

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

Thursday, April 20, 1961

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

Prayer by the Rev. Mr. Anson Williams of Augusta.

The journal of yesterday was read and approved.

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

Report of the Committee on Education reporting "Ought not to pass" on Resolve Appropriating Moneys for Vocational and Technical Institute in Northern Maine (S. P. 317) (L. D. 993)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Reckless Homicide, and Death Caused by Violation of Law, by Vehicle Operator" (S. P. 422) (L. D. 1388) reporting same in a new draft (S. P. 514) (L. D. 1534) under same title and that it "Ought to pass"

Report of the Committee on State Government on Resolve Authorizing the State Military Defense Commission to Convey Certain Land in Hancock County (S. P. 361) (L. D. 1094) reporting same in a new draft (S. P. 514) (L. D. 1534) 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 Draft of Bill read twice, the New Draft of Resolve read once, and tomorrow assigned.

**Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on Judiciary on Bill "An Act relating to Distribution of Obscene Literature to Minors" (S. P. 9) (L. D. 9) 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" and Senate 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. 9, L. D. 9, Bill "An Act relating to Distribution of Obscene Literature to Minors."

Amend said bill by striking out in the 2nd line the figures "124" and inserting in place thereof the figures '134'

Committee Amendment "A" was adopted.

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

SENATE AMENDMENT "A" to S. P. 9, L. D. 9, Bill, "An Act relating to Distribution of Obscene Literature to Minors."

Amend said Bill by striking out all of the 12th and 13th lines and inserting in place thereof the following:

'by a fine of not more than \$1,000 or by imprisonment for not more than 30 days or by fine of not more than \$50 11 months. Under this section it shall

Further amend said Bill by striking out all of the 5th line from the end and inserting in place thereof the following: 'punished by a fine of not less than \$50 nor more than \$1,000, or'

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

Report of the Committee on Legal Affairs on Bill "An Act relating to Number of Members of Superintending School Committees" (S. P. 431) (L. D. 1391) 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" and Senate 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. 431, L. D. 1391, Bill,
"An Act relating to Number of
Members of Superintending School
Committees."

Amend said Bill in 'Sec. 45' by striking out in lines 7 and 8 thereof the words 'at the next annual town meeting.'

Committee Amendment "A" was adopted.

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

SENATE AMENDMENT "A" to
S. P. 431, L. D. 1391, Bill, "An
Act relating to Number of Mem-
bers of Superintending School Com-
mittees."

Amend said Bill by striking out the single quotation mark at the end and inserting the following underlined paragraph:

"If any town has accepted chapter 90-A, section 37 relative to secret ballot, it may, at least 30 days before the annual town meeting, hold a special town meeting to vote to have 5 members of the superintending school committee."

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

Divided Report Tabled and Assigned

Report "A" Majority of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Providing for Local Option to Transport School Children to other Than Public Schools Without State Subsidy" (S. P. 377) (L. D. 1188)

Report was signed by the following members:

Messrs. ERWIN of York
BOARDMAN of Washington
MARDEN of Kennebec
— of the Senate.

Messrs. KNIGHT of Rockland
BERMAN of Auburn
SMITH of Bar Harbor
THORNTON of Belfast
BEANE of Augusta
— of the House.

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

Report was signed by the following member:

Mr. MINSKY of Bangor
— of the House.

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

Report was signed by the following member:

Mr. RUST of York
— of the House.

Came from the Senate with Report "A" Majority accepted and the Bill passed to be engrossed.

In the House: Reports were read.
(On motion of Mr. Baxter of Pittsfield, tabled pending acceptance of either of the three Reports and specially assigned for Tuesday, April 25.)

Non-Concurrent Matter

Bill "An Act relating to the Inspection of County Jails" (S. P. 504) (L. D. 1518) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on April 12.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed without Amendment.

In the House:

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

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: If you remember, the amendment that I introduced at that time was to remove the appropriation. It has been returned to us here with that appropriation put back. I would now like to move that we insist and that a Committee of Conference be empowered to meet.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed and the Speaker appointed the following Conference on the part of the House:

Messrs. BERRY of Cape Elizabeth
CHOATE of Hallowell
WHEATON of Princeton

Non-Concurrent Matter

Bill "An Act Providing for Registration of Sanitarians" (H. P. 975) (L. D. 1342) which was passed to be engrossed in the House on April 5.

Came from the Senate committed to the Committee on Legal Affairs in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

Non-Concurrent Matter

Resolve in favor of John W. McGuire, of Houlton (H. P. 951) (L. D. 1254) which was passed to be engrossed in the House on February 8.

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

In the House:

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

Mr. HUGHES: Mr. Speaker, I move that Senate Amendment "A" be indefinitely postponed, if this is the proper time to make that motion.

The SPEAKER: Will the gentleman approach the rostrum please.

(Conference at rostrum)

The SPEAKER: The Chair understands that the gentleman from St. Albans, Mr. Hughes, withdraws his motion and moves that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Repealing Laws Requiring that Cemeteries be Fenced" (H. P. 1008) (L. D. 1409) which was accepted in the House on March 28.

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

In the House: The House voted to recede and concur with the Senate.

The Bill was then given its two readings.

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

SENATE AMENDMENT "A" to H. P. 1008, L. D. 1409, Bill, "An Act Repealing Laws Requiring that Cemeteries be Fenced."

Amend said Bill by striking out all of section 3 and inserting in place thereof the following:

"Sec. 3. R. S., c. 58, Sec. 5, amended. The last sentence of section 5 of chapter 58 of the Revised Statutes is amended to read as follows:

'All expenses and costs incurred in Piscataquis County **any county** while carrying out the provisions of this section shall annually be assessed, by the county commissioners, against the estates of said county of Piscataquis county.'

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

Non-Concurrent Matter

Resolve Regulating Fishing in Maranacook Lake, Kennebec County (H. P. 490) (L. D. 690) which was finally passed in the House on April 11 and passed to be engrossed on March 24.

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

In the House: The House voted to recede and concur with the Senate.

The SPEAKER: At this time the Chair would like to recognize the presence in the balcony of eleven members of the Brownie Troop 23 of East Auburn, accompanied by their leader, Mrs. Benjamin Blackmore and Mrs. Charles Waterman.

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)

Orders

Mrs. Hendricks of Portland presented the following Order and moved its passage:

WHEREAS, the members of the House of Representatives have learned that today is the birthday of Mr. Jobin of Rumford,

BE IT ORDERED, that the members of the House extend to Mr. Jobin their congratulations and their best wishes not only for today but for the entire year.

The SPEAKER: The Chair will declare this Order unanimously passed. (Applause)

On motion of Mr. Philbrick of Bangor, it was

ORDERED, that Brenda Ham and Margo Ham of Brewer, and Patricia Lawlor, be appointed to serve as Honorary Pages for today.

The SPEAKER: The Chair would like to call to the attention of the House that Brenda Ham and Margo Ham of Brewer are daughters of Representative Ham of Brewer. And the Chair will also request that the Sergeant - at - Arms escort Brenda, Margo and Patricia to the well of the House to enter upon their duties as Honorary Pages for today.

Thereupon, the Sergeant - at - Arms escorted Brenda Ham, Margo Ham and Patricia Lawlor to the well of the House, amid applause.

On motion of Mr. Littlefield of Hampden, it was

ORDERED, that Miss Jean Hutchins of Boothbay Harbor be appointed to serve as Honorary Page for today.

The SPEAKER: The Chair requests that the Sergeant - at - Arms escort Miss Jean Hutchins to the well of the House to enter upon her duties as Honorary Page for the day.

Thereupon, the Sergeant - at - Arms escorted Miss Jean Hutchins to the well of the House, amid applause.

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

On motion of Mr. Tyndale of Kennebunkport, it was

ORDERED, that Mr. Hartshorn of Buxton be excused from attendance for the remainder of the week because of a death in the family.

(Off Record Remarks)

The SPEAKER: At this time the Chair will request that the Sergeant-at-Arms escort the gentleman from Liberty, Mr. Westerfield, to the rostrum to act as Speaker pro tem.

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

House Reports of Committees Leave to Withdraw

Covered by Other Legislation

Mr. Fogg from the Committee on Election Laws on Bill "An Act relating to Notice in Disputed Elections" (H. P. 971) (L. D. 1335) reported Leave to Withdraw, as covered by other legislation.

Mr. Mathews from same Committee reported same on Bill "An Act relating to List of Polls Made by Municipal Assessors" (H. P. 973) (L. D. 1337)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Mrs. Sproul from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Determination of Quorum at Special Town Meetings in Kittery" (H. P. 683) (L. D. 961)

Report was read.

(On motion of Mr. Dennett of Kittery, tabled pending acceptance of the Committee Report and specially assigned for Friday, April 21.)

Ought to Pass Printed Bill

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought to pass" on Resolve Regulating Fishing in Certain Waters of Aroostook County (H. P. 487) (L. D. 687) which was recommended.

Report was read and accepted, the Resolve read once and tomorrow assigned.

Ought to Pass with Committee Amendment

Mrs. Sproul from the Committee on Legal Affairs on Bill "An Act Creating the Town of Kittery Port Authority" (H. P. 682) (L. D. 960)

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. 682, L. D. 960, Bill, "An Act Creating the Town of Kittery Port Authority."

Amend said Bill in the 2nd line of section 8 by inserting after the words "under the supervision" the words 'of the authority'

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

Divided Report Tabled and Assigned

Report "A" of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of Jim Adams, Inc. of Bangor (H. P. 464) (L. D. 664)

Report was signed by the following members:

Mr. PARKER of Piscataquis
— of the Senate

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

Report "B" 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. PORTEOUS of Cumberland
BREWSTER of York
— of the Senate.

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

Report "C" of same Committee on same Resolve reporting "Ought to pass" as amended by Committee Amendment "B."

Report was signed by the following member:

Mr. HUTCHINS of Kingfield
— of the House.

Reports were read.

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

Mr. MINSKY: Mr. Speaker, in view of the fact there are two proposed amendments to this bill which just came to our desks this morning, I would like to move this matter be tabled until Thursday next pending acceptance of any of the reports.

Thereupon, the Reports and Resolve were tabled pending acceptance of either of the three Reports and specially assigned for Thursday, April 27.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Amending Charter of City of Waterville" (H. P. 825) (L. D. 1140)

Report was signed by the following members:

Mrs. LORD of Cumberland
Messrs. NOYES of Franklin
FARRIS of Kennebec
— of the Senate.

Mrs. SPROUL of Bristol
Messrs. STEWART of Presque Isle
BERRY of Cape Elizabeth
— of the House.

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

Report was signed by the following members:

Messrs. BRIGGS of Portland
BERMAN of Houlton
Mrs. KNAPP of Yarmouth
Mr. KELLAM of Portland
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker and Members of the House: I don't know how many of you people read this bill, but this bill calls for two major changes. One of them is the mayor should be allowed to have an assistant. Our mayor gets \$2500 a year and I don't believe you can get a good man to devote and to do a good job for \$2500 a year.

And the second change is, we have two bodies in the City of Waterville, one of them is the Board of Aldermen of seven men and then we have fourteen councilmen. And the change we want to make is to have seven councilmen from each ward and four men at large, an eleven-

men body, and they could all serve on the same committees and I am sure we could do a better job for the City of Waterville. Now in the last election, our mayor campaigned on these changes, and he was elected, and I asked the chairman of the committee why they came out with the report. He told me that he received a letter from somebody who was against the bill.

I am sure, ladies and gentlemen, that about one hundred percent of the people in the City of Waterville are for the bill, and the bill calls for a referendum and I think it is up to the people of the City of Waterville to decide if they want to have the changes or not.

And now I move that we accept the Minority "Ought to pass" Report.

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

The Chair recognizes the gentleman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker, I feel that I should explain the position that I took on this bill, along with the others that signed as I did. There seemed to be quite a bit of sentiment in this City of Waterville for a town manager form of government rather than the mayor, and this particular bill would strengthen the mayor form of government. And that is why I have taken the position that I have.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Noel.

Mr. NOEL: Mr. Speaker, this bill would give the people of Waterville a chance where it could be put up to a referendum vote. It will give them their choice of remaining as they are or taking this new form of government. They either have a chance to take this one or remain with the other. And later on if anybody else would want to put a bill in to have a city manager, they would have the opportunity to do so. So I believe that the people of Waterville should decide what they want, whether they want this form or the one that we are presenting now. Thank you.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Waterville, Mr. Lane, that the House accept the Minority "Ought to pass" Report. Is this the pleasure of the House? All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The Bill was then given its two readings and assigned for third reading tomorrow.

Third Reading Tabled and Assigned

Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963" (S. P. 522) (L. D. 1546)

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

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

Mr. JALBERT: Mr. Speaker, I shall present an amendment to this bill; besides that I have a brief chart of explanation so that anyone can study it and any questions asked about it I will be happy to answer. I now present House Amendment "A" and move its adoption.

The SPEAKER pro tem: The Clerk will read House Amendment "A."

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

HOUSE AMENDMENT "A" to S. P. 522, L. D. 1546, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963."

Amend said Bill under the caption "EDUCATION, DEPARTMENT OF" by striking out from the paragraph entitled "General Purpose Educational Aid" the line: "All Other 13,272,262 14,197,808" and inserting in place thereof the line:

'All Other 15,111,970 15,608,970'

Further amend said Bill under the caption "LEGISLATIVE" by striking out from the paragraph entitled "Legislative Expense" the line which reads:

"All Other 279,250 "

and inserting in place thereof the line:

'All Other 125,522 153,728'
and by striking out at the end the line which reads:

"Total Legislative 795,274 46,591"
and inserting in place thereof the line:

'Total Legislative 641,546 200,319'

Further amend said Bill by correcting the totals therein affected by the adoption of this amendment.

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

Mr. BRAGDON: Mr. Speaker, I move that this bill be tabled until Wednesday next pending the acceptance of the amendment.

Thereupon, the Bill was tabled pending the adoption of House Amendment "A" and specially assigned for Wednesday, April 26.

Passed to Be Engrossed

Bill "An Act Permitting Governor of Penobscot Tribe of Indians to Bring Action for Money Due" (H. P. 1123) (L. D. 1547)

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

At this point, Speaker Good returned to the rostrum.

SPEAKER GOOD: The Chair wishes to congratulate the gentleman from Liberty, Mr. Westerfield, for his performance as Speaker pro tem.

Thereupon, Mr. Westerfield of Liberty returned to his seat on the Floor, amid the applause of the House, and Speaker Good resumed the Chair.

Amended Bills

Bill "An Act Increasing Fee of Physicians in Commitment Proceedings of Insane Criminals" (H. P. 496) (L. D. 695)

Bill "An Act relating to Larceny by Trustee in Trust Receipt Transactions" (H. P. 599) (L. D. 866)

Bill "An Act relating to Allegation of Prior Conviction in Criminal Cases" (H. P. 751) (L. D. 1037)

Bill "An Act relating to Appointment of Director of Indian Affairs and Planning Board for the Pe-

nobscot Tribe" (H. P. 1020) (L. D. 1421)

Resolve to Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation (H. P. 578) (L. D. 798)

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

Tabled and Assigned

Resolve to Create the Maine Legislative Internship Plan (H. P. 707) (L. D. 985)

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

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

Mr. MORRILL: Mr. Speaker and Ladies and Gentlemen of the House: In reference to item eight, this bill disturbs me a little bit, it carries an appropriation of \$15,000 and it has quite a far reaching effect. I move that we table it until next Wednesday.

Thereupon, the Resolve was tabled pending passage to be engrossed as amended and specially assigned for Wednesday, April 26.

Bill "An Act relating to Acquisition and Compensation for Land Taken for Highway Purposes" (S. P. 291) (L. D. 902)

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.

Orders of the Day

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

SENATE REPORT — Ought to Pass with Committee Amendment "A" — (Filing S-91) — Committee on Legal Affairs on Bill "An Act Regulating Mechanical Rides by Insurance Department." (S. P. 408) (L. D. 1350)—In Senate Passed to be Engrossed.

Tabled — April 12, 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, Ladies and Gentlemen of the House: This item was tabled to await the arrival in the House of a companion piece of legislation from the committee. This has not transpired yet; accordingly and with the knowledge that we have before us a resolve to take items off the table, I would move that this be placed on the table unassigned.

Thereupon, the Report and Bill were tabled pending acceptance of the Report and unassigned.

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

HOUSE DIVIDED REPORT — Majority Ought to Pass in New Draft (H. P. 1115) (L. D. 1537) — Minority Report — Ought Not to Pass — Committee on Labor on Bill "An Act Revising Minimum Wage Law." (H. P. 820) (L. D. 1135)

Tabled — April 12, 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, Ladies and Gentlemen of the House: I now move the acceptance of the Majority "Ought to pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and assigned for third reading tomorrow.

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

HOUSE DIVIDED REPORT — Report "A" Ought to Pass in New Draft under new title of: "An Act relating to Plant Protection." (H. P. 1114) (L. D. 1536) — Report "B" Ought Not to Pass — Committee on Labor on Bill "An Act Making Unlawful Picketing Violence Which Prevents Delivery of Necessary Supplies or Services." (H. P. 150) (L. D. 213)

Tabled — April 12, by Mr. Baxter of Pittsfield.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: There are a number of House members absent today on a committee trip. I will ask that this be retabled and specially assigned for Tuesday next.

Thereupon, the Reports and Bill were retabled pending acceptance of either report and specially assigned for Tuesday, April 25.

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

HOUSE DIVIDED REPORT — Majority Ought to Pass with Committee Amendment "A" (Filing H-130) — Minority 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 — April 12, by Mr. Baxter of Pittsfield.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: This has caused quite a lot of confusion and whereas the amendments which will be offered won't be any improvement, I move the indefinite postponement of this bill and all accompanying papers.

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

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: We have here an opportunity to present a package plan on a subject which I would agree with the previous speaker has certainly been a controversial one. The opportunity to modernize our licensing system, however, would seem to warrant the effort on the part of all of us to work out a satisfactory solution.

The State of Massachusetts has a system whereby at the expiration of your license, you receive in the mail a form which is made out with your name on it, it has a return envelope which is stamped, and you sign the application and enclose your check or money order and send it into the State, and shortly returned back to get back your license. This has considerable merit for both parties involved, both the license holder and the state. The license holder is spared the problem of finding an application, of writing on it in the best way he can, and then going physically or by mail to get his license. The State, and I think this is an important part, now has in the mail a bunch of uniform applications. They are in the same sized envelope, they are legibly made out under this procedure on a mechanical billing machine, and I think we can all see in there the inherent economies involved in this modern system.

Now certainly this system has been used in making out similar items; checks for instance, for legislators, are made out on a similar machine.

As far as the cost is involved, the cost of the biennium is about \$22,750. In order to not have this legislation cost the State anything, I would propose and have an amendment to do this that the fee for the two-year period be raised to five dollars. This would bring in for the biennium, approximately \$900,000. In exchange for this the license holders have received an improved service and I think this would be universally accepted. The cost of the equipment is rather small. Equipment like this is presently being leased by the State, it is not purchased. The cost might be \$800 to \$1,000 a month, and the equipment is continually replaced as new and improved models are available.

A final feature which I would call to the attention of the House, and I think perhaps it may be a most important one, is that this procedure would take out of the hands of the public, it would make it non available, blank license forms which at present are certainly a tremendous source of concern to our law enforcement agencies. As we

all know, there is a regrettable practice on the part of minors to obtain these blank forms and to forge improper age to obtain liquor.

It seems to me that the benefits that accrue to the individual, to the State, the receipt of new revenue and the removal of an irritating source of fraudulent use of our present forms renders this legislation advisable.

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

Mr. CURTIS: Mr. Speaker, I don't know just when the furor was started to make a change in our licensing idea, but I know it was presented in the 96th Legislature and it was not passed, and again in the 97th. Eventually in the 98th, the change was made. Principally why they said they wanted it made as it is now, was because it would be a great saving to the State. And perhaps it has been. Now as I understand this bill, we're going to not only lose all of the savings, but we're going head over heels in debt again. And I don't see where it would be any use for us. And now it could be, I haven't had time to study all of this thing out, which I would like to a little more before I finally make up my mind. As I feel now, I don't think it would be any improvement. But I am willing to be shown. And so I wish that this might be tabled until Wednesday next so we all might be able to study it a little further, and really find out what it's all about.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, has moved that item four be tabled until Wednesday next, pending the motion of the gentleman from Poland, Mr. Dunn, that the Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, I would request a division on the tabling motion.

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

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

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

Mr. BERRY: Mr. Speaker, I present House Amendment "B" and move its adoption.

The SPEAKER: The bill is not before the House as yet. The question before the House is the motion of the gentleman from Poland, Mr. Dunn, that the bill be indefinitely postponed. If the bill is finally accepted, why then the amendment would be in order after second reading.

The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, I have a question I would like to ask somebody, I don't care who answers it. How do we take care of the provision for the paying of the poll tax for the second year?

The SPEAKER: The gentleman from Gouldsboro, Mr. Young, has asked a question through the Chair of anyone who may choose to answer.

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

Mr. BERRY: Mr. Speaker, there have been several proposals advanced to overcome this problem, and it seems that there is a workable solution. We have not had a chance to work it out with the Attorney General as yet, but this legislation would not go through until that point is cleared up.

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

Mr. WINCHENPAW: Mr. Speaker, I don't want to belabor this issue, but we went over it quite thoroughly the other day, and I just want to go on record as favoring the indefinite postponement of this measure, and when the vote is taken I request a division.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps further in explanation of the question asked by the gentleman from Gouldsboro, Mr. Young,

I did discuss this matter with the Secretary of State's office yesterday, with Mr. Slosberg's office and with the Attorney General. In view of the fact that Mr. MacDonald has to be away out of state until Tuesday of next week, the amendment that is to be proposed, if this is accepted at all, is not available and will not be available until Tuesday of next week.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I am opposed to this bill, and I feel that if anybody has to be reminded of their birthday, they can join the three A's Service. I belong to that and I am always reminded.

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

Mr. CURTIS: Mr. Speaker, I would like to remind the members of the House that about four years ago, I think it was, an attempt was made to raise the license fee and it was overwhelmingly defeated by the people when it was taken to the people and it was very, very overwhelmingly defeated. I don't believe the people want this raise. I think two dollars is sufficient. And I hope that this measure is finally indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Letourneau.

Mr. LETOURNEAU: Mr. Speaker. I would just like to say, where we have to buy a driver's license every year, I don't think we should have to be reminded when to buy it. And as far as I am concerned, I am satisfied with buying it once a year. I would move the previous question.

The SPEAKER: The gentleman from Sanford, Mr. Letourneau, has moved the previous question. For the Chair to entertain a motion for the previous question, it must be authorized to do so by at least one third the members present. Will all those who favor the Chair entertaining the motion for the previous question, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

The SPEAKER: Obviously more than one third having arisen, the Chair is authorized to entertain the motion.

The question now before the House is, shall the main question be put now? All those in favor please say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The main question is the motion of the gentleman from Poland, Mr. Dunn, that the Reports and the Bill, "An Act relating to Notification for Renewal of Operators' Licenses and Providing for a Two year License," House Paper 949, Legislative Document 1297, be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Ninety-five having voted in the affirmative and twenty-eight having voted in the negative, the motion prevailed.

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

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

Bill "An Act relating to the West Paris Village Corporation." (H. P. 692) (L. D. 970) — In House Read the Third Time.

Tabled — April 13, by Mr. Whitman of Woodstock.

Pending — Passage to be Engrossed.

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

Mr. WHITMAN: Mr. Speaker, because of a technicality in drafting of the bill, it becomes necessary to reinsert in the bill part of the original law for the purpose of striking it out. This is purely a technicality in the drafting of the bill, for that purpose I offer House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 692, L. D. 970, Bill, "An Act re-

lating to the West Paris Village Corporation."

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

'Sec. 1. P. & S. L, 1921, c. 7, Sec. 2, amended. Section 2 of chapter 7 of the private and special laws of 1921, as amended by chapter 143 of the private and special laws of 1945, is further amended to read as follows:'

Further amend said Bill by striking out all of the last line of section 1 and inserting in place thereof the following: "as this act calls for; and for furnishing water and sewerage a public water system and attendant expenses."

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

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

An Act Declaring Abandoned Cellars to be Nuisances. (S. P. 348) (L. D. 1081)

Tabled — April 18, by Mr. Hardy of Hope.

Pending — Passage to be Enacted.

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

Mr. MINSKY: Mr. Speaker, the person who had this matter tabled had to leave the House for a few moments. He asked me if I would ask that this matter be tabled until later in today's session.

Thereupon, the Bill was retabled pending passage to be enacted until later in today's session.

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

SENATE DIVIDED REPORT — Report "A" Ought to Pass — Report "B" Ought Not to Pass — Committee on State Government on Resolve, Proposing an Amendment to the Constitution relating to Residence Requirements to Vote for President and Vice-President. (S. P. 238) (L. D. 642) — In Senate Report "A" Accepted and Engrossed.

Tabled — April 19, by Mr. Dennett of Kittery.

Pending — Acceptance of Either Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Before proceeding in making a motion on this bill, I would first state that I don't consider this of any earth-shaking importance. But I think you should know the reason particularly for the Report B of the Committee. It appears that the secretaries of the various and several states will meet sometime, I don't know, they say at their next annual convention, I don't know when that is, whether it is this year or next, and try to work out something in regard to people voting who have apparently been disfranchised in their own states by reason of moving and so forth. It appears that different states have different laws relative to this. My main objection to this is that again we are approached with "if" legislation, "if" they do this, "if" they do that. They are asking us to put in an amendment to our Constitution based on something which possibly may never come to pass. There's no guarantee that this is going into effect. Of course, frankly, they are only asking for a Constitutional Amendment to permit again "if" they agree on this or "if" they agree on that we should clutter the Constitution of the State of Maine on the basis, that something might happen, that they anticipate that it might happen.

I think it might even go farther if such a constitutional amendment were to be adopted, I think there are other angles that might be fraught with danger. I further think that if the secretaries of the several states want to get together on something of this matter, they could have uniform legislation in their several states fixing the time of gaining or losing residence to be the same, to be equal in every state, then they would not have this problem. They state that between fifteen and sixteen million people were deprived of a vote. Well frankly I question that very, very highly. I think that a great

many people don't even bother to vote. I think in many, many states the absentee ballot is available such as it is in the State of Maine at the present time, and I doubt very strongly if the State of Maine disfranchised many people.

Again I think it is legislation that is unimportant, and I do not think that we should clutter our Constitution with it, and for that reason, I move the acceptance of Report B, the "Ought not to pass" Report of the Committee.

The SPEAKER: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the "Ought not to pass" Report.

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

Mr. LOWERY: Mr. Speaker, this matter of disenfranchisement has been, and especially during the last election was quite a serious problem with many of us who live in the areas where we have military establishments, and we did find it. I know that at Brunswick during the last election there were nearly four hundred men who were stationed at the Brunswick Naval Air Station who were disenfranchised they were not able to vote. Many of them had never been able to or have not been able to for several years, to establish residence. I think that this bill that is permissive legislation is good. And I would move that Report A be accepted.

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

Mr. WHITMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the gentleman from Kittery, Mr. Dennett, and I would also like to point out that the previous speaker mentioned military personnel being disenfranchised. I do not believe this is so. To the best of my knowledge, anyone in military service retains his residence prior to going into the service and, under that provision, anyone under military personnel can vote by absentee ballot. I don't think these people are the ones who we are talking about, and I would state again that I agree wholeheartedly with the gentleman from Kittery, Mr. Dennett.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I too would like to concur with the House Chairman of our State Government Committee, Representative Dennett from Kittery. Nobody is disenfranchised, because all they have to do is to establish where their legal residence is, and they have a right to cast a vote. So therefore by procedural means if they wish and desire to vote, they still have that right.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the "Ought not to pass" Report. All those in favor of accepting the "Ought not to pass" Report, please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

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

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass with Committee Amendment "A" (Filing H-114) — Committee on Welfare on Bill "An Act Eliminating Residence Requirements in Public Assistance." (H. P. 564) (L. D. 761)

Tabled — April 19, by Mr. Baxter of Pittsfield.

Pending — Acceptance of Either Report.

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

Mr. BAXTER: I now move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, moves that the House accept the Majority "Ought not to pass" Report. Is this the pleasure of the House?

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

Mr. PLANTE: Mr. Speaker, could I and the gentleman from Pitts-

field, Mr. Baxter, approach the rostrum please?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, and the gentleman from Pittsfield, Mr. Baxter, may approach the rostrum.

(Conference at rostrum)

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Political exigencies being as they are, I am well aware that my chances in opposing the acceptance of the "Ought not to pass" Report on this Legislative Document are not too good. However, again for the record I would like to quote from Governor Reed's Inaugural Address in reference to this Legislative Document on page four: "In the field of public assistance I recommend your favorable consideration of repeal of all residence requirements. This will strengthen the program at practically no cost." I only wish to present this for the record and I certainly am opposed to the acceptance of the motion to accept the Majority "Ought not to pass" Report. The decision of course is yours.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I have made quite an extended examination of this and I agree with the Governor that it will not cost anything. It seems to me that some people seem to think that people will rush in from Canada, Germany and everywhere, but the great thing that we have is coming in from other states. And of course once in a while we do. Now within this past year there was a family who moved into my area. They had been residents of Maine, but they had been away long enough so they had lost their residence. The woman was taken suddenly ill, the man had lost a leg in the last late years, and he was not able to pay the bills, and so she had to go onto general relief. Now up to this time the State has paid on general relief some \$1500 for hospital care and other things for

this family. Now had that not — the year is up now, so we have applied for Old Age Assistance. But now had this bill been a law at that time why she could have gotten old age assistance at that time and the federal government would have picked up seventy-six cents out of every dollar out of the fifteen hundred. Now that's just what it amounts to, and I am very sure that if we pass this that it would save money rather than cost the State of Maine money because we just cannot see people go hungry and ill clothed and sick without taking care of them and then it all comes out of the general relief which every cent of the dollar comes from the State of Maine.

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

Mr. BAXTER: Mr. Speaker, this bill originally came out with the unanimous "Ought not to pass" Report. I understand that the committee hearing was very well attended, and that the sentiment was expressed against the bill. The bill was then recommitted and it came out again with another report, it was recommitted again and it came out with still another report. I have here, which I will propose if and when we accept the Majority "Ought not to pass Report" an order referring this subject to the Legislative Research Committee for study so that the pros and cons of this subject can be studied more carefully and in greater detail than it has been to date. And for that reason I urge the acceptance of the Majority "Ought not to pass" Report.

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

Mr. PLANTE: Mr. Speaker, I would only like to ask the gentleman from Pittsfield, Mr. Baxter, one question, if I may. Specifically sir, what will the Legislative Research study concerning this matter?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, has asked a question through the Chair of the gentleman from Pittsfield, Mr. Baxter, who may answer if he chooses.

Mr. BAXTER: I will read the Order. Ordered, the Senate concurring, that the Legislative Research Committee be directed to study and report to the 100th Legislature on the feasibility of eliminating the residence requirement of applicants for public assistance.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, may continue, this will be his second time of speaking.

Mr. PLANTE: You will note that the Legislative Research which is like in Congress a pigeon-hole affair, will study the feasibility of this Legislative Document. Mr. Baxter has already stated on the record that at the public hearing which was well attended, the matter was aired and quite well. So, therefore, I certainly don't see, having studied this matter, I'm sure the Governor must have studied it if he recommended it, and having had a public hearing, why we should refer this to the Legislative Research Committee. This is possibly just not to lose face. Nevertheless we should have enough grace under pressure to settle the question here today whether we support the Governor and this particular Legislative Document or we do not. But to detour it to the Legislative Research, I sincerely feel it is not the answer.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter, who I understand has spoken twice. The gentleman may speak the third time.

Mr. BAXTER: Mr. Speaker, the reason for referring this to the Legislative Research Committee I think is quite obvious and that is that there is a very basic difference of opinion. Based on the evidence presented at the committee hearing, the committee who is our guide in these affairs felt that this subject had problems, and such problems that it should not be adopted at this time. Now the gentleman from Old Orchard, Mr. Plante, feels that it does have merit and the Governor feels that it has merit, and I think perhaps the Department of Health and Welfare feels that it has merit. There is a basic difference of opinion which has to be studied out. And that is the reason for the presentation of the order, and I hope that the "Ought not to pass"

Report prevails, that the man in the cellar gets his furnace fixed up and that the order eventually prevails.

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

Mr. MALENFANT: Mr. Speaker, Members of the House. This is a very dangerous bill. The bill was reported "Ought not to pass" by eight members of the Welfare Committee. I'm one of them that signed the Report "Ought not to pass." If this bill becomes a law we are going to have many people from different states that we don't like to have here. People from this state — some people from this state are going to write to their friends and relatives in some other state, "come down in Maine, Santa Claus is good hearted. You are going to have your pension very easy." Some might be able to live with their rich son or rich daughter in some other state, but in order to get rid of them to not bother with them, they are going to come down here and ask for their pension, and pretty soon our state is going to be just like a nursing home, and I hope the motion "Ought not to pass" prevails.

The SPEAKER: The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker, Ladies and Gentlemen of the House: This bill has received a lot more attention than it deserves from start to finish. It's another one that's not of earth-shaking importance. However in its amended form, I believe it is a good bill, and for that reason I signed the Minority "Ought to pass" Report. It has been intimated that it might cost the State of Maine a great deal of money by people moving in here. There was a possibility that we might get an influx of ADC people, and for that reason we amended the bill and took out the section referring to ADC. As far as the other categories are concerned, I don't believe there's any danger of an influx because our programs in the other categories are not attractive enough to attract customers from out of the state, neither do I think that they should be attractive enough to lure them here.

On the local level, I think it would save money in many instances. Early in this session we had a bill brought in here by my good friend, the gentleman from Hodgdon, Mr. Williams, a resolve in favor of the Town of Weston involving some \$4,500. This was the case of a person who had lived in the Town of Weston practically all of his life, and had been away during the past year and then returned and became ill and not able to take care of his own hospitalization, called on the town of which he still was a resident. I think we should bear in mind that this does not affect settlement laws, whether we repeal it or whether we leave it as is. The Town of Weston is a very small and not a very prosperous place and this bill was far more than they were able to handle. And they came in and asked the Legislature through a special resolve to take care of this bill for them. This was heard before the Claims Committee who very properly approved the claim and it has now passed both branches of the Legislature and is at present on the Appropriations Table in the House. If you care to look the thing up, it is L. D. 451, and now the State of Maine will pay that claim, purely out of State of Maine dollars. Had the residence requirements not been the way they are, that person would have been eligible for old age assistance or aid to the disabled as the case may have been. And that bill could have been taken care of through matching funds of approximately sixty percent federal money and forty of state money. So actually I think it will save the State of Maine more money than it would cost if this were removed.

Now I'm just passing that along for what it is worth, it's up to this House what they do with the bill.

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

Mr. MALENFANT: Mr. Speaker, Members of the House: The gentleman from Old Orchard, Mr. Plante mentions the Governor. I talked with the Governor myself, he didn't dare to answer. He asked me if I had talked to the Welfare Department, it's their bill. I feel it is unfair. People in this state have been leaving this state and paying

taxes when they were able to pay taxes. Now these here, they didn't have a chance to save money, they are obliged to ask for old age assistance. They are obliged to go through a lot of red tape and humiliation. They aren't supposed to cash their life insurance policy that they keep to protect themselves. They can't keep more than \$500 and when men and wives ask for their pension, they can't keep more than \$400 life policy. This is unfair. We ought to take care of our people of this state before we take care of the people of some other state.

The SPEAKER: The question before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the House accept the Majority "Ought not to pass" Report on Bill, "An Act Eliminating Residence Requirements in Public Assistance," House Paper 564, Legislative Document 761. Is the House ready for the question?

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: I request a division.

The SPEAKER: A division has been requested. All those in favor of accepting the "Ought not to pass" Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

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

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

Mr. Baxter of Pittsfield presented the following Order out of order and moved its passage.

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study and report to the 100th Legislature on the feasibility of eliminating the residence requirement of applicants for public assistance.

On further motion of Mr. Baxter of Pittsfield, the Order was tabled pending passage and unassigned.

The SPEAKER: The Chair now lays before the House item six, at the bottom of page six, An Act Declaring Abandoned Cellars to be

Nuisances, Senate Paper 348, Legislative Document 1081, which was tabled earlier in the day and was assigned until later in the day.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: This is a bill that has been entirely changed by amendment and I don't think the thing is workable at all by amendment, so I find that I am going to make the motion of indefinite postponement of this bill and its amendments.

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

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Judiciary Committee which heard this bill, I would like to make a few remarks on it so that you will have some idea what this is all about. Now this particular bill would amend, as I recall it, the laws where a town may declare certain things to be public nuisances; and one of these things is abandoned cellars, especially in the cases where a piece of property in a built up portion of the town burns down, there are now no provisions to require the people who own the property to do something to make it safe for passers-by, the public, and also the children.

Now this is the main reason for amending this particular piece of Legislation, taking into account abandoned cellars. Now it is true that perhaps in some of the more rural areas you will have some abandoned cellars, but I think in the wisdom and discretion of the selectmen or the officials of the city that they will not take any particular action in these cases. But this bill was made primarily to take care of the cases where you have abandoned cellars as a result of a fire in the built up portions of a city or a town.

And for that reason I hope that the motion does not prevail.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen: The way this bill was originally written it said "or any excavation," and "any excavation" covers any gravel pit, any quarry, any mine, anything that we might have around; and I submit to you that even the title has been changed by these amendments. It now says "any abandoned cellar." The word "excavation" in the original text of the bill is gone.

The SPEAKER: The question before the House is the motion of the gentleman from Hope, Mr. Hardy, that the bill be indefinitely postponed. All those in favor of indefinite postponement say aye; those opposed, no.

A viva voce vote being taken, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of sixty children from the Bath Girl Scout Council: Bluebird Brownies Troop No. 10, Mrs. Norman Kenney, leader; Bluebell Brownies Troop No. 18, Mrs. Chester Wright, leader.

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)

Mr. Jalbert of Lewiston presented the following Order out of order and moved its passage:

WHEREAS, the House is informed of the birth of a daughter today, April 20, 1961, to Representative Tardiff of Lewiston and Mrs. Tardiff,

AND WHEREAS, the Members of the House are much pleased and wish to extend their heartiest congratulations to all generations of the Tardiff family,

BE IT ORDERED, that the baby girl be named Diane Tardiff and that the Clerk of the House be directed to send to Mr. and Mrs. Tardiff an engrossed copy of this Order.

The Order received passage. (Applause)

(Off Record Remarks)

Mr. Hardy of Hope was granted

unanimous consent to briefly address the House.

Mr. HARDY: Mr. Speaker and Members of the House: As an ex-member of the University of Maine I would like to call to your attention an attack on the University and one of the State of Maine's proudest possessions. I refer to the Maine Stein Song. It has come to my attention that on an NBC program produced by Mitch Miller and called "Sing Along with Mitch," scheduled for showing tomorrow night, that the following version of the Stein Song is to be included, and I would like to read just one verse so you can see what he has done to it:

"Fill the steins to college days,
Shout 'till the rafters ring.
Stand and drink a toast once again
Let every jolly fellow sing."

Notice those changes, no mention of the State of Maine at all, a complete removal of the name — one of our most famous songs. Gentlemen, I protest and I ask you to protest and go along with me by adopting the following order.

Mr. Speaker, I present an order out of order and move its passage.

The SPEAKER: Will the gentleman from Hope, Mr. Hardy, kindly approach the rostrum please, and the House will be at ease.

(Conference at rostrum)

Thereupon, the order was read by the Clerk as follows:

WHEREAS, the Maine Stein Song has been identified in the minds of the American public with the State of Maine and,

WHEREAS, any changes given wide broadcast over national media would be deleterious to the State of Maine,

NOW THEREFORE, BE IT ORDERED, that this House does protest any such changes and that the Clerk of the House be instructed to send an immediate telegram to NBC and the sponsor protesting such changes on the Mitch Miller show and indicating the extreme displeasure of the Maine House of Representatives at such high handed tampering with one of our treasured institutions.

The Order received passage. (Applause)

On motion of Mr. Malenfant of Lewiston, the House voted to take from the table the sixteenth tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on Legal Affairs on Bill "An Act Providing for the Appointment of a Civil Engineer of the City of Lewiston by the Department of Public Works." (H. P. 99) (L. D. 139)

Tabled — March 28, by Mr. Malenfant of Lewiston.

Pending — Acceptance of Report.

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

Mr. MALENFANT: Mr. Speaker, Members of the House: This bill is to change the appointment of the City Engineer from the Finance Board to the Board of Public Works where he belongs. As it is now, the engineer is appointed by the Finance Board. The Finance Board ought to be for finance only. The engineer keeps his office in the Public Works Building. All his work is in the Public Works Department. The Public Works Board supervises his work, but it has no authority over him. They don't like — we've got a good engineer, but if he has to stay at home three or four days, the Public Works can't say nothing to him because they have no authority over him. They are obliged to work — the Finance Board meets every week, sometimes every other week and they have got to wait until the Finance Board meets in order to complain. If the engineer was appointed by the Public Works Board, they would be able to give quicker service and better service to the people. You take in the State Highway Department here, all the engineers are appointed by the Highway Department, not by the Finance Department. On this bill here the Board shall prescribe his duties and not assign him to any department. Any department that's going to have to be serviced, they are going to be able to receive his service by order of the Public Works Board.

In 1955, the very same bill passed this House 77-6, but for some reason, the bill was killed on the other end of the corridor. Now

today I wish this House would give me the same support that I had in 1955. You know there are perhaps many selectmen here in this House or municipal officers or ex-municipal officers, you all know that the city engineer belongs in the Public Works Department. He ought to be appointed by them. So they are going to have more authority over him, even if he is a good engineer. The engineer that we've got now, he didn't sign any contract to stay there all his life. The new man might not be so good. The Finance Board knows nothing about the qualifications of the engineer. When they need an engineer, they advertise in the paper. If a man comes along with a big Cadillac, and shoots fancy words that he doesn't understand himself, they think that he is quite a man. They hire him, and the people of Lewiston and the Public Works Department and the private contractor suffer for it. And I am going to repeat again the one we have now is a very good engineer, he has two assistants.

Now his salary is \$146 a week, one of these assistants gets \$102, the other one gets \$89, other costs \$56. The Public Works Board have been after me since quite a few years to try to pass a bill to change our appointments from the Finance Board to the Public Works Board.

Now, Ladies and Gentlemen of the House, I'm going to leave this bill up to your good judgment, and I am going to respect your decision without any hard feelings.

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

Mr. JALBERT: Mr. Speaker, again this bill was heard by the Legal Affairs Committee and reported out "Ought not to pass," unanimously. It was opposed by the same groups, the Vigilantes, the Chamber of Commerce, and the various individuals that were at the hearing, also opposed by a member of the Public Works Commission. I am in contact with the Commission quite often and not one of them have gotten in touch with me to tell me if they're feeling that the City Engineer should be under the direction of the Board of

Public Works. As you know we have a unique form of government in Lewiston with our Commission form. This allows, as it was presented a few years ago by me and passed unanimously without debate by this House, to have the City Engineer under the direction of the Finance Board so that all of the departments can have recourse to him, and so far as the Cadillacs are concerned, I know nothing about that. It seems that we cannot debate a measure without getting into personalities or trying to snipe at anyone. I am not sniping at anyone, I have asked no members of the Legal Affairs Committee, no member of the House, to go with me on this bill. I rise or shine on the merits of a measure. There was only one opposition from the same source, wherein it concerns this bill and it came from nowhere else. Again I want to apologize to the House for again cleaning out our linen which is so unnecessary before you people. I respect the wishes of the unanimous report of the Legal Affairs Committee, and I hope that this bill be reported out as it is reported and go down the drain. Thank you.

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

Mr. MALENFANT: Mr. Speaker, I want to substitute the bill for the report, and I ask for a division.

The SPEAKER: The gentleman from Lewiston, Mr. Malenfant, has moved that the House substitute the Bill for the report. And has asked for a division.

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

Mr. BERRY: Mr. Speaker, I am very sorry to seem to rise in opposition to the gentleman from Lewiston, Mr. Malenfant, so much but I'm sure the House appreciates that it is purely in an effort to give the thinking of the Legal Affairs Committee to the House. The City of Lewiston at present may employ an engineer, yet this act would not deny them the services of an engineer if it fails of passage. The Committee felt that after careful consideration and as the gentleman from Lewiston, Mr. Jalbert, has

said for the unanimous vote has felt that this is unnecessary legislation, and I would hope that the motion of the gentleman from Lewiston, Mr. Malenfant, does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Lewiston, Mr. Malenfant, that the House substitute the Bill for the Committee "Ought not to pass" Report on Bill, "An Act Providing for the Appointment of a Civil Engineer of the City of Lewiston by the Department of Public Works," House Paper 99, Legislative Document 139.

All those in favor of substituting the bill for the report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had. Three having voted in the affirmative and eighty-nine having voted in the negative, the motion did not prevail.

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

Mr. Baxter of Pittsfield requested permission to approach the rostrum.

(Conference at rostrum)

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

Mr. BAXTER: Mr. Speaker, it appears that the order submitted earlier in the day, referring to the matter of residence requirement to the Legislative Research Committee, was misprinted. And for that reason, it being presently tabled unassigned, I will move that this be removed from the table at this time.

Thereupon, the Order was removed from the table and, on motion of Mr. Baxter of Pittsfield, indefinitely postponed.

Mr. Baxter then presented an Order out of order and moved its passage.

The Order was read by the Clerk as follows:

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study and report to the 101st Legislature on the feasibility of eliminating the

residence requirement of applicants for public assistance. (H. P. 1124)

On motion of Mr. Baxter of Pittsfield, tabled pending passage and unassigned.

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

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

Tabled — April 7, 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, due to a bill which was passed a couple of days ago covering this same situation, this bill now becomes not necessary. I move its indefinite postponement, with all its papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Norway, Mr. Chapman, that this Bill be indefinitely postponed.

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

Mr. PHILBRICK: Mr. Speaker and Ladies and Gentlemen of the House: As I understand it, this bill

is of particular concern to the gentleman from Brewer, Mr. Ham, and that gentleman right now I believe is in the Governor's office with his children, and I think he should be given an opportunity to either defend or go along with the motion of the gentleman from Norway, Mr. Chapman. So for that reason I would at least table the bill until later in the day.

The SPEAKER: The gentleman from Bangor, Mr. Philbrick, will be advised that since there are no pending assigned matters for today, if this is tabled for later in the day it would come up immediately. Will the gentleman from Bangor, Mr. Philbrick, approach the rostrum please.

(Conference at rostrum)

The SPEAKER: The Chair understands that the gentleman from Bangor, Mr. Philbrick, withdraws his motion and now moves that L. D. 1249 be tabled until tomorrow pending the motion of the gentleman from Norway, Mr. Chapman, that it be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.