of the majority party. And I think it is an appendix to this state government that can be very well removed, and I move that the Minority "Ought to pass" Report be accepted on this bill.

The SPEAKER: The question now before the House is the motion of the gentleman from Madison, Mr. Fogg, that the House accept the Minority "Ought to pass" Report.

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

Mr. DENNETT: Mr. Speaker, Members of the House: I rise in opposition to the motion made by the gentleman from Madison, Mr. Fogg. Mr. Fogg has stated that the bill that he hopes might have its passage, the Constitutional amendment, it's a Democratic party measure. With that I most heartily concur. I have no doubt that he has personal motives and they are very sincere in seeking the abolition of the Council. But I know that there are political motives as well.

During the course of history of the Maine State Legislature, only once in 117 years has the Democratic party been able to organize both branches of this Legislature. They, however, have been far more successful in occupying the

gubernatorial chair. I feel that this is politically motivated, because with the abolition of the Council, a Chief Executive would have an absolute free hand. As it stands today, with a Governor who represents the majority party, the Council still acts as a check and as a balance. It would act the same if there was a governor representing the minority party.

We have left in this country three states that still operate under the governor and council system. Now I think in the beginning there were only six. Most states have never operated with that system. They have had in many cases other bodies act as confirming bodies, but there has always been in every state somebody that acted as a check on the chief executive. Here in the State of Maine despite all of the hullabaloo that has been raised over the years, I think we have been very fortunate in having a governor's council and one that operates in a manner in which the one does in the State of Maine. At least in theory, and I think considerably in practice, the Governor's Council acts as the interim representative of the Legislature. They try in a most sincere manner to carry out the intent of the Legislature. Of course, presently, we are in session usually not more than five months once in two years. It seems necessary that somebody act for the Legislature during its absence, and I feel that the Governor's Council does an excellent job.

Of course I can understand and I think you all can understand, a governor whether he be of one party or the other, dislikes many times to have perhaps certain appointments stymied, those which he would like to make. But I do feel that regardless, the Council has always acted in the best interest of the Legislature, and the people of the State of Maine. I sincerely hope that the motion made by the gentleman from Madison, Mr. Fogg, does not prevail and when the vote is taken, I ask for a division.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking on this measure, I would like to state that in the third councillor district, the third councillor district is made up of 3 counties: Androscoggin, Franklin and Sagadahoc. Presently the councillor seat is in Androscoggin County for two two-year terms. It goes then to Sagadahoc for two years; it goes then back to Androscoggin for two, then it goes to Franklin for two and back to us again for four more years. Two years ago, there being in our county sixteen members of the House and Senate, there were eleven Democrats and five Republicans. The five Republicans met and chose the present councillor by a vote of 3-2, so that one person was chosen to represent on the Council the entire population of Androscoggin, Sagadahoc and Franklin Counties. Yet the Governor goes to the polls and is voted upon by all the people.

Now bearing in mind that this is a Constitutional amendment, and it merely asks that the people say yes or no, and being fully aware that in 1911, that the Democrats then were in power as the gentleman from Kittery, Mr. Dennett, stated, that they didn't choose to do it, it's fair to assume that times do change and there are those who say to our sorrow that we did change the election date, at least we finally gave the people an opportunity to say yes or no.

Now the thought just occurs to me that in Androscoggin County at the last election, we took the six seats in Lewiston, we took the three Senate seats, we took the seat in Lisbon Falls, we barely lost the seat that we usually occupy in Livermore Falls, and I know that the gentleman from Leeds, Mr. Buckley would agree with me there were two friends running in his area, he and another gentleman, it was a good battle. Now the day is coming, being fully aware of the fact that the Legislature elects the Councillor, but only once as the recommendations made from an election in a room somewhere in Auburn or Perham or whatever town the hierarchy meets to select their councillors. I would like to ask Mr. Den-

nett a question. If two years from now we win a few more votes in Livermore Falls, Livermore and the Turner area, so that we get that seat, which we ordinarily occupy, we get our six in Lewiston, which we will never lose, and we keep the three in the Senate, which we will never lose, and bearing in mind that we lost one seat in Auburn with a recount and some of the voters in Auburn I think when they think about the election there are still shivers that go up and down, we take those three seats, and Mr. Buckley decides to let Mr. Addison, his friend, have the seat; what happens if the councillor seat is coming to Androscoggin County, if we wind up with sixteen Democrats yet you still are in the majority, what happens then, who elects the councillor then?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has asked a question through the Chair of the gentleman from Kittery, Mr. Dennett, who may answer if he chooses.

Mr. DENNETT: Mr. Speaker?

The SPEAKER: The Chair recognizes that gentleman.

Mr. DENNETT: Mr. Speaker, I will merely state that I have no authority to answer that question.

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

Mr. BEARCE: Mr. Speaker and Members of the House: I do not wish to reply to our friend, the distinguished gentleman who just spoke, because I also have no authority. But I wish to state that the Council represents the whole State of Maine. It doesn't represent merely Androscoggin County, and I originally came from Androscoggin County in the Town of Auburn.

I would like to inform my distinguished friend, Mr. Fogg, that perhaps the Governor's hands are not tied completely by about seventy-five to ninety percent. He gets the advice and assistance from the Council. Now that doesn't mean, as our friend tried to indicate, that his hands are tied and he has to go to the Council to get permission to go to the bathroom or something of that sort. That is entirely wrong because he has cer-

tainly supreme power and the Council, in many, many cases has the assistance, does assist the Governor in a lot of his problems in connection with the selection of different committees and other problems. He also has the complete authority to appoint many, many of his committees and other appointments without any council recommendation, and I am sure if this gentleman really knew about the activities of the council he would realize that some of his statements were slightly in error. I happened to have had the opportunity of working with his distinguished friend, the previous Governor, Governor Muskie and can make these statements with a certain amount of authority. I thank you.

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

Mr. WELLMAN: Mr. Speaker, I would draw your attention just for a moment to the Legislative Document at the top of page three, the Constitution Article 5, Part 4, Section 4, warrants required to draw money. "No money shall be drawn from the treasury but by warrant from the governor and Council." I ask you as members of this House, would you prefer to know that when you are home that monies must be subject to not one man, but to the Governor and the Council? Thank you.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I don't think we have to spend too much more time on this bill. I believe it all narrows down to whether we wish to have that man who was elected to head the Executive Department of the State of Maine to do the job for which he was elected. I feel that the Governor should assume the responsibilities of the Executive Department subject to those checks and balances which the Legislature has and will always have upon his running of the state government. He is elected for that job, and I believe he should accept the praise or the blame that goes with the job. As to the

checks upon the Governor, surely no one believes that the passage of this bill would remove the Legislature from some control over the Executive Department. Those functions which are now carried on by the Executive Council are much more compatible with other departments, and with other sections of the State Legislature, namely the Senate, to carry on. The appointive power would be restricted by those people who are actually elected by the people of the State of Maine to serve in the State Legislature. There is nothing in this bill which would bring about the dire circumstances which many people seem to want to forbid. The only other point I wish to make is as to this being a Democratic measure, I believe that it would be presumptuous for the Democratic party to presume that it has a monopoly upon all governmental reform in the State of Maine. There is nothing in this bill that could not be subscribed to by both parties represented in the House here today. It is merely a matter of whether we shall move forward keeping those restraints upon the departments where it is necessary, but make a more compatible and a more sensible arrangement as to the organization within the Executive Department.

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

Mr. WHITMAN: Mr. Speaker and Members of the House: I am sure we are all very familiar with the duties and the aspects of the Council. However, I have one point that I would like to bring out. During the last political campaign, a concerted effort was made to make the abolition of the Council the supreme issue of the entire campaign. It is obvious that that attempt was very unsuccessful, and it's obvious too that the people of Maine were not interested in that particular suggestion. As evidence of that fact, I would like to point out to you that during the public hearing of this particular bill, which was held here after having due public notice, the sponsor of the bill presented the measure and there was no one else in the room as a proponent. Now I feel

very strongly that if the people of the State of Maine considered this to be a vital issue and were very sincerely desirous of abolishing the Council, that they would without a doubt have expressed themselves firmly and strongly during that public hearing. And for that reason I think the issue is not of major state concern.

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

Mr. JALBERT: Mr. Speaker, when the gentleman from Woodstock, Mr. Whitman, got up—after he was speaking for about two or three minutes, I said to myself for once he's not going to get his feet in a puddle. But he kept on going, so there he is.

As far as having a multitude of people coming to a hearing, if my memory serves me correctly in the Appropriations room, very, very often, and I know the gentleman from Woodstock knows this to be a fact, very, very often bills of extreme importance have one or two people appear before a committee and speak for it. A bill that has no importance, a fish bill, a lobster bill sometimes; it might not be important, although I know fish bills and lobster bills are important. A small bill that might not be important—they come out of the woodwork. Now to bear it out we do the same thing here. Look at your record. We spent an hour and one quarter arguing about alewives, and a fish bill and whether we should have fishing in Portage Lake; whether we should do this or that; yet four weeks ago Friday after we nudged you a little to go in to help the unemployed, the famous crash program came to light. It came out of committee Thursday afternoon at 4:30. It appeared, and I don't blame my good friend from Wiscasset, the estimable Clerk from smiling, it appeared on our calendar at nine o'clock in the morning and at ten minutes of eleven, it was being signed by the Governor. \$4,400,000, not one word of debate. So I think that should shatter the argument that if the people want something they should come to a hearing. And I assure you of one thing, if the gentleman from Woodstock will

have the bill tabled and he'll stick around for a couple of weeks, I'll circulate petitions throughout the State and I'll hit him with 50,000 names on petitions that ask if the people want to go along and vote on this measure. That's all we are asking. And in answer to my very dear friend from Bucksport, Mr. Bearce, I know that he served on the Council, and I know that he's right when he says the Council represents all the people — and the party they represent. Because well does the gentleman from Bucksport know that when he served on the council the last biennium, if my memory serves me correctly, that time and again the late Governor Clauson posted names and they were turned down. Time and time again George Jabar, young Gerald Keenan from Mars Hill, and the very night — and I know whereof I speak, because time and again he asked me to go speak to some members of the Council, and I did, to see if we could come to some understanding —and the very night before he died, he was in my home and we were working on a statement that he was going to issue to the Council, and I have it home in his handwriting, because it was amended. Yet it wasn't long after he died that the Republican party had their men placed in office. It wasn't long after he died that Miss Martin's name was re-posted, and that a gentleman who wanted to have his men on the Liquor Commission had his wish. So in that it is true that the Council represents all the people of Maine, it's also true that they also represent their party. And I don't have any qualms about that, it's all right with me. I just wanted to set the record straight.

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

Mr. BRIGGS: Mr. Speaker, I would just like to ask a question through the Chair to anyone who wishes to answer. How many states in the union still have the outmoded Governor's Council system left?

The SPEAKER: The gentleman from Portland, Mr. Briggs has

asked a question through the Chair of anyone who chooses to answer.

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

Mr. DENNETT: Mr. Speaker, I won't recognize the question in exactly the words it was put, because, I don't exactly subscribe to the words "out-modes." But I would remind the gentleman from Portland, Mr. Briggs, that most of the states in this country have never had a governor's council. I would also in passing make this observation, that only the six New England States have town meetings, and would any of the gentlemen like to do away with town meetings?

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

Mr. BEARCE: Mr. Speaker and Members of the Council: I would just — (Applause and laughter) I wish to bring to the attention of the gentleman that assigned me to the Council during Governor Clauson's administration, that I was not on the Council at that time. Perhaps some of his other statements may be correct, but that one was not correct.

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

Mr. FOGG: Mr. Speaker, I would like to take just a few seconds to correct Representative Whitman's count. There were two of us that appeared for the bill. And I might also point out there was nobody opposed it.

The SPEAKER: The House ready for the question? The question before the House is the—

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

Mr. FOGG: I would like to ask for a roll call vote on this.

The SPEAKER: A roll call has been requested.

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

Mr. MALENFANT: Mr. Speaker, I am used to disagreeing with the Democrats, so I will have to disagree with them this morning. I am not here to favor or help one party or another, but I am here to give justice where justice belongs.

To abolish the Governor's Council is to give too much power to

one man, and no doubt the Governor don't like this bill himself. If we had a bill here to elect the Governor's Council by the people, I will work one hundred percent to have the Council elected by the people so both parties might be represented, but in this bill, I think it is unfair. It is unwise to give too much power to the Governor. My experience in municipal government and state government for many years, I have learned it is unwise to give too much power to one man.

The SPEAKER: Is there objection to taking up out of order an adjournment Order at this time? The Chair hears none.

Senate Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, April 11th, at 10 o'clock in the morning. (S. P. 511)

Came from the Senate read and passed.

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

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one-fifth the members present. Will those who desire a roll call please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

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

The Chair will restate the question. The question is the motion of the gentleman from Madison, Mr. Fogg, that the House accept the Minority "Ought to pass" Report on Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation, House Paper 845, Legislative Document 1159. If you wish to accept the Minority "Ought to pass" Report, you will answer "yes" when your name is called.

If you are opposed to accepting the Minority "Ought to pass" Report, you will answer "no" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Beane, Moscow; Bedard, Bernard, Binnette, Boissonneau, Briggs, Burns, Cyr, Dostie, Winslow; Fogg, Gallant, Hendricks, Jalbert, Jameson, Jobin, Johnson, Stockholm; Karkos, Kellam, Kilroy, Lane, Lantagne, Levesque, Lowery, Maxwell, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Plante, Sevigny, Sirois, Walls.

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

ABSENT—Beane, Augusta, Curtis, Davis, Dennison, Dostie, Lewiston; Gardner, Hartshorn, Hopkinson, Hutchins, Lacharite, Letourneau, Maddox, Moore, Poirier, Prue, Roberts, Shepard, Smith, Bar Harbor; Tardiff.

Yes, 31; No, 100, Absent, 19.

The SPEAKER: Thirty-one having voted in the affirmative, one hundred having voted in the neg-

ative, with nineteen absentees, the motion does not prevail.

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

Mr. Lane of Waterville was granted permission to approach the rostrum.

(Conference at rostrum)

On motion of Mr. Thornton of Belfast, the House voted to take from the table the following tabled and unassigned matter which was tabled earlier in today's session pending acceptance of the Committee Report:

HOUSE REPORT—Leave to Withdraw, as covered by other legislation — Committee on Towns and Counties on Bill "An Act Increasing Annual Payments to Waldo County Law Library" (H. P. 172) (L. D. 235)

On further motion of the same gentleman, the Committee Report was accepted and sent up for concurrence.

On motion of Mr. Westerfield of Liberty, the House voted to take from the table the twenty-third tabled and unassigned matter:

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

Tabled — March 24, by Mr. Westerfield of Liberty.

Pending — Passage to be Engrossed.

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

Mr. WESTERFIELD: Mr. Speaker and Members of the House: In reference to this bill, there were several things that bothered me about it at the time I tabled it. One of them was in reference to matching funds — the wording of the bill was rather confusing so far as whether we could accept the matching funds without the approval of this House, and I find that particular matter is protected, and that the other matter which bothered me most seemed all right. Therefore, I now move that this be passed to be engrossed.

Thereupon, the bill was passed to be engrossed in concurrence and sent to the Senate.

On motion of Mr. Philbrick of Bangor, the House voted to take from the table the fourteenth tabled and unassigned matter:

HOUSE REPORT—Ought to Pass with Committee Amendment “A” (Filing No. H-114) — Committee on Welfare — on Bill “An Act Eliminating Residence Requirements in Public Assistance” (H. P. 564) (L. D. 761)

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

Pending — Acceptance of Report.

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

Mr. HINDS: Mr. Speaker and Members of the House: Whereas this Report is in error, the Welfare Committee would like this bill re-committed for a corrected Report, and I would so move that the bill and accompanying papers be re-committed to the Committee on Welfare.

Thereupon, the Report and Bill were again re-committed to the Committee on Welfare and sent up for concurrence.

On motion of Mr. Wellman of Bangor, the House voted to take from the table the twenty-fourth tabled and unassigned matter:

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

Tabled — March 24, by Mr. Wellman of Bangor.

Pending — Acceptance of Report.

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

Mr. JONES: Mr. Speaker and Members of the House: It seems rather strange that field trials are permitted in the other areas of the sports, and so far as they are able, to have trials for bird dogs and a few others. It seems as though it would only be right that the boys with the beagles should be able to have their trials also. I therefore move to substitute the

bill for the Report of the Committee.

The SPEAKER: The question now before the House is the motion of the gentleman from Farmington, Mr. Jones, that the House substitute the Bill for the Report.

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

Mr. WADE: Mr. Speaker, I am not sure that my colleague, the gentleman from Farmington, Mr. Jones, realizes or does not, that under the present laws, field trials for beagles may be held. Matter of fact, some field trials are being held at the present time. I think there is one on Saturday. This particular bill not only had one hearing before the Fish and Game Committee, but at the request of the sole opponent, it had its second hearing, again having several proponents and again the one individual opponent, and it was the unanimous consent of the Committee that the bill ought not to pass, the committee feeling that there is plenty of opportunity and regulations now in effect to hold beagle trials. Therefore, I sincerely hope that the motion of the gentleman from Farmington, Mr. Jones, does not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. JONES: Mr. Speaker, would it be possible at this time to ask for a recess for five minutes?

The SPEAKER: Will the gentleman kindly approach the rostrum?

(Conference at rostrum)

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

Mr. JONES: Mr. Speaker and Members of the House: I beg leave to withdraw my motion to substitute the bill for the report.

The SPEAKER: The gentleman from Farmington, Mr. Jones, withdraws his motion to substitute the bill for the “Ought not to pass” Report.

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

The SPEAKER: We are proceeding under Orders of the Day. I

would like to comment briefly upon the status of the Legislature at this time. The Legislature so far has an excellent reputation statewide; however, there are some things I would like to point out that are before us. And our true reputation will not be established until the gavel is struck the last time and I mean that the last two or three days of the Legislature can determine the quality of this body.

In the 99th Legislature there were introduced in the Legislature approximately 1,265 bills. Now in this Legislature there have been introduced 1,468 bills, in other words 203 bills more than was introduced in the 99th Legislature. So we start with a big hurdle. However, there have of even date been reported out of Committee 295 bills more than had been reported out at this time two years ago, so we have a difference really of only about 95 bills. Now last week there were reported out of committee approximately 53 more bills than had been reported out of committee two years ago for the corresponding week. Last week we made a gain of about 53 bills; however, apparently about this time in the 99th Legislature, the 99th Legislature got into high gear. So for this week and the corresponding weeks of two years ago, we did make a gain this week, but only of eight bills.

We are going to establish an early adjournment here if we do three things before us: We are going to have to keep our table to a minimum. Now some members as I pointed out before, and good legislators, go through the session tabling one or two bills and for perhaps an assigned time and they take them off and dispose of them. Another thing this Legislature will have to do will have to make decisions and we will have to make the decisions when they confront us. And we are going to have to make decisions and I think that the Legislature has been schooled to make the decisions because you have the background to do it. So the Legislature will have to exercise its knowledge and its ability to make decisions and we're going to make some very important de-

cisions, and we'll have to make them quickly.

This is not the last Legislature they are ever going to have. There is going to be a 101st Legislature, and some of the decisions that we don't make in this particular Legislature of course will be made by the next Legislature and by the next Legislature and by the next Legislature.

And a third thing that we perhaps will have to do is get all of our bills out of committee as soon as possible. Now apparently at this particular time, there are 401 still in committee and of the 401, 374 have been heard.

Now I am going to read here briefly the Committees that no longer have any bills. Now apparently the Agricultural Committee has handled all their bills and reported them out; they had 30 bills; Business Legislation handled all their bills of 54 and apparently have reported them out; the Committee on Liquor Control had 27 bills and they have reported them all out; Retirements and Pensions apparently had 38 bills and they have reported them all out; Sea and Shore Fisheries had 32 bills and they have reported them all out; Veterans and Military Affairs had two bills and they reported them all out. So my records show that this is the situation as of date. And I will reiterate again this House can be very proud of the progress it has made of date. It has established a statewide reputation you know that when you go home. But in order to maintain that we have a lot of work and accomplishments to do and we can do it if we make our decisions when they arise.

There will be a caucus of all House Republicans in this House on next Tuesday evening at 7:30.

I get quite a few notices down here on visitors in the balcony. Now I would suggest that perhaps representatives of the areas from where these students come, hold your slips which lists who they are and who they are accompanied by until they appear in the balcony. And then call one of the Pages to bring it down here to the rostrum. It is possible that we could

announce people up in the balcony who aren't really there. So the only person who really knows perhaps is the Representative of the area.

On motion of Mr. Baxter of Pittsfield,

Adjourned until Tuesday, April 11, at ten o'clock in the morning.