

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 27, 1961

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

Prayer by the Rev. Mr. Aubrey Dwelley of the East Auburn Baptist Church.

The journal of yesterday was read and approved.

The SPEAKER: There will be a caucus of the House Republicans here in the House in a few minutes.

Mr. Fogg of Madison was granted unanimous consent to briefly address the House.

Mr. FOGG: Mr. Speaker and Members of the House: I would like to go on record first as saying that I do not approve of this procedure in legislative practice. However, I will go along with it as Minority Leader; in the meantime, while we are waiting for the Republicans to caucus I would like to call a meeting of the Democrats in Room 135 in the State House.

The SPEAKER: The Chair at this time will declare a one-half hour recess for the purpose of holding a Republican caucus here in the House.

After Recess

10:00 A. M.

The House was called to order by the Speaker.

Papers from the Senate Amended in House

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Towns and Counties be and hereby is authorized to report in consolidated form such bills relating to the salaries of County Officers and Municipal Court Officers as are in possession of the Committee (S. P. 528)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. WHITMAN: Mr. Speaker, due to an error in the drafting of this order, I now offer House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to JOINT ORDER relative to Consolidated on Bill on Salaries of County and Municipal Officers, S. P. 528.

Amend said Order by inserting after the word "Officers" in the 4th line, thereof a comma and the words 'County Attorneys'

House Amendment "A" was adopted and the Joint Order received passage as amended in non-concurrence and was sent up for concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that free additional telephone service be provided for each member of the Senate and House to the number of twenty-five (25) calls of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member of the Senate and the House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House, respectively; charge for this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates (S. P. 527)

Came from the Senate read and passed.

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

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Bill "An Act relating to Credit for Military Service under State Retirement Law" (S. P. 441) (L. D. 1310)

Came from the Senate read and accepted.

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

Indefinitely Postponed

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to

Statements of Ministers, Priests and Rabbis as Privileged Communications" (S. P. 346) (L. D. 1079)

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

In the House: Report was read.

On motion of Mr. Knight of Rockland, the House voted to concur with the Senate whereby the Bill was indefinitely postponed.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Providing Funds for Urban Planning (S. P. 101) (L. D. 246)

Report of same Committee reporting same on Resolve Providing that the Legislative Research Committee Study the Clerical and Data Processing Activities of the State Government (S. P. 222) (L. D. 627)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Immunity from Prosecution for Giving Testimony" (S. P. 425) (L. D. 1389)

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

In the House, Reports were read and accepted in concurrence, the Bill read twice, Resolves read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for a Review of Laws of Department of Mental Health and Corrections" (S. P. 220) (L. D. 625) 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. 220, L. D. 625, Bill,

"An Act Providing for a Review of Laws of Department of Mental Health and Corrections."

Amend said Bill by striking out in the 17th line the figure "\$15,000" and inserting in place thereof the figure "\$7,500".

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

Report of the Committee on Judiciary on Bill "An Act relating to Use of Motor Vehicles Without Authority in any Place" (S. P. 465) (L. D. 1464) which was recommended, 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. 465, L. D. 1464, Bill—"An Act relating to Use of Motor Vehicles Without Authority in any Place."

Amend said bill by striking out in the 6th line the underlined words "or motor driven machine," and inserting in its place the underlined words "or farm or construction machinery."

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

Report of the Committee on Legal Affairs on Bill "An Act relating to the Regulation of the Practice of Professional Engineering" (S. P. 293) (L. D. 904) 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. 293, L. D. 904, "An Act Relating to the Regulation of the Practice of Professional Engineering."

Amend said Bill by striking out all of section 1.

Further amend said Bill in section 2 by striking out all of paragraph D of subsection I and inserting in place thereof the following:

'D. Long established practice. An applicant with an experience record of at least 15 years of lawful practice in engineering work, of which at least 10 years have been in responsible jobs or important engineering work, and of a grade and character which indicates to the board that the applicant may be competent to practice engineering, and who has passed an oral or an 8-hour written examination in the principles and practice of engineering, and is otherwise qualified, shall be registered to practice engineering in this State.'

Further amend said Bill in section 3 by adding at the end of the 3rd paragraph of that part designated "Sec. 13." the following underlined sentence:

'The fee paid by an applicant for certification or enrollment as an engineer-in-training shall be credited as the initial payment if and when application is made for registration as a professional engineer.'

Further amend said Bill by inserting after the present section 4 a new section to read as follows:

"Sec. 4. R. S., c. 83, § 16, amended. The 2nd sentence of section 16 of chapter 83 of the Revised Statutes is amended to read as follows:

'It shall be the duty of the secretary of the board to notify every person registered under the provisions of this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such. Such notice shall be mailed at least 1 day one month in advance of the

date of the expiration of said certificate.'"

Further amend said Bill in the 5th line from the end by adding after the underlined word **"board"** the underlined words **'as provided in section 13'**

Further amend said Bill by renumbering sections 2, 3 and 4 to be sections 1, 2 and 3.

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

Report of the Committee on Towns and Counties on Bill "An Act Authorizing Washington County to Construct an Addition to County Court House" (S. P. 209) (L. D. 542) 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. 209, L. D. 542, Bill, "An Act Authorizing Washington County to Construct an Addition to County Court House."

Amend said bill by striking out, in the 11th line, the word "\$200,000" and inserting in place thereof the word '\$160,000'.

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

Amended in Senate

Report of the Committee on State Government on Bill "An Act Increasing Compensation of and Revising Fee Schedules of Court Reporters" (S. P. 183) (L. D. 429) 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 Amend-

ment "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. 183, L. D. 429, Bill, "An Act Increasing Compensation of and Revising Fee Schedules of Court Reporters."

Amend said bill by striking out the deleted figure "\$7,500" and one underlined figure "8,500" in the 12th line and inserting in place thereof the figure "\$7,500".

And further amend said bill by striking out all of Section 6 of the bill.

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 183, L. D. 429, Bill, "An Act Increasing Compensation of and Revising Fee Schedules of Court Reporters."

Amend said Bill in the title by striking out the words "Increasing Compensation of and"

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

Divided Report Tabled and Assigned

Report "A" of the Committee on Industrial and Recreational Development reporting "Ought to pass" on Bill "An Act Including Piers and Terminals in Maine Industrial Building Authority Act" (S. P. 418) (L. D. 1357)

Report was signed by the following members:

Messrs. LOVELL of York
NOYES of Franklin
— of the Senate.

Messrs. MINSKY of Bangor
MORRILL of Harrison
JOBIN of Rumford
— of the House.

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

Report was signed by the following members:

Mr. JACQUES of Andros-
coggin

— of the Senate.

Messrs. HARDY of Hope
TWEEDIE of Mars Hill
KIMBALL
of Mount Desert

Mrs. KILROY of Portland
— of the House.

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

In the House: Reports were read.

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

Mr. MORRILL: Mr. Speaker, I move that we accept Committee Report "A" "Ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Washington, Mr. Finley.

Mr. FINLEY: Mr. Speaker, in reference to L. D. 1357, I move that this be tabled until Wednesday, May 3.

Thereupon, the two Reports and Bill were tabled pending the motion of Mr. Morrill of Harrison that Report "A" "Ought to pass" be accepted and specially assigned for Wednesday, May 3.

Non-Concurrent Matter

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Revise the Civil Defense and Public Safety Council Law" (H. P. 811) (L. D. 1126) which was accepted in the House on April 14.

Came from the Senate with the Report and Bill recommitted to the Committee on Judiciary in non-concurrence.

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

Non-Concurrent Matter

An Act Defining Mother, Father and Parent under Maine State Retirement Law (S. P. 382) (L. D. 1192) which was passed to be enacted in the House on April 12 and passed to be engrossed as amended by Committee Amendment "A" on April 7.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and 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 gallery of a group from the seventh and eighth grades of the Jefferson School. They are accompanied by their Principal, Mrs. Edna Parlin.

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)

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

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:

Public Utilities

Bill "An Act Increasing the Authorized Indebtedness of the Lincoln Water District and Clarifying its Power to Borrow" (H. P. 139) (Presented by Mr. Swett of Howland)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Winchenpaw of Friendship presented the following Order and moved its passage:

ORDERED, the Senate concurring that Bill "An Act Regulating Lobster Traps on Trawls" (H. P. 900) (L. D. 1234) be recalled from the Legislative Files to the House. (H. P. 1141)

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: Just a brief explanation of that. That bill came from the Sea and Shore Fisheries Committee as "Ought not to pass," and it was a bill that I introduced. At that time there didn't seem to be too much enthusiasm for it, so I accepted the "Ought not to pass" Report.

Now the Sea and Shore Fisheries Committee have sort of re-activated themselves and they are having another hearing next Tuesday, and we have contacted the majority of the members of the Sea and Shore Fisheries Committee and they do not object to the recalling of this bill from the files.

Due to the fact that the Sea and Shore Fisheries Committee are advertising for a hearing next Tuesday on a couple of alewives bills, I move that this order be sent forthwith to the Senate. Thank you.

Thereupon, the Order received passage and was sent forthwith to the Senate.

Mr. Fogg of Madison presented the following Order and moved its passage:

WHEREAS, the members of the House have learned that today is the birthday of Mr. Tardiff of Lewiston,

BE IT ORDERED, that the members extend to Mr. Tardiff their congratulations and best wishes for today and the entire year.

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

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

Mr. RUST: Mr. Speaker, I would inquire of the Chair if Legislative Document 1188 is in the possession of the House?

The SPEAKER: The Chair will inform the gentleman from York, Mr. Rust, that in reference to L. D. 1188, Bill "An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy," that it is in possession of the House.

Mr. RUST: Mr. Speaker, Ladies and Gentleman of the House: As one of the three signers of one of the three reports on this particular bill, I think it is only right that all the people have a chance to hear and for us to consider all the merits and the pros and cons of all phases of this bill. And for this reason I now move that this House reconsider its action of yesterday whereby it passed this bill to be engrossed for the purpose of presenting an amendment.

The SPEAKER: The gentleman from York, Mr. Rust, in reference to L. D. 1188, moves that the House reconsider its action of yesterday whereby it passed this bill to be engrossed. Is this the pleasure of the House? All those in favor say aye; those opposed, no.

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

Seventy having voted in the affirmative and sixty-one having voted in the negative, the motion to reconsider did prevail.

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

Mr. RUST: Mr. Speaker, I now present House Amendment "D" to Legislative Document 1188 and I would speak briefly on the amendment.

The SPEAKER: The gentleman from York, Mr. Rust, offers House Amendment "D" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "D" to S. P. 377, L. D. 1188, Bill, "An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy."

Amend said Bill in paragraph E by striking out the first sentence of subparagraph 3 and inserting in place thereof the following underlined sentence:

'Expenditures or appropriations under paragraph E shall not be valid in any municipality unless authorized by a 2/3 vote of the legal voters, present and voting, at any regular city election or at any annual town meeting.'

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, this particular bill was heard by the Committee on Judiciary and it was reported out with three committee reports. Report "A" which was "Ought to pass," signed by eight signers; Report "B," signed by one signer and "Ought not to pass"; and Report "C," signed as "Ought to pass" with Committee Amendment "A," of which I was the sole signer.

Now the Press has constantly referred to this bill as a nine to one committee report in favor of passage. To a certain extent this attitude of the Press is true. However, my report "C" with my Committee Amendment "A" did not support the bill in its original form, but does support the bill in principle.

Now in supporting the passage of this bill in principle, I do not do so on the merits of the bill as originally entered. I support the bill on the principle that I personally see no conflict between the so-called church and state issue, as so many of the spokesmen did at the committee hearing. I further support this bill on the principle that it is perfectly legal, as our Supreme Court has so stated, provided that this legislative body passes a proper bill enabling the cities and towns to spend money for this purpose.

However, I did not support the bill in its original form and I do not now support the bill in its present form. I propose my Committee Report "C," which is here before you this morning as House Amendment "D," for several reasons.

First, because I felt the bill received no discussion in our executive committee sessions; second, because the subject matter of this bill is and has been made a plank, not only in our Republican Party but also by the Democratic Party; third, because I personally felt that a school bus bill with a two-thirds amendment such as I here propose this morning is better than no school bus bill, or is better

than a school bus bill with a statewide referendum; fourth, I personally felt that many of the opponents of the school bus bill in its original form would support by two-thirds vote rather than a statewide referendum.

The unfortunate part to me of this whole subject matter is the lack of a willingness on the part of both the strong opponents and the strong proponents to discuss the problem from a view other than that of a pure religious conviction. Very little that I can say can or will change either of these groups. However, these individuals or groups are not the ones who will decide the final outcome of this particular bill. It will be decided by those among us who find no problem in the religious issue, who find no problem in the legality of it, but do feel that some consideration should be given to both sides involved in this particular issue.

It is in this light and this background that I propose House Amendment "D" this morning. The amendment simply provides that a two-thirds vote of the people voting in a city or a town election shall be required to spend public monies to transport students to private schools. A vote such as this is often required in matters of sufficient importance to the people, on bills and votes which have a substantial effect on each individual and on each taxpayer. We here in the Legislature pass all emergency bills by a two-thirds vote. We here in the Legislature pass all tax measures by a two-thirds vote. In our local communities we enact zoning laws which effect our individual property rights and our individual property values, and those are usually done by a two-thirds vote.

I personally feel that this school bus bill is in the same category as these matters which I have spoken of. It is a bill which affects the pocketbook of every individual taxpayer. It is the type of measure that one cannot appraise candidly and discuss openly. It is the type of subject matter that can cause untold friction and ill feelings when discussed, de-

bated and voted as an ordinary public matter. It is the type of subject matter that should only be brought to a local vote where there is a substantial sentiment in favor of it.

The school bus bill with a two-thirds vote requirement, such as I propose in House Amendment "D," will allow the communities which have a substantial problem to handle this legislation very easily. And for those among us who have no substantial problem, it will keep us from having a local problem between ourselves and our neighbors, until such time as there is a substantial sentiment in the local community in support of this particular problem.

Therefore, ladies and gentlemen, I urge your honest consideration of this two-thirds vote requirement and I now move the passage of House Amendment "D."

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

Mr. LOWERY: Mr. Speaker and Members of the House: This is an obvious attempt, I believe, to kill the school bus bill. I think it is giving lip service and not actual, favorable attention to the bill. I think that the most of us who are elected to office were not elected by a two-thirds majority vote of the people in our localities. I think that this is an exceptionally unfair demand and I move for indefinite postponement of the amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that House Amendment "D" be indefinitely postponed.

Is the House ready for the question?

Mr. Rust of York then requested a division.

The SPEAKER: A division has been requested. All those in favor of indefinite postponement of House Amendment "D" please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Sixty-one having voted in the affirmative and seventy-five having

voted in the negative, the motion did not prevail.

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

Mr. LANE: Mr. Speaker and Ladies and Gentlemen of the House: I ask for a roll call.

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

A sufficient number arose.

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

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

Mr. PLANTE: Mr. Speaker and Members of the House: My remarks will be aimed only and primarily with this House amendment. In my opinion, this goes far beyond just the school bus bill issue. If you begin requiring citizens to adopt measures on a local level by a two-thirds vote, then you are harping on a very dangerous precedent. First of all, you want to realize that those who favor public transportation of all children, their vote would only be worth thirty-three and one-third. Those who oppose such transportation, their vote would be worth sixty-six and two-thirds.

Now when you vote on this amendment, you are not only voting for or against the school bus bill, you are voting in effect telling the citizens on a local issue and in a local area that their vote is only worth so much while the other is worth so much. This is a very dangerous precedent. Admittedly, those of us here in the Legislature approve a constitutional amendment by a two-thirds vote, but when it goes back to the people it is a simple majority that rules. This is a basic tenet of our democratic way of life, whereas a majority rule implies unanimous consent. If you adopt this dangerous amendment today, it goes

far beyond just whether you are a proponent or an opponent of the school bus bill.

I certainly urge that this amendment be indefinitely postponed. This is far more serious, in my opinion, and even more important than the school bus bill itself.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: First I would like to know how many members would be here today if we would have to be elected by a two-thirds majority; and how many constitutional amendments would we have adopted by the people who would have to have a two-thirds provision. Ladies and gentlemen, I was born in Poland and I went to school in Germany, and I know something about different forms of governments; but I never heard of any form of government where they need two-thirds majority to vote on anything. And I don't believe it is right for me to go back to Waterville and tell the people in Waterville that a majority cannot do anything. If the majority of the people in Waterville want to do something, the Legislature says no, it takes two-thirds majority to do anything. And before you vote on this amendment, just think. Thank you.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I don't know why our good friends are so frightened of this amendment, and they keep harping on the majority. If that is so, why are they not willing that this should be referred to the people, and see if the people want this judged by the majority. We tried to get an amendment on to that yesterday I believe, and they defeated it. And if they so believe in the majority rule on the home front, why not—I believe the other body will have an amendment to have the people decide; and I would be willing to go along with that amendment. And I don't see why we have to have two different ideas any time that any tax-

ation bill has been passed in this Legislature — and I have been here four sessions before this one. It always took a two-thirds majority to pass it.

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

Mr. BRADEEN: Mr. Speaker and Ladies and Gentlemen of the House: It is not my intent to further belabor this issue. Tuesday we brought in Banquo's ghost. I hope—I see that I am disappointed, that we had properly interred him. We held supposedly a committal service, and when we left the site we placed the cloak of judicial authority over the grave. It doesn't seem to me that it will help the State of Maine, the public welfare, or good feeling to resurrect it.

The SPEAKER: The question before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that House Amendment "D" to Bill "An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy," Senate Paper 377, Legislative Document 1188, be indefinitely postponed.

If you are in favor of indefinite postponement you will answer "yes" when your name is called; if you are not in favor of indefinite postponement you will answer "no" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Albair, Baxter, Beane, Augusta; Beane, Moscow; Bedard, Berman, Auburn; Berman, Houlton; Bernard, Binnette, Boissonneau, Bradeen, Briggs, Brown, So. Portland; Burns, Bussiere, Cyr, Dostie, Lewiston; Dostie, Winslow; Durgin, Fogg, Gallant, Gardner, Gill, Harrington, Hartshorn, Hendricks, Hichborn, Hinds, Hopkinson, Jalbert, Jameson, Jobia, Johnson, Smithfield; Johnson, Stockholm; Karkos, Kellam, Kilroy, Kimball, Knight, Lacharite, Lane, Lantagne, Letourneau, Levesque, Lowery, MacGregor, Mathews, Maxwell, Moore, Nadeau,

Biddeford; Nadeau, Lewiston; Noel, Plante, Poirer, Prue, Schulten, Sevigny, Sirois, Smith, Bar Harbor; Stevens, Stewart, Tardiff, Thaanum, Tyndale, Wade, Walls, Wellman, Williams, Young.

NAY — Anderson, Ellsworth; Anderson, Greenville; Baker, Bearce, Berry, Cape Elizabeth; Berry, Portland; Boothby, Bragdon, Brewer, Brown, Fairfield; Brown, Vassalboro; Buckley, Carter, Chapman, Gardiner; Chapman, Norway; Choate, Cooper, Coulthard, Crockett, Curtis, Danes, Dennett, Denison, Dodge, Drake, Dunn, Edgerly, Edwards, Estey, Finley, Hague, Ham, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Haughn, Hughes, Humphrey, Hutchins, Jones, Kennedy, Knapp, Lincoln, Linnekin, Littlefield, Merrill, Minsky, Morrill, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Prince, Roberts, Rust, Shaw, Shepard, Smith, Falmouth; Smith, Strong; Sproul, Storm, Swett, Turner, Tweedie, Vaughn, Walker, Waltz, Waterman, Westerfield, Wheaton, Whitman, Whitney, Winchenpaw, Wood.

ABSENT — Davis, Maddox, Malenfant, Matheson, Pike, Thornton.

Yes 69; No 75; Absent 6.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy-five having voted in the negative, with six absent, the motion to indefinitely postpone does not prevail.

Is it now the pleasure of the House that House Amendment "D" shall be adopted?

The motion prevailed.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "C" and "D" in non-concurrence and sent up for concurrence.

The SPEAKER: We are proceeding under Orders.

On motion of Mr. Wheaton of Princeton, it was

ORDERED, that Mr. Pike of Lubec be excused from attendance for the remainder of the week because of business.

House Reports of Committees Leave to Withdraw

Mr. Waterman from the Committee on Taxation on Bill "An Act Exempting Certain Fraternal Societies from Property Taxes" (H. P. 946) (L. D. 1294) reported Leave to Withdraw

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Wellman from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of St. Andres Hospital of Biddeford (H. P. 467) (L. D. 667)

Report was read.

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

Mr. TYNDALE: Mr. Speaker, this was my bill; however, I do want to again congratulate the Appropriations Committee on their courtesy to me in hearing this bill. I go along with their "Ought not to pass" at this time. However, in view of the circumstances as explained to me by my good colleague, Brad Wellman, I sincerely trust when the last moment comes, serious consideration will be given to these institutions who are doing such commendable work throughout the State of Maine.

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Letourneau from the Committee on Taxation reported "Ought not to pass" on Bill, "An Act Increasing Taxation of Insurance Companies" (H. P. 1031) (L. D. 1432)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Resolve to Reimburse Old Town School Department for Tuition for Children Living on Indian Island (H. P. 455) (L. D. 655) reported same in a new draft (H. P. 1136) (L. D. 1566) under title of "An Act to Provide Schooling for Non-Indian Children

Living on Indian Reservations" and that it "Ought to pass"

Mr. Wellman from same Committee on Bill "An Act Appropriating Moneys for Maine Civil War Commission" (H. P. 86) (L. D. 126) reported same in a new draft (H. P. 1137) (L. D. 1567) under same title and that it "Ought to pass"

Reports were read and accepted, the New draft of Bill read twice, the New draft of Resolve read once and tomorrow assigned.

Tabled and Assigned

Mrs. Baker from the Committee on Towns and Counties on Bill "An Act relating to Per Diem Compensation for Superior Court Messenger of Cumberland County" (H. P. 554) (L. D. 751) reported "Ought to pass" in a new draft (H. P. 1138) (L. D. 1568) under title of "An Act relating to Annual Compensation for Superior Court Messenger of Cumberland County" and that it "Ought to pass"

Report was read.

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

Mr. KELLAM: Mr. Speaker, Ladies and Gentlemen of the House: I notice on the new draft that there is a considerable change in the method of payment for the Cumberland County Court Messenger, and I wish that this matter could lie on the table until next Tuesday.

Thereupon, the Report and Bill were tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 2.

Tabled and Assigned

Mrs. Shaw from the Committee on Towns and Counties on Bill "An Act Increasing Certain Fees to Registers of Deeds" (H. P. 1040) (L. D. 1441) reported same in a new draft (H. P. 1140) (L. D. 1569) under same title and that it "Ought to pass"

Report was read.

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

Mr. BERRY: Mr. Speaker, this bill apparently provides for an increase in costs for people enter-

ing deeds, I would like to table it until next Tuesday for further study. I so move.

Thereupon, the Report and Bill were tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 2.

Ought to Pass Printed Bills

Mr. Drake from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Appropriating Funds to Public Utilities Commission for Water Resources Investigation (H. P. 379) (L. D. 554)

Mr. Plante from same Committee reported same on Bill "An Act Providing for the Construction of an Addition to Edmunds Elementary School in the Unorganized Territory" (H. P. 567) (L. D. 787)

Reports were read and accepted, the Bill read twice, Resolve read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Berry from the Committee on Legal Affairs on Bill "An Act Creating the Passenger Tramway Safety Board" (H. P. 1019) (L. D. 1420) 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:

C O M M I T T E E A M E N D M E N T
"A" to H. P. 1019, L. D. 1420, Bill "An Act Creating the Passenger Tramway Safety Board."

Amend said Bill, in section 1, by striking out all of that part designated "Sec. 6" and inserting in place thereof the following:

'Sec. 6. Expenditure of funds. The State Park Commission shall cooperate with the board and may provide office space and clerical assistance, but shall make no expenditure of funds in excess of income from registration fees paid to the board.'

Further amend said Bill, in section 1, by striking out all of that part designated "Sec. 15" and inserting in place thereof the following:

'Sec. 15. Fees. A separate application for registration of any passenger tramway shall be accompanied by an annual fee to be established by the board, not to exceed the sum of \$300. When a passenger tramway is operated during both a winter and summer season, an additional fee not to exceed the annual fee may be established by the board.'

Further amend said Bill, in section 1, by striking out all of that part designated "Sec. 17" and inserting in place thereof the following:

'Sec. 17. Fees; special fund. All fees collected by the board shall be credited to a special fund and be expended for the purposes of this chapter. The special fund created by this section shall not lapse but shall be carried forward from year to year.'

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

Further amend said Bill by striking out at the beginning of the first line the abbreviation and figure "Sec. 1."

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

Mr. TWEEDIE: Mr. Speaker, I would like to ask a question through the Chair, if I might, as to why the license fee was raised to \$300 from \$10 for rope tows?

The SPEAKER: The gentleman from Mars Hill, Mr. Tweedie, 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, the bill as originally submitted had an appropriation feature on it, and the committee worked out with the representatives of industry and the departments involved a self-supporting feature. This involved giving the proposed ski commission the discretion to set rates for the various types of ski lifts, at a figure not to exceed \$300, which in effect will make the program self-supporting financially.

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

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that a fee of \$300 for a rope tow or a small ski tow, it is quite exorbitant to have it inspected once during the year.

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

Mr. BERRY: Mr. Speaker, it's visualized that there will be many types of up-hill means of mechanical transportation. There will be rope tows, t-bars, chair lifts, tramways, cable cars and perhaps other types, and it is the intent of this act that there will be different fees set for different types of transportation and that the rope tow certainly would be the least expensive from a licensing standpoint. While no fees were set, the cost of the rope tow would be the lowest in the ladder. It also should be kept in mind that the cost of inspecting a rope tow is—perhaps in a remote section of the state, might be more than inspecting an involved type of transportation such as a chair lift in the southern part of the state, and that it is intended to underwrite the cost of inspection of a rope tow by the money which will be received from all the areas. This \$300 figure would be the very maximum that could be charged and presumably would not be charged certainly unless the commission felt it were necessary after several years' operation.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Tweedie, and would remind him that he has spoken twice.

Mr. Tweedie of Mars Hill was granted permission to speak a third time.

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: The original bill called for a fee of \$10 for rope tows, \$25 for a T. J bar or platter pull, \$75 for a chair life or skimobile, and aerial tramways, \$150, which amount I think is very reasonable. For that reason, I move for in-

definite postponement of the amendment.

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: It was the feeling of the Legal Affairs Committee that if this were to create another board, that we did not feel that we could pass it at this time. This is an attempt to remedy a situation to make the tramways and the ski industry safer and still not to cost any more money to the State of Maine. I hope the motion of Mr. Tweedie does not prevail.

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

Mr. BAXTER: Mr. Speaker, it just so happens that this bill is one which I put in for the ski industry of Maine. The concept of self-protection, of protection by—inspection by state agencies was developed by the ski industry. In fact, they had a bill in at the last session which they withdrew because they did not feel it was proper. This is the result of considerable study on the part of the ski industry. At the hearing, objection was voiced that this board would add further expense to the state functions, and that it might be inclined to grow larger over a period of time and cost the State more money. The objection was taken up with the ski industry, and as the gentleman from Cape Elizabeth I think has explained to you, the committee worked with the industry which includes the Maine Ski Council, which includes representatives of skiers as well as representatives of the ski areas themselves, and I know particularly the ski operators were involved in those discussions. These operators so much desired that their installations be protected in this manner, and be inspected and the public who uses them, be protected by the assurance of their safe operation, that the industry agreed with the committee to allow the board to be self-supporting, so that there would be no question that the industry was asking for any kind of a free ride from

the state. They do need a statutory basis, and a method of working so as to accomplish this regulation. And that they would get with the board which they would make self-supporting.

You will notice that the amendment merely says a fee not to exceed \$300, and that of course has to take in all forms of transportation up hill and all sizes of transportation and all sizes of hills as far as the use of the hill was concerned. Because as we all know people pay to ride these installations and of course the longer and bigger and faster uphill transportations have considerably more income. So this was merely set, as I understand it, at a maximum figure and as I understand it the members of the ski industry themselves by and large will decide at what specific level each one of these different types of uphill transportation will be charged, such as tramways, t-bars, platter pulls, chair lifts and rope tows.

I believe the board has on it, one from the industry, one from the public, one from the insurance—I guess it is two from the industry, one from the insurance and one from the public. So it should be adequately policed. In my own town, we have a rope tow, and are very much interested in having it protected by inspection and we certainly would leave the determination of the fee to the discretion of the board, and therefore I hope that the motion of the gentleman from Mars Hill, does not prevail.

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

Mr. WELLMAN: Mr. Speaker, I would like to ask a question through the Chair, would this bill as it is now presently before us apply to tows operated by private associations for the benefit of only their own members and not for general use of the public?

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

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

Mr. TWEEDIE: Mr. Speaker, the law says that if they're citizens of Maine or visitors, they must come under this.

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

Mr. KELLAM: Mr. Speaker, I'm not really prepared for the statement or the question, but I would believe, in my own opinion, I would believe that all the tramways in the state would be subject to the jurisdiction of the board.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Fairfield, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: It would seem to me on this bill that the state already has a Department of Labor and Industry in which all factories are inspected, contractors are inspected. It would almost seem as though that this particular aspect of safety should come under the Department of Labor and Industry. I can't conceive of why the Director of State Parks should be a member of that board, I would much prefer to see it handled by a board such as Labor and Industry who has had experience with safety and knows many of the hazards involved, and this would appear to merely create another board. I raise that question. I would like to ask a question through the Chair of Mr. Baxter if that particular aspect was considered?

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

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

Mr. BAXTER: Mr. Speaker, in answer to the gentleman from Fairfield, Mr. Brown, the question was considered. In fact, I think probably the committee could answer this question even better than I in that the committee considered the question very carefully and at great length. This was

a particular question which the committee brought up. However, it was recognized that there are a great many boards regulating specific industries. It didn't seem that there was any good reason to discriminate against the ski industry when there are boards regulating specific subjects and specific industries in other cases. The—one of the reasons that this was made self-supporting was so that there could be an industry board which knew the industry problems, which could judge the rules and regulations for the construction and maintenance of these uphill lifts. It was brought out that, for instance, an elevator inspector or other types of merry-go-round inspectors and so forth and so on, were not trained sufficiently to cope with the problems or decide on the problems of the construction as well as the operation and maintenance, which you will notice is in this bill, of uphill ski transportation. So the committee did consider this problem, and they did consider that it was worth while to set up a separate board.

As far as the State Park Department is concerned, this bill was modeled after the New Hampshire bill, which has worked very well, and that's why it was placed under the direction of the Park Department. Actually, again I would call your attention to the fact that the board is self-supporting, that is the condition of the board. And therefore, the particular department it resides in is somewhat, I think, less important. I hope that answers the question.

The SPEAKER: The question before the House is the motion of the gentleman from Mars Hill, Mr. Tweedie, that Committee Amendment "A" to Bill "An Act Creating the Passenger Tramway Safety Board," House Paper 3019, Legislative Document 1420, be indefinitely postponed.

All those in favor of the indefinite postponement of Committee Amendment "A," please say aye; those opposed, no.

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

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

Mrs. Sproul from the Committee on Legal Affairs on Bill "An Act relating to Determination of Quorum at Special Town Meetings in Kittery" (H. P. 683) (L. D. 951) which was recommitted, 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 A M E N D M E N T
"A" to H. P. 683, L. D. 951, Bill, "An Act Relating to Determination of Quorum at Special Town Meetings in Kittery."

Amend said Bill by striking out the last word of the bill "dissolved" and insert in its place the following: 'adjourned to such time and place as the selectmen shall determine'.

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

The SPEAKER: The Clerk has called to the attention of the Chair an error which you may wish to correct in your Legislative file. And that has reference to Legislative Document 1564, which was distributed earlier in the day as H. P. 530, there's where the error is. I am making reference to L. D. 1564, distributed earlier in the day and it read H. P. 530, you are now being distributed a corrected Legislative Document which has the letters and figures on it S. P. 530. This should be substituted for H. P. 530.

Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Relating to Treatment of Lake Annabessacook to Eliminate Aquatic Growth (H. P. 293) (L. D. 445)

Report was signed by the following members:

Messrs. DAVIS of Cumberland

STANLEY of Penobscot
SAMPSON of Somerset
—of the Senate.

Messrs. BRAGDON of Perham
WELLMAN of Bangor
Mrs. SMITH of Falmouth
—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. PLANTE
of Old Orchard Beach
DAVIS of Calais
DRAKE of Bath
JALBERT of Lewiston
—of the House.

Reports were read.

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

Mr. WELLMAN: Mr. Speaker. Ladies and Gentlemen of the House: I move the acceptance of the Majority "Ought not to pass" Report.

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

Mr. THAANUM: Mr. Speaker, I would like to ask the indulgence of the House to table this until Wednesday, May 3. Thank you.

The SPEAKER: In reference to item 12, the gentleman from Winthrop, Mr. Tha anum, has requested that this item be tabled until Wednesday, May 3, pending the motion of the gentleman from Bangor, Mr. Wellman, that the House accept the Majority "Ought not to pass" Report.

Mr. WELLMAN: May I have a division. Mr. Speaker?

The SPEAKER: The gentleman from Bangor, Mr. Wellman, requests a division on the tabling motion.

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

A division of the House was had.

Fifty-eight having voted in the affirmative and forty-eight having voted in the negative, the tabling motion prevailed.

Thereupon, the Report and Bill were tabled pending the motion of the gentleman from Bangor, Mr. Wellman, that the House accept the Majority "Ought not to pass" Report and specially assigned for Wednesday, May 3.

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

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Providing Funds for Public Landing at Islesford, Hancock County (H. P. 571) (L. D. 791)

Report was signed by the following members:

Messrs. DAVIS of Cumberland
STANLEY
of Penobscot
SAMPSON of Somerset
— of the Senate.

Messrs. PLANTE
of Old Orchard Beach
BRAGDON of Perham
DAVIS of Calais
JALBERT of Lewiston
DRAKE of Bath

Mrs. SMITH of Falmouth
— of the House.

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

Report was signed by the following member:

Mr. WELLMAN of Bangor
— of the House.

Reports were read.

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

Mr. KIMBALL: Mr. Speaker, Ladies and Gentleman of the House: I have checked with members of the committee and from one member of the committee I have found that there is a misunderstanding in the report of facts on this bill, and I would re-

Thereupon the Reports and Bill were tabled pending acceptance of either Report, and specially assigned for Tuesday, May 2.

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve relating to Treatment of Lake Sabattus to Eliminate Aquatic Growth (H. P. 647) (L. D. 925)

Thereupon, the Reports and Bill were tabled pending the motion of Mr. Jalbert of Lewiston that the Majority "Ought not to pass" Report be accepted and specially assigned for Friday, May 5.

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Removing Hurricane Island from Territorial Limits of Town of Vinalhaven" (H. P. 410) (L. D. 585)

Report was signed by the following members:

Mrs. LORD of Cumberland
— of the Senate.

Messrs. BERMAN of Houlton
BERRY
of Cape Elizabeth

Mrs. SPROUL of Bristol

Mrs. KNAPP of Yarmouth

Messrs. BRIGGS of Portland
STEWART
of Presque Isle
— of the House.

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

Report was signed by the following members:

Messrs. FARRIS of Kennebec
NOYES of Franklin
— of the Senate

Mr. KELLAM of Portland
— of the House.

Reports were read.

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

Mr. KNIGHT: Mr. Speaker, the sponsor of this bill, Mr. Maddox from Vinalhaven, is not present. He has asked me to see if this House would allow it to be tabled until Wednesday of next week at which time he would like to speak on it.

Thereupon, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Wednesday, May 3.

Divided Report

Report "A" of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act Providing for Additional Washington County Taxes for the Year Nineteen Hundred and Sixty-one" (H. P. 108) (L. D. 1532)

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate

Messrs. MacGREGOR of Eastport
BEANE of Moscow
DANES of South Portland
TWEEDIE of Mars Hill
— of the House

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

Report was signed by the following members:

Messrs. ERWIN of York
PIKE of Oxford
— of the Senate.

Mrs. BAKER of Orrington

Mrs. SHAW of Chelsea

Mr. JONES of Farmington
— of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move that Report B "Ought not to pass" be accepted.

The SPEAKER pro tem: The question before the House is the motion of the gentlewoman from Orrington, Mrs. Baker, that Report B "Ought not to pass" be accepted.

The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Mr. DENNISON: Mr. Speaker, Ladies and Gentlemen of the House: This heading on this bill, although it isn't misleading, it's very blind. What it is for is an airstrip in Washington County, in the central part of Washington County.

Now the nearest airstrip to this one in question is thirty-seven miles east, that's in Lubec; and the nearest one on the west is up in Deblois, that's forty-four miles in that direction. So we have a width there of eighty-two miles and up and down from the Atlantic Ocean north, there is nothing. So you have 3,280 square miles with no airstrip in any place in the whole central part of Washington County. Now, although I will present an amendment later, this came up to the Appropriations Committee, and there was a \$253,000, they appropriated \$150,000 of state money for airports, and with this reduction from the \$253,000 to the \$150,000, Washington County would have had \$11,858. Now with

the county's share, that would double it, and that would be \$23,716, and of course the government provides an equal amount of money, so a total would be \$47,432. Now you may ask why Machias doesn't put in more money. Machias has agreed to put in \$1,858, and that would leave \$10,000 for the county, and in answer to a telegram from the—this is from John McFaul, County Commissioner—" . . . if your airport bill has passage, it should be amended to provide funds by a bond issue." Now we have suggested that that be a five year bond issue for \$10,000. Of course you know that the biggest federal airbase is seven miles to Bucks Harbor—that's the airbase. Now in the seventeen miles from this same location is the biggest naval airbase, and as everyone knows, in the United States; that is finished and running. The Appropriations Committee had letters from the gentlemen in charge of both of these big bases; of course you know what's been approved.

This appropriation of only \$10,000 from the County, it would seem to me, would be only a reasonable thing in this situation. When you think of the whole of Washington County there for thousands of square miles, 2,280 square miles at least with no airstrip of any kind, and the Machias class of towns, as far as population goes, are eleven towns and that is the biggest population of any in the county. And I hope this motion, where Mrs. Baker got ahead of me, "Ought not to pass" does not prevail.

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

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: At the time that this bill was being heard before our committee, certain facts were given to us at that time. Since that time, my good colleague, Mr. Dennison, has come along with some other changes that would, I think, make this bill acceptable. Therefore, I hope that the "Ought not to pass" Report does not prevail.

The SPEAKER pro tem: The question before the House is the

motion of the gentleman from Orrington, Mrs. Baker, that Report B "Ought not to pass" be accepted.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: At the time this bill was heard, there seemed to be very little interest from the Town of Machias on it. Not one person from Machias appeared on its behalf, and I believe that it would be establishing a precedent for a county to appropriate funds for an airport. We were told that there were five other airstrips in the county which serve the county adequately.

The SPEAKER pro tem: Is the House ready for the question?

The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Mr. DENNISON: Mr. Speaker, I was greatly disappointed at this hearing. I had been advised that the selectmen, two of them, and another car were coming up. No one appeared, and I was greatly disappointed that one man in my own county got up and talked against it. This same town has an airport. And as I described to you, there is 2,500 miles of no airport, that's the whole central part of Washington County, and it is a most necessary thing. I don't know as there is anything more that I can say on it. The County Commissioners were up there—two of them—I spoke to one of them, he got up and expressed his displeasure and then we had one from Machias there, and he was very reluctant to get up, and as they know who were on the committee, I called on him to get up and he made the remark how necessary it was to have an airstrip in the central part of Washington County, but being one of the county commissioners, he would have to vote against it in his own town.

The SPEAKER pro tem: Is the House ready for the question?

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

Mr. MacGREGOR: Mr. Speaker, in regards to the remarks of my colleague and committee member, Mr. Jones from Farmington, to the effect that there are additional facts that have come to light since the hearing on this particular bill, and in view of the fact that I am also a member of that committee, and haven't had access to these particular facts; and I don't believe other members of the committee have had that privilege as yet, I would now move that this particular bill be recommitted to the committee for additional hearing.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Eastport, Mr. MacGregor, that item 17, L. D. 1532, be recommitted to the Committee on Towns and Counties.

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

Mr. DANES: Mr. Speaker, I would concur with my colleague on the committee, Mr. MacGregor. Some of these facts withheld from us were not withheld actually, but I feel that we should have it re-committed so we may have an opportunity to hear it.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Eastport, Mr. MacGregor, that Bill, "An Act Providing for Additional Washington County Taxes for the Year Nineteen Hundred and Sixty one," H. P. 1108, L. D. 1532, be recommitted to the Committee on Towns and Counties. Is this the pleasure of the House?

The motion prevailed. The Reports and Bill were recommitted to the Committee on Towns and Counties and sent up for concurrence.

At this point, Speaker Good returned to the rostrum.

SPEAKER GOOD: The Chair wishes to thank the gentleman from Pittsfield, Mr. Baxter, for acting as Speaker pro tem, and to compliment him on his excellent performance. (Applause)

Passed to Be Engrossed

Bill "An Act relating to Unauthorized Charging of Long-Distance Telephone Toll Service" (S. P. 524) (L. D. 1548)

Bill "An Act Repealing Provision of Financial Responsibility Law Concerning Accident by Non-licensed Driver" (S. P. 525) (L. D. 1551)

Bill "An Act Providing for the Union of the Towns of Mars Hill and Blaine as One Municipality" (H. P. 412) (L. D. 587)

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

Third Reader Indefinitely Postponed

Bill "An Act relating to Unprotected Wells" (H. P. 1131) (L. D. 1558)

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

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

Mr. WATERMAN: Mr. Speaker and Members of the House: This is a redraft of L. D. 370, and it appears to me that this could very well take in every quarry and gravel pit and farm pond and any type of excavation, and it has too broad a meaning I believe. And there is also quite a fine and there might even be a suit involved. I am not an attorney, but because of this, I would move indefinite postponement of this L. D. 1558 and all accompanying papers.

The SPEAKER: The gentleman from Auburn, Mr. Waterman, moves that the bill be indefinitely postponed.

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

Mr. BERRY: Mr. Speaker and Members of the House: This bill is the result of a lot of work on the part of the Legal Affairs Committee to find a workable solution to a very dangerous situation which exists. The bill as originally introduced, was introduced by my predecessor, Representative Brown

from Cape Elizabeth, and I have followed it personally since and wholeheartedly I might say, and I feel that the Legal Affairs Committee has done likewise.

The existence of unprotected wells is a hazard which we feel must be taken care of, and we cannot turn our back on it legislatively any longer. I am not going to cite the unfortunate incidents which have occurred in the State of Maine over the past years, but I have a clipping from a well-known paper in the City of Bangor which refers to a boy last week, a four year old boy who fell in an open water well and stayed there for thirty-five minutes before he was rescued by a Civil Defense Safety Rescue Unit. I think we recognize that these hazards do exist and that we do have a problem, and the question is, how shall they be solved? The bill provides that any person knowingly having a well on his property is subject to the penalty, and the penalties were drastically reduced from those in the original L. D. The original L. D. I might say was copied verbatim from the New Hampshire law which dealt with this subject. I think I speak for the Committee when I say that this represents an honest attempt to solve a real hazard, and I certainly hope that the motion does not prevail.

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

Mr. HARDY: Mr. Speaker and Members of the House: For a great number of years we have had this problem with us, and I still contend we are covered by statute, at least I have had it pointed out to me that these wells must be covered, and I will say that mine is covered. I recognize the hazard. The big problem is the enforcement of the statute that we now have, but I would like to read to you this definition of well. The term "well" as used in this section, in Section 32-C shall mean any artificial hole on the face of the earth more than four feet deep and more than eight inches in diameter. Any artificial hole.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker and Ladies and Gentlemen: I concur with the gentleman from Cape Elizabeth, Mr. Berry, pertaining to what I understand a well to be, but this in my opinion pertains to farm irrigation ponds, and I cannot see the feasibility of covering such as this requires.

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

Mr. BOOTHBY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to the fact that we have all through western Maine abandoned farms, many of them owned by absentee owners, and I doubt very seriously if they even know there are wells on them. Certainly I do because that is one of the favorite hunting spots that I have. I think that the provisions of this bill are altogether too broad. I would go along with the gentleman from Auburn, Mr. Waterman, that it be indefinitely postponed.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Auburn, Mr. Waterman, that Bill "An Act relating to Unprotected Wells" be indefinitely postponed.

All those in favor of indefinite postponement say aye; those opposed, no.

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

Sent up for concurrence.

Tabled and Assigned

Bill "An Act relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach" (H. P. 1132) (L. D. 1559)

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

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

Mr. FOGG: Mr. Speaker and Members of the House: This is Representative Plante's bill, and he couldn't be here at the present

time and he asked if I would have it tabled until tomorrow.

The SPEAKER: The gentleman from Madison, Mr. Fogg, moves this bill be tabled and specially assigned for tomorrow pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Bill "An Act to Provide for a Civil Service Commission for the Fire Department of the City of Biddeford" (H. P. 1133) (L. D. 1560)

Bill "An Act relating to Search and Seizure of Vehicles Containing Liquor" (H. P. 1135) (L. D. 1562)

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

Amended Bills

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

Bill "An Act Revising Certain Probation and Parole Laws" (H. P. 498) (L. D. 697)

Bill "An Act Amending the Juvenile Offender Law" (H. P. 499) (L. D. 698)

Bill "An Act relating to Petition for Review of Incapacity under Workmen's Compensation Act" (H. P. 506) (L. D. 705)

Bill "An Act to Amend the Charter of the City of Bath" (H. P. 680) (L. D. 958)

Bill "An Act to Grant a New Charter for the Town of Falmouth" (H. P. 690) (L. D. 968)

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.

Passed to Be Enacted

An Act relating to Number of Members of Superintending School Committees (S. P. 431) (L. D. 1391)

Resolve Authorizing the State Military Defense Commission to Convey Certain Land in Hancock County (S. P. 514) (L. D. 1534)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bill passed to

be enacted, Resolve finally passed, both signed by the Speaker and sent to the Senate.

Orders of the Day

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

Mr. LANE: Mr. Speaker, is L. D. 1188, in possession of the House, "An Act Providing for Local Option to Transport School Children to Other Than Public Schools without State Subsidy"?

The SPEAKER: The Chair will inform the gentleman from Waterville, Mr. Lane, that L. D. 1188 is in the possession of the House.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House reconsider its action of today whereby it adopted House Amendment "D" and that the motion to reconsider be tabled until Tuesday, May 2.

The SPEAKER: The Chair understands that the gentleman from Waterville, Mr. Lane, moves that the House reconsider its action of today whereby it passed this bill to be engrossed for the purpose of reconsidering an amendment.

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

Mr. ESTEY: Mr. Speaker, I have a question on procedure, am I not correct that the gentleman must have voted on the prevailing side on the issue in order to ask for reconsideration?

The SPEAKER: Since a roll call vote was not taken on that motion, it is presumed that the gentleman voted on the prevailing side.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I think we have been through this bill enough for today, and I hope that all those who voted for this bill to receive its passage as it has up to this point, will now see fit to vote against the motion that is presented by the gentleman from Waterville, Mr. Lane.

The SPEAKER: The question before the House is the motion of the gentleman from Waterville, Mr. Lane, that the House recon-

sider its action of today whereby it passed this bill to be engrossed.

All those in favor of the reconsidering motion, please say aye; those opposed, no.

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

Mr. LANE: Mr. Speaker, I request a division on the reconsidering motion.

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

All those in favor of reconsidering the action of the House today whereby it passed this bill to be engrossed, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty-four having voted in the affirmative and seventy-six having voted in the negative, the reconsidering motion did not prevail.

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

An Act relating to Transfer of Duties of School District Commission to State Board of Education, (H. P. 801) (L. D. 1115)

Tabled — April 12, by Mr. Westerfield of Liberty.

Pending — Passage to be Enacted.

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

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I had prepared an amendment for introduction this morning; however, a technicality has arisen which not only pertains to the amendment, but also to the bill, and for clarification of this I ask that this bill be tabled until tomorrow.

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

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

HOUSE DIVIDED REPORT — Report "A" Ought Not to Pass — Report "B" Ought to Pass with Committee Amendment "A" (Fil-

ing H-202) — Report "C" Ought to Pass with Committee Amendment "B" (Filing H-203) — Committee on Claims on Resolve, in Favor of Jim Adams, Inc. of Bangor. H. P. 464) (L. D. 664)

Tabled — April 20, by Mr. Minsky of Bangor.

Pending — Acceptance of Either Report.

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: As many of you may recall the early part of this session, there were certain questions propounded for the Supreme Court of the State of Maine relative to this matter, and the answer was shortly returned by the Supreme Court. The Committee has now come out with a split report, split in three ways, T, B, and C. Reports B and C are favorable to Mr. Adams. However, in reporting this out of committee, those signing Reports B and C did not make the amendments necessary to conform their action with those required by the Supreme Court. There is now in the process of being prepared an amendment to Report B which would conform this Report to the requirements of the Supreme Court. I therefore ask that this matter be tabled until tomorrow.

Thereupon, the Reports and Bill were tabled pending acceptance of either report and specially assigned for tomorrow.

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

Bill "An Act relating to Plant Protection." (H. P. 1114) (L. D. 1536) — In House, Read the Third Time.

Tabled — April 26, by Mr. Thaanum of Winthrop.

Pending — Passage to be Engrossed.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: Relative to L. D. 1536, there is no intent on the part of the proponents of this bill to break a legal strike. It is the intent of this bill

that an employer be able to maintain its plant on a stand-by basis during the period of any strike. Mr. Speaker, at this time, I would like to present House Amendment "A" to L. D. 1536, and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1114, L. D. 1536, Bill, "An Act Relating to Plant Protection."

Amend said Bill, in the 7th line, by striking out the underlined words and punctuation "**threat, intimidation,**"

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

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

Bill "An Act to Appropriate Monies for the Expenditure of State Government and Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963. (New Draft of S. P. 152) (L. D. 398) In House Read the Third Time.

Tabled — April 26, by Mr. Bragdon of Perham.

Pending — Adoption of House Amendment "A" (Filing H-204)

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I must oppose the motion of the gentleman from Lewiston, Mr. Jalbert, and move the indefinite postponement of his amendment. Your Appropriations Committee is in agreement with the objective of Mr. Jalbert's amendment but not in complete agreement with the wording. Also, it has become apparent that changes must be made in the wording of Section 1 of the appropriations act, L. D. 1546, so if you will go along with me on the indefinite postponement of Mr. Jalbert's amendment, I will later present for your approval an amendment which attains the same objective as his plus these other changes which I have just mentioned in section 1. I hope you will go along with me in the indefinite postponement of this amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: On April 20, I proposed the amendment now before you, H-204. With it I submitted a chart for your perusal. The chart is self-explanatory in that it breaks down the monies involved. Basically, it shows the cut-back of \$1,092,000 for the first and \$1,123,000 for the second. The sales tax and the inheritance tax we estimate to the amounts of \$650,000 makes this figure \$1,700,000 for the first; \$1,700,000 for the second, and then further reductions, which would bring about a balanced budget insofar as the current series are concerned with money to spare.

Now the history of this amendment is, to use a mild word, fantastic. If I possessed the splendid oratory of my good friend, Mr. Bradeen, and the good sound wit of my dear friend from Lubec, Mr. Pike, I could really explain myself and feel that I had done a far better job than I know I am going to do. However, breaking it down, on April 18, after a meeting concerning a bill before the Appropriations Committee, we had an executive session. I quoted to the members of the Appropriations Committee in executive session the words of the Governor in his inaugural address wherein he felt that in order to balance the budget it was necessary to take the one hundred percent subsidy money and cut it back some \$3,200,000. I showed them then this breakdown. At the time, the gentleman from Perham, Mr. Bragdon, was not in the committee room. Every member of the committee agreed with me. I felt that the money could be put back into current services budget. The gentleman from Perham, Mr. Bragdon, came back in the committee room, the amendment was explained to him, and I then offered the gentleman from Perham, Mr. Bragdon, the amendment because with the slight interruption of two terms and five other terms as a member of the Appropriations Committee, I have attempted to stay out of politics wherein it concerns the budget book. I asked

him not once but twice. He refused, and if his reason was political, I commend him for it. However, he refused the amendment.

On April 20, in the afternoon, I was called to the appropriations room and I talked with the Chairman of the full committee, Senator Davis, and the budget officer. I was informed, and if you have your chart before you, you will see that I was informed that I was out of line, I was unbalanced for about \$153,000 for the first year. I was \$305,000 over-balanced in the second year, and I was told for that reason that to save me embarrassment, they thought they would tell me about it because my amendment would then be refused for that reason. I then turned to page 15 of L. D. 1546 and I suggested to them that the monies amounting to some \$600,000 for the next session of the Legislature was placed in the first year of the biennium and it didn't belong there because it belonged in the second year because we held our session in the second year. That was agreed upon. I then took the "All Other" of the legislative expense, took \$153,728 out of the \$279,250, placed it into the second year of the biennium and that gave us a balance for both years. Nothing in the first year, and \$151,382 in the second year.

On April 21st, the next day, the gentleman from Perham, Mr. Bragdon, approached me and asked me that some of the wording should be changed in my amendment and they had to put something else in; the amounts were proper, would I withdraw my amendment. And I refused, for the purpose that I had had it prepared, I had done a considerable amount of work on it, and after all, it had been offered to him and he had refused, so I had a fair shake in refusing myself. A few minutes later, Senator Davis, the Chairman of the Appropriations Committee approached me and asked me to withdraw the amendment and I refused him.

On April 26, yesterday, I was approached by the gentleman from Perham, Mr. Bragdon, and

Senator Davis, and I was again asked—this was at 8:50, to withdraw my amendment. I was then shown an amendment prepared by the gentleman from Perham, Mr. Bragdon, which at the time, and I saw the amendment, and I read it, that did not indicate the found money in that amendment. I refused. At 9:20 I was asked out of my seat for a conference in the corridor. Present were the Budget Officer, Mr. Berry, Commissioner Hill of the Department of Education, Fred Kenney of the Department of Education, Representative Bragdon and Senator Davis. I then was told about the found money and stated that it was academic and flatly stated that in effect it was practically another move to kill my amendment. I also asked myself, if we could find from five minutes of nine until nine-twenty a half a million dollars, I wonder how many more half a million dollars there are available. I also said to myself I was pleased at least at the \$500,000, because again that probably cuts out the remainder of what's left of the attempt to increase the sales tax.

Now I have stated often times on the Floor of this House that I went along and I felt that to the victor belongs the spoils. I am happy that at least we have gained in our party the step-up of the anticipated tax yield which was part of our program. The explanation of the \$500,000 has been given to us, and I believe it will be available to the members. I have a copy with me and I have gone through those figures incidentally, and they are out of whack to the tune of some \$30,000 which will give us \$30,000 more. The more we look the more money we find.

Repeating myself, I have stated that I respected the majority, I feel all the time that to the victor belongs the spoils. I have given this explanation honestly and quietly and sincerely. I have given you the true facts. Now if you pass my amendment, on the heel of it will come House Amendment "A" to House Amendment "A" and if there is another amendment to be needed why that can be quickly gotten together. I cer-

tainly hope the motion to indefinitely postpone my amendment does not prevail.

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

Mr. FOGG: Mr. Speaker, I ask for a roll call vote on the motion.

The SPEAKER: A roll call has been requested.

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

Mr. BAXTER: Mr. Speaker and Members of the House: In listening to the discussion of the gentleman from Lewiston, Mr. Jalbert, and in listening to the motion just made by the gentleman from Madison, Mr. Fogg, I think perhaps that the words of the gentleman from Lewiston, Mr. Jalbert, that he does not like to mix politics with the budget book are slightly belied. It did seem to me as I listened to the discourse that the discussion was largely of a personal nature.

Now we have before us the amendment of the gentleman from Lewiston, Mr. Jalbert, which we know at this time, for whatever reasons they may be, personal or otherwise, or political, if the gentleman so wishes to make them that way, but certainly not political as far as we are concerned as leadership of the Republican Party, we know that that amendment for obvious reasons, mechanical reasons, it's not complete. He has told us that there is an amendment to the amendment which would tend to make it somewhat more complete, and if it isn't then complete, at some time another amendment could be drawn to the amendment or to the amendment to the amendment, and it might then be complete.

We have been asked to have a roll call on whether or not we should accept this incomplete amendment, and the various steps which would occur thereafter if it were passed. Now there is to be submitted another amendment which is on your desks which will accomplish this matter completely and at once. And regardless of the sponsorship or personal pique or any attempts that might be made or desires to make this of political significance, it seems to me that

what we have before us is merely a question of mechanics. There is no question of content as far as I can see. We all, and I believe the Minority Party as well as the Majority Party, would like to keep the work of the Legislature moving along. In fact the gentleman from Lewiston, Mr. Jalbert, urged me very strongly today to move the current services budget forthwith to the Senate as a matter of expedition, and I can't believe that to go through the rigmarole that is being proposed here now including the absurdity of a roll call on an amendment that isn't complete, has anything to do with expedition or can accomplish anything constructive. In fact, very much like a roll call we had once before on a tabling motion, I would say it was pure and simple obstruction. For that reason, and believing this subject to be merely a matter of mechanics with no political significance whatsoever, and in the interest of carrying on the duties of this body with a minimum of rigmarole, I hope that the House does not vote to request the Speaker to order a roll call.

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

Mr. FOGG: Mr. Speaker and Members of the House: When I listen to the gentleman from Pittsfield, Mr. Baxter, whom I consider a very capable Legislator, intimate that there are political overtones to this, why I would like to ask just what you expect us to believe. Somebody finds half a million dollars that nobody has happened to notice before. In the first place it looks to me like awful poor book-keeping. I don't know where they found it. Whether somebody found it in a tomato can or what. It comes out in the paper that we had a windfall of a half million dollars. First thing this morning instead of discussing this in open session between the Democrats and Republicans, the Republican leadership announces that they are going to have a closed Republican caucus on the whole thing. I voiced my objection to it, that I didn't approve of this type of legislative process. We Democrats did go into caucus

because we didn't have anything else to do except sit out in the corridor and tell each other stories.

Now the reason why we suspect there is politics injected into this is because of this very move on the Republican leadership itself. Now I don't—I think that there has been time taken, the stand the Republican Party has taken on this, there has been time consumed that we could have had a roll call on this. I don't know why the leadership is so fearful of a roll call on this, so I shall stick to my motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I listened very intently to the remarks of my good friend from Pittsfield, Mr. Baxter, and only one word forces me to rise, the word "obstructionist." If the gentleman from Perham, Mr. Bragdon, had accepted my amendment when I offered it to him once, not once but twice, that bill would be signed now, and I defy any other member of the Appropriations Committee to deny the fact that I offered him the amendment. There was no need of having it brought back here and tabled for a week and find five, six, seven or eight reasons to kill it. Now I said I believe in the spoils system. If you want the amendment, take it, but say so! Say so as Republicans! I don't want you to have it because I'm a Democrat, and I have done the work on it, and I like politics, but this type of politics is petty politics. I broke my tooth getting out of my crib playing with petty politics like that.

Now if you want to play politics and you want to say we are in command here and we are in power, say so, and "I'll respect you for it, because I assure you that if we had 117 in here and 30 on the other side and occupied the corner, you would have a little trouble yourself, but say so, its alright with me.

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

Mr. BAXTER: Mr. Speaker and Members of the House: I would just like to mention a couple of points. One, with regard to the statement of the gentleman from Madison, Mr. Fogg, that the Republican caucus this morning was a closed caucus, I would like to advise him that it was an open caucus and if he would like to know what went on here all he has to do is consult with the Press because they were very much in attendance.

It just so happens that during this session we, the leadership of the Republican Party, have tried to keep our members informed upon the details of various important matters. We have gone to great lengths over the weeks to try to explain things so that they are clear and so that we do not have a railroad down the throat situation. The caucus was to explain the question that many had on their minds as to what had happened overnight. As I say, the caucus was here, the explanation was made and that was that.

Now I would like to mention just one other thing, and that has to do with the error which the Department of Education made in this particular case. The Democratic Party of course has always been — has always extolled the virtues of the Executive Department in general and it seems that now they wonder about it, I would call to the gentleman's attention that under the last administration in which the Chief Executive was a Democrat, this same error occurred, and you will remember at that time it was not caught until later, and as a result we had to have a special session and appropriate some extra money.

Now the gentleman from Lewiston, Mr. JALBERT, says that if his amendment had been processed immediately the current services budget would be signed at the moment, and I submit that it would have been signed erroneously because of the changes which have been made in the meantime, and I think we will perhaps all agree that as it goes now, it will be in better shape than had it been signed a week ago.

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

Mr. WELLMAN: Mr. Speaker and Members of the House: As I have sat here and listened to the discussion, I harken back to something that my good friend from Waterville, Mr. Lane said earlier. He said he was born in Poland. I would like you now to think about the situation of that unhappy country and then to think about this body sitting here, and this body in the other forty-nine states, a body similar to this in Washington. We have been sent here to do an honest, conscientious job. We are here representing the people in every city and hamlet in the State of Maine. We are here exercising a free right that was won by blood and sweat and tears over the years, to tax ourselves, to endow our locality with those benefits that we feel that we need. I think we should think seriously what has happened in the past century, two centuries or three centuries, and this is the important issue that we are sitting upon today.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that House Amendment "A" be indefinitely postponed. 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 of 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 House will be in order.

Mr. Philbrick of Bangor, who would have voted "Yes" had he voted, was excused from voting as he paired his vote with Mr. Plante of Old Orchard Beach, who was absent, but would have voted "No" were he present.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Brag-

don, that House Amendment "A" to Bill "An Act to Appropriate Moneys for the Expenditure of State Government and Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963" be indefinitely postponed.

If you favor the indefinite postponement of House Amendment "A" you will answer "yes" when your name is called; if you oppose the motion to indefinitely postpone, you will answer "no" when your name is called. The Clerk will call the roll.

ROLL CALL

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

NAY — Beane, Augusta; Beane, Moscow; Bedard, Bernard, Binnette, Boissonneau, Briggs, Burns, Bussiere, Cooper, Cyr, Dostie, Lewiston; Dostie, Winslow; Fogg, Gallant, Hendricks, Jalbert, Jameson, Jobin, Johnson, Stockholm; Karkos, Kellam, Kilroy, Lacharite, Lane, Lantagne, Letourneau, Levésque, Lowery, Maxwell, Nadeau, Biddedord; Nadeau, Lewiston; Noel, Poirer, Prue, Sevigny, Sirois, Sproul, Tardiff, Walls.

ABSENT — Brewer, Chapman, Gardiner; Davis, Gardner, Maddox, Malenfant, Moore, Pike, Plante, Thornton.

Yes, 99, No, 40, Absent, 10

The SPEAKER: Ninety-nine having voted in the affirmative, forty having voted in the negative, with ten absentees, the motion to indefinitely postpone House Amendment "A" does prevail.

Mr. Bragdon of Perham offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" 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, in the 3rd paragraph after the enacting clause, by striking out all of the last sentence which reads as follows: "Any transfer of funds from the Reserve must be approved by the State Budget Officer with the advice and consent of the Governor and Council."

Further amend said Bill in the 5th paragraph after the enacting clause, by inserting after the word "establish" in the first line the word "permanent"; and by inserting after the words "programs or" in the 2nd line the word "permanently"

Further 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
14,856,576 15,353,576"

Further amend said Bill under the caption "EDUCATION, DEPARTMENT OF" by striking out at the end of said caption, the line:

"Total Department of Education
17,114,867 18,059,255"

and inserting in place thereof the line:

"Total Department of Education
18,699,181 19,215,023"

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 which reads:

"All Other
125,552 153,728"

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

Mr. BRAGDON: Mr. Speaker and Members of the House: In brief explanation of some of these changes made in this amendment, I would ask you to first refer to page 2 of your budget document, 1546. The first change you will find in the second paragraph at the bottom where it says "Any transfer of funds from the Reserve must be approved by the State Budget Officer with the advice and consent of the Governor and Council." We encountered a little opposition to the phrasing of this sentence feeling that it might possibly restrict a little too much, and even though it is written all through our laws practically this same language you will find in Section 8, Chapter 216 of the Public Laws of 1931, which was the revision, the code revision under William Tudor Gardiner, from that time on, this is the same reference that is made to various funds. We felt that it is pretty much established, that it is the intent of the law, and we made no objection to removing that clause. The committee is in agreement with that.

The second change is in the fourth paragraph. Now it was the intent of this wording, the intent

of the Appropriations Committee—I will first read that paragraph: "It is further the intent of the Legislature that no state agency shall establish new programs or expand existing programs, which are beyond the scope of the programs of the agency already established and recognized by the Legislature until such program and the availability of such money shall be submitted by each agency to the Department of Finance and Administration — Budget Office for evaluation and recommendation to the Legislature, and until funds are made available therefore by the Legislature." We encountered some opposition to this on the grounds that this might also be too restrictive in establishing needed programs. Now it was the intent of the committee when this was written that this should only apply to permanent programs; that if any changes were made where money was not provided, that these new expansions by various departments would be carried on more or less of a temporary basis where they would appear when the next Legislature comes in here on the supplemental budget and at that time would have review by the Legislature. There was no intent on the part of the committee to restrict anybody.

However, since we meant permanent, you will note that at the end of the first line in this second amendment, we have inserted the word "permanent" so that it reads: "no state agency shall establish permanent new programs**" and to go on further: "or expand permanently existing programs**." Now as to the amending of the amounts in this current services budget, two things mainly have been done. In the first place we desired to transfer from the supplemental budget to the current services budget that part of the General Purpose Educational Aid which originally appeared in the supplemental budget, namely \$1,839,078 for the first year and \$1,411,162 in the second year. However, as late as yesterday morning, we discovered there had been an error in the total amount of the General Purpose Aid which

had been submitted to us by the Education Department which amounted to \$510,788 for the biennium. This error was brought about because — I think I will give further explanation of that. It appears that the reason for this error is as follows: When the budget was proposed during the summer of 1960, the Education Department computed the subsidies on the basis of the 1958 state valuation because at that time the 1960 figures were not available, they had not been released. These were not released until December. They have now recomputed these figures on the basis of the new state valuation and this amount of \$510,788 for the biennium is the amount of difference. We have simply taken this out so that we are now working with the correct amount.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I want to wholeheartedly support the amendment of my very dear friend from Perham, Mr. Bragdon, because I would be the last one to have all the work he put into this amendment go down the drain.

The SPEAKER: Is it now the pleasure of the House that House Amendment "B" shall be adopted?

The motion prevailed. Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

An Act relating to Acquisition and Compensation for Land Taken for Highway Purposes. (S. P. 291) (L. D. 902) Engrossed in Both Branches.

Tabled—April 26, by Mr. Bearce of Bucksport.

Pending Passage to be enacted.

On motion of Mr. Bearce of Bucksport, the House voted to suspend the rules and to reconsider its action whereby on April 20 the Bill was passed to be engrossed.

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

Mr. BEARCE: Mr. Speaker, I

have an amendment, House Amendment "A," which is explanatory for the severance damages. This has been approved by Smith Dunnack, and other legal features—it is just an explanatory statement. I offer House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to S. P. 291, L. D. 902, Bill, "An Act Relating to Acquisition and Compensation for Land Taken for Highway Purposes."

Amend said Bill in that part designated "Sec. 20-C." of section 3 by striking out all of the underlined subparagraph 2 of paragraph E of subsection II and inserting in place thereof the following:

"2. Severance damages including the impairment or destruction of facilities and structures;"

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

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

An Act Creating a Committee to Plan for an Institution Serving as a Reception and Treatment Center. (S. P. 322) (L. D. 997) — Engrossed in Both Branches.

Tabled — April 26, by Mr. Kellam of Portland.

Pending — Motion of Mr. Hardy of Hope to Indefinitely Postpone.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I wish at this time to withdraw my motion.

The SPEAKER: The gentleman from Hope, Mr. Hardy, withdraws his motion to indefinitely postpone.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House. I think a brief explanation is due this House concerning this bill. I know that there is a feeling of cutting out these interim committees, and I believe that that feeling is justified.

However, the 99th Legislature created an interim committee and this committee reported to the 100th Legislature. One thing that's not in the report but I believe more that justifies the creation of that committee, was that during the last hearing that we had, a group of architects appeared through their representatives from New Orleans and pointed out to the committee that for institutional buildings, there were funds available which could reduce the plans to the final — we could finalize these plans and reduce them to architects' plans, present them to a legislature and if the legislature refused those plans, there would be no expense whatsoever to the State. If the State decided to make use of those plans, then those plans would be included within the normal cost of building.

Due entirely to circumstances over which the Department of Mental Health and Corrections has no control, nor has this Legislature, there is a dire need right now for additional housing facilities for male prisoners in the State of Maine, both juvenile and adult. The situation is critical. This bill would provide the next Legislature with a plan which would relieve the overcrowded situation in the adult institutions; and provide for the control and treatment of those prisoners who should be segregated from the general prison population.

Rather than wonder as to whether or not this Legislature should start such planning, let us hope that it is not already too late; and that we are not forced into ill conceived emergency construction if the situation becomes explosive within the next two years.

At the Maine State Prison, there are 378 single cells to house the general population which had a daily average of 478 in 1960. The warden predicts a daily average population of 533 within the next five years. Now mind you, this is in an institution with only 378 cells. There can be no question as to the need for additional housing.

At the Reformatory for Men, in October, 1960, with the count at

this institution at 221, the superintendent predicted a daily average inmate population in the next five years of 245. By March 3, 1961, this count had reached 232. This institution has a capacity of only 160, which can be expanded to 185 with the completion of a minimum security barracks this summer. Here there can be no question as to the need for additional housing.

The problem this bill seeks to attack and study is with us to stay. It can only get worse, since we have every reason to believe that this is not a phenomena but a definite trend to higher adult criminal population.

I hope that this bill passes.

Thereupon, on request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.

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

Mr. WINCHENPAW: Mr. Speaker, I would like to inquire through the Chair if L. D. 1234 is in the possession of the House, "An Act Regulating Lobster Traps on Trawls."

The SPEAKER: The Chair would like to advise the gentleman that L. D. 1234 is in the possession of the House.

Mr. WINCHENPAW: At this time I move that the rules be suspended in order that we reconsider the acceptance of the "Ought not to pass" Report.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves that the rules be suspended in order that the House may reconsider its action of March

7 where it accepted the "Ought not to pass" Report. Is this the pleasure of the House? All those in favor of suspending the rules say aye; those opposed, no.

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

Seventy-four having voted in the affirmative and twenty-six having voted in the negative, the rules were suspended.

Thereupon, on motion of Mr. Winchenpaw of Friendship, the House voted to reconsider its action whereby on March 7 it accepted the "Ought not to pass" Report.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I now move that this bill be recommended to the Sea and Shore Fisheries Committee.

Thereupon, the Bill was recommended to the Committee on Sea and Shore Fisheries and sent up for concurrence.

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

Mr. BAXTER: I would like to direct a question through the Chair.

The gentleman from Pittsfield, Mr. Baxter, has asked unanimous consent to ask a question. Is there objection? (Cries of "yes") There is objection, the gentleman may not proceed. (Laughter)

On motion of Mr. Baxter of Pittsfield.

Adjourned until nine o'clock tomorrow morning.