

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 2, 1961

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

Prayer by the Rev. Mr. Charles E. Karsten, Jr. of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

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

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Inspection and Exemptions in Boilers and Unfired Steam Pressure Vessels Law" (S. P. 91) (L. D. 187)

Report of same Committee reporting same on Bill "An Act relating to Steam Engineers and Firemen" (S. P. 116) (L. D. 261) which was recommitted.

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Money for the Establishment of a School of Practical Nursing in Portland or Vicinity (S. P. 340) (L. D. 1073) reporting same in a new draft (S. P. 530) (L. D. 1564) under same title and that it "Ought to pass"

Report of the Committee on Towns and Counties on Bill "An Act relating to County Appropriations for Industrial Development" (S. P. 385) (L. D. 1195) reporting same in a new draft (S. P. 531) (L. D. 1570) under same title and that it "Ought to pass"

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

In the House, the Reports were read and accepted in concurrence, the New Draft of Bill read twice, the New Draft of Resolve read once, and tomorrow assigned.

Tabled and Assigned

Report of the Committee on Towns and Counties on Bill "An Act Establishing Fees to be Collected by Registers of Probate" (S. P. 447) (L. D. 1399) reporting same in a new draft (S. P. 533) (L. D. 1571) under same title and that it "Ought to pass"

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

In the House, the Report was read.

(On motion of Mr. Kellam of Portland, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 4.)

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Disposition of Mentally Ill Juveniles Guilty of Juvenile Offenses" (S. P. 228) (L. D. 633)

Report of the Committee on Public Utilities reporting same on Bill "An Act to Increase the Indebtedness of the Fort Fairfield Utilities District" (S. P. 510) (L. D. 1533)

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

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Pollution Abatement" (S. P. 133) (L. D. 316) 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. 133, L. D. 316, Bill, "An

Act relating to Pollution Abatement."

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

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

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

Recommended

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Expanded Community Mental Health Services" (S. P. 191) (L. D. 524) 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.

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

Mr. WELLMAN: Mr. Speaker, there has been some confusion on this bill. This morning I have talked with the chairman of the committee, and I would now like to have this rereferred to the Committee on Appropriations and Financial Affairs.

Thereupon, the Report and Bill were recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing Funds for a Referral Center at Farmington State Teachers' College for Assistance to Teachers (S. P. 274) (L. D. 875) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 274, L. D. 875, Resolve, Providing Funds for a Referral Center at Farmington State Teachers' College for Assistance to Teachers.

Amend said Resolve by inserting at the end before the statement of facts the following:

'The breakdown of which shall be as follows:

Department	1961-62
EDUCATION, DEPARTMENT OF	
Farmington State Teachers College	
Personal Services	\$12,226
All Other	800
Capital	
Expenditures	974
	<hr/>
	\$14,000

Department	1962-63
EDUCATION, DEPARTMENT OF	
Farmington State Teachers College	
Personal Services	\$12,759
All Other	800
Capital	
Expenditures	441
	<hr/>
	\$14,000'

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

Report of the Committee on Judiciary on Bill "An Act relating to Appointment of Examiners of Insane Convicts" (S. P. 170) (L. D. 416) 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. 170, L. D. 416, Bill — "An Act relating to Appointment of Examiners of Insane Convicts".

Amend said Bill by striking out the words "an examiner" in the 6th line and inserting in its place thereof the word 'examiners'.

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (S. P. 378) (L. D. 1189)

Report was signed by the following members:

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

— of Westbrook
— of the House.

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

Report was signed by the following member:

Mr. COUTURE of Androscoggin
— of the Senate.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

Thereupon, the Majority "Ought not to pass" Report was accepted in concurrence.

The SPEAKER: At this time the Chair will recognize the presence in the gallery of thirty-one students from Gardiner High School. They are a class in Civics, the freshman class, and are accompanied by their teacher, Mrs. Blanche Williams.

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 Portland, Mrs. Kilroy, House

Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Orders

Mrs. Knapp of Yarmouth presented the following Joint Resolution and moved its passage:

Tabled and Assigned

WHEREAS, we are proud of the lifesaving services provided the communities of the State of Maine annually by over five thousand young members of our School Safety Patrols who assist their schoolmates at busy street crossings at our public and parochial schools; and

WHEREAS, we recognize that since its introduction to the State of Maine in 1931 the School Safety Patrol has played a leading role in the reduction of traffic deaths among school children; and

WHEREAS, the Honorable John H. Reed, Governor of Maine, has proclaimed the week of May 7, 1961 as School Safety Patrol Recognition Week;

NOW, THEREFORE, BE IT RESOLVED, that the Senate and House of Representatives in this session of the One-Hundredth Legislature applauds and commends the services rendered to our communities by the School Safety Patrols, and congratulates the patrol members who have been selected to represent the State of Maine at the twenty-fifth Annual AAA School Safety Patrol Parade in Washington, D. C., May 13, 1961. (H. P. 1146)

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: I feel there are a great many times when our children do not receive the recognition that they should. This resolve represents a commendable act carried out by our school children. I therefore move that this resolve be adopted, five thousand copies be mimeographed to be sent to the schools, the expense of sending these not to be absolved by the State.

The SPEAKER: Will the gentlewoman from Yarmouth, Mrs.

Knapp, kindly approach the rostrum please.

(Conference at rostrum)

Mr. HARDY of Hope: Mr. Speaker.

The SPEAKER: Does the gentleman wish to speak on the adoption of the Resolution?

Mr. HARDY: Mr. Speaker, I was just going to request that it be tabled and taken up tomorrow, so that we could have it reprinted and distributed.

The SPEAKER: The gentleman from Hope, Mr. Hardy, moves that the Joint Resolution be tabled until tomorrow pending adoption. Is this the pleasure of the House?

The motion prevailed.

On motion of Mr. Stevens of Portland, it was

ORDERED, that Mr. Briggs of Portland be excused from attendance this week because of illness in the family.

On motion of Mr. Edwards of Stockton Springs, it was

ORDERED, that Mr. Malenfant of Lewiston be excused from attendance for the duration of his illness.

On motion of Mr. Bearce of Bucksport, it was

ORDERED, that Mr. Noel of Waterville be excused from attendance for today and tomorrow because of business.

House Reports of Committees Ought Not to Pass

Mr. Drake from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Ferry Service for Long Island Plantation" (H. P. 304) (L. D. 456)

Report was read.

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

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move that we substitute the bill for the report on this item one. My reason for that is that Long Island Plantation has had for many years a ferry service that allows the people to get back and forth from the island to Mc-

Kinley. At the time the ferry service was established at Swan's Island, the island ferry that took care of both islands was discontinued when it was impossible to keep that in business. Then, when that did stop business, the State has subsidized a passenger ferry to and from the island, allowing the people passage when they wanted to get to McKinley from Long Island Plantation.

Now in the bill, the bill simply asks that the Port Authority be authorized to give adequate ferry service to Long Island Plantation, leaving the type of service up to them. The committee has reported "Ought not to pass." I sincerely believe these people out on an island off the coast are entitled to some type of ferry service to let them come to the mainland, and I so move.

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

Mr. DRAKE: Mr. Speaker, the committee has given this matter a great deal of consideration and it is our feeling that for less than fifty people it is a very expensive proposition for the State to have to maintain ferry service to that island, and we feel that it can be very adequately taken care of by the people themselves through private enterprise. And I move that the Committee "Ought not to pass" Report be accepted.

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

Mr. BEARCE: Mr. Speaker and Members of the House: Any of us who have been out on the island, we observe how these people live out there, many of them are lobster fishermen; of course I know nothing about lobster fishing, but it is a dickens of a hard job. But they have always had this service from the state and this bill, as the gentleman from Mount Desert, Mr. Kimball, has already stated, says the bill provides that they be served in some way by the Port Authority.

Now they are pretty sure that there will be enough money in the Port Authority to handle this matter; as a matter of fact I understand from one of the reports

we had that it is only a matter of twenty or thirty thousand dollars a year. And I agree with Mr. Kimball that we should provide these people with a ferry service.

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

Mr. WELLMAN: Mr. Speaker and Members of the House: I would like to give some further facts on why the committee acted as they did. I think it is perhaps with great regret that I personally acted as I had to do.

In the last Legislature it was ordered that a study be made of the possibilities of a ferry service to this island. The Port Authority was directed to come to this Legislature with its recommendations. Towards that purpose it hired a survey to be made. This survey, in discussing the economic situation of the islands, said that it was not economically feasible for the State of Maine to operate the ferry service to Frenchboro or Long Island. The next step was then for the Port Authority to bring to the Appropriations Committee of this Legislature four possible alternatives. Those alternatives range in amount of dollars, that is, from fifteen thousand to over a hundred thousand. The \$100,000 proposition would involve using the present ferry that is now serving the area, serves the other island which is about four miles from Swan's Island—Swan's Island is four miles from Long Island.

It was stated to us that with the present facilities now on Long Island that the Silsby on the high tide could stop at Long Island. This means that the people could on order get construction equipment and other heavy materials that they feel they needed onto their island. Now as far as the other service is concerned, it was learned that there is now a mail run. The mail run comes from McKinley on the mainland to Swan's Island and then to Long Island. This comes on the Silsby to Swan's Island and then goes to Long Island by apparently a private hire of a small craft or a lobster boat.

We then looked in to see what the average passenger use of the service to Long Island might pro-

vide, and with the fifty people on the island we could see from the figures that were available a total average daily usage of only about four persons a day. It was our belief that none of the four alternatives proposed to the Appropriations Committee by the ferry service were feasible in the light of the economic facts as they existed. It was our hope that some service could be arranged by a device similar to that used on the mail, coupled with the ability of the Silsby to go alongside the pier at Long Island at a high tide, when the captain felt that it was safe to do so.

For all these reasons I most strongly urge that the motion of my good friend from Mount Desert does not prevail.

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

Mr. HAUGHN: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Mount Desert, whether this bill is aimed more for passenger service or for transportation of automobiles to the island which is a mile square.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, has asked a question through the Chair of the gentleman from Mount Desert, Mr. Kimball, who may answer if he chooses.

Mr. KIMBALL: Mr. Speaker, the request from Long Island Plantation was to have a ferry service that would also include the possibility of getting vehicles to and from the island. Their suggestion was the possibility of utilizing trips from the present Swan's Island ferry, the William Silsby. Whether or not they have that, the passenger service seems to me to be a very important thing.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman clearly answered the question in my mind, and I cannot conceive the expense of the state to transport automobiles to a little island one mile square. For the passenger service, I am in accord with his feelings

and desires for service, but for the purpose of transporting automobiles to a little area a mile square, I cannot conceive the expense to the state being borne for that purpose.

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

Mr. BRAGDON: Mr. Speaker, there's one point I don't think has been brought out in this discussion that I would like to call to the attention of this House, the matter of probably four passengers a day as being a likely figure requesting this service or a service between these islands has been mentioned. The thing that has not been mentioned is the fact that there are presently many other islands with perhaps a few more or a few less people off the State of Maine, and I won't name them, most of you know them, who could if we provide this service for—at the cost that we are now faced with for this number of passengers a day—could very logically come in and certainly ask the same of the next legislature. I think this was one thing that deterred us in going along with something that seemed to us so definitely uneconomically feasible. That was the reason, I think, we arrived at this decision.

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

Mr. YOUNG: Mr. Speaker, I rise in support of the motion of Mr. Kimball from Mount Desert, and as far as the Appropriations Committee's figures and decision, I respect them very much; but I think that the less cheaper plan wouldn't be very much of a burden for the state, it is something in the neighborhood of twenty thousand dollars, seems so we could work out something on that.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, I request the privilege of tabling this until Thursday next.

The SPEAKER: The gentleman from Vinalhaven, Mr. Maddox, in reference to item 1, L. D. 456, moves that it be tabled until Thursday next, pending the motion of the gentleman from Mount Desert, Mr. Kimball, to substitute the bill

for the report. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor of the tabling motion please say aye; those opposed, no.

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

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

Mr. JALBERT: Mr. Speaker, Members of the House: At the hearing before the Appropriations Committee, there was a large group from Swan's Island and an equally large group in percentage from Long Island Plantation, and it appeared to us on the committee that in any event the people from Swan's Island, numbering five hundred plus, did not want the Bill Silsby to be used. The committee certainly, and as the gentleman from Bangor, Mr. Wellman, said is in entire sympathy with the people from the county and with Mr. Kimball, the gentleman from Mount Desert, Mr. Kimball's proposal. Also what it means, that if you go into another project other than the Silsby that would bring truck and automobile traffic to the island, the price would be a great deal—five, six, seven times more than the twenty thousand dollars as suggested. And it was for those reasons also and the reasons brought forward by other members of the committee, that the committee although sympathetic to the cause, had to report the bill out "Ought not to pass."

If you remembered since 1910 or 1915, if I'm not correct I'm possibly correct on the figure of 1910, but certainly 1915, the population of Long Island Plantation has dwindled from two hundred to fifty, whether it's due to the traffic or no ferry traffic, I don't know; but certainly at this time it would not be feasible to go into this expense.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, to substitute the Bill, "An Act relating to Ferry Service for Long Island Plantation," House Paper 304, Legislative Docu-

ment 456, for the Committee "Ought not to pass" Report.

All those in favor of substituting the bill for the report, please say aye; those opposed, no.

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

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

Mr. Drake from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing for the Rehabilitation of Alcoholics" (H. P. 976) (L. D. 1363)

Report was read.

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

Mr. CHAPMAN: Mr. Speaker and Members of the House: I would appreciate the opportunity of laying this on the table until Thursday next.

The SPEAKER: The gentleman from Norway, Mr. Chapman, moves this matter be tabled and specially assigned for Thursday next pending acceptance of the "Ought not to pass" Report. Is this the pleasure of the House?

(Cries of "No.")

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

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

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

Mr. Minsky from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to the Admissibility of Records in Evidence" (H. P. 990) (L. D. 1377)

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Smith from the Committee on Judiciary on Bill "An Act relating to the Dissolution of Corporations" (H. P. 884) (L. D. 1219) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Referred to Committee on Taxation

Mr. Wellman from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Harness Racing Officials and Purses" (H. P. 959) (L. D. 1326) reported that it be referred to the Committee on Taxation.

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

Ought to Pass in New Draft New Drafts Printed Amended

Passed to Be Engrossed

Mr. Estey from the Committee on Education on Bill "An Act relating to Withdrawals from School Administrative Districts" (H. P. 969) (L. D. 1334) reported same in a new draft (H. P. 1145) (L. D. 1577) under title of "An Act relating to Additions to and Dissolution of School Administrative Districts" and that it "Ought to pass"

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

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

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

HOUSE AMENDMENT "A" to H. P. 1145, L. D. 1577, Bill, "An Act relating to Additions to and Dissolution of School Administrative Districts."

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

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

Whereas, the Sinclair Law does not provide for dissolution of a School Administrative District; and

Whereas, School Administrative Districts No. 2 and No. 3 have indicated a desire to vote as soon as possible on dissolution of their districts; and

Whereas, disagreements within said districts No. 2 and No. 3 have resulted in an inability of the said districts to construct new school facilities and have impeded the development of an effective educa-

tional program for the towns within said districts; and

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

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

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

House Amendment "A" was adopted.

On motion of Mr. Bragdon of Perham, under suspension of the rules the Bill was given its third reading, passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Mr. Rust from the Committee on Judiciary on Bill "An Act relating to Dissolution of Corporations by Action of Stockholders" (H. P. 791) (L. D. 1105) reported same in a new draft (H. P. 1143) (L. D. 1575) under title of "An Act relating to the Dissolution of Corporations" and that it "Ought to pass"

Mr. Smith from same Committee on Bill "An Act relating to the Control of Malfunctioning Disposal Systems" (H. P. 251) (L. D. 365) reported same in a new draft (H. P. 1142) (L. D. 1574) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bill

Mr. Brown from the Committee on Natural Resources reported "Ought to pass" on Bill "An Act Revising Laws Relating to Pollution Control" (H. P. 1125) (L. D. 1552) which was recommitted.

Report was read and accepted, the Bill read twice and tomorrow assigned.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Criminal Conduct Be-

cause of Mental Disease" (H. P. 991) (L. D. 1378) reporting same in a new draft (H. P. 1144) (L. D. 1576) under title of "An Act relating to Criminal Acts Due to Mental Disease" and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. KNIGHT of Rockland
BERMAN of Auburn
RUST of York
SMITH of Bar Harbor
MINSKY of Bangor
BEANE of Augusta
— of the House.

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

Report was signed by the following member:

Mr. ERWIN of York
— of the Senate.

Reports were read.

On motion of Mr. Minsky of Bangor, the Majority "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Travel Allowance for Members of the Legislature" (H. P. 53) (L. D. 94)

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

Amended Bills Tabled and Assigned

Bill "An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies" (H. P. 358) (L. D. 510)

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

Mrs. Shaw of Chelsea offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

The SPEAKER: The gentlewoman from Chelsea, Mrs. Shaw, moves that the House reconsider its action of April 28, 1961, whereby it adopted Committee Amendment "A" for the purpose of offer-

ing an amendment thereto. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentlewoman from Chelsea, Mrs. Shaw, now offers House Amendment "A" to Committee Amendment "A."

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 358, L. D. 510, Bill, "An Act Relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies."

Amend said Amendment by striking out in the 2nd line the underlined figure "5 cents" and inserting in place thereof the underlined figure "25 cents"

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

Mr. BAXTER: Mr. Speaker, I didn't encounter this particular amendment in our amendments, and therefore I am not prepared at this particular time to describe to the House the significance of the amendment from the standpoint of the Taxation Committee; and I would therefore move that this bill and all its papers be tabled until tomorrow.

Thereupon, the Report and Bill were tabled pending the adoption of House Amendment "A" to Committee Amendment "A", and specially assigned for tomorrow.

Tabled and Assigned

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

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

(On motion of Mr. Dostie of Winslow, tabled pending passage to be engrossed and specially assigned for Thursday, May 4)

Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes (S. P. 515) (L. D. 1535)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had, 101 voted in favor of same and 20 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Tabled

An Act Providing State Aid to Towns for Care of Poor Persons (S. P. 84) (L. D. 183)

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

(Upon request of Mr. Bragdon of Perham, placed upon Special Appropriations Calendar)

An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities (S. P. 410) (L. D. 1351)

An Act Creating the Town of Kittery Port Authority (H. P. 682) (L. D. 960)

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

Tabled

An Act relating to Definition of Public School under Maine State Retirement System (H. P. 1117) (L. D. 1539)

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

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar)

Finally Passed

Resolve Regulating Fishing in Certain Waters of Aroostook County (H. P. 487) (L. D. 687)

Resolve in favor of Irving L. Leach of Bluehill (H. P. 657) (L. D. 935)

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

The SPEAKER: In reference to L. D. 1140, "An Act Amending Charter of the City of Waterville," and the House' action of April 26, 1961, whereby it insisted and asked for a Committee of Conference, the Chair appoints the following members on the part of the House as conferees:

Messrs. LANE of Waterville
FOGG of Madison
JOBIN of Rumford

The SPEAKER: There are in committee at this time approximately 178 bills. This compares with two years ago when there were at this time approximately only 127 bills, so apparently we have approximately 51 more bills in committee at this time than we had two years ago. However, there have been introduced in the Legislature at least 200 more bills than were introduced two years ago.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I merely would like to rise to ask a question through the Chair. In your research and you must have done a great deal of it with your weekly report, what does your research show, if you can answer, as to where we are concerning the meat of the bills—the meat of the Legislature as compared to two years ago?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has asked unanimous consent to briefly address the House, and it was granted and the Chair will confer momentarily with the Clerk of the House.

The Clerk and the Speaker have talked this over many times, and we have reassured each other that we can adjourn in the month of May, 1961. (Laughter)

Mr. Estey of Portland was granted unanimous consent to briefly address the House.

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: Relative to the subject that the Speaker has just mentioned, and for the interest of the House, on behalf of the Committee on Education, a bill this morning concerning dissolution which was—the rules were suspended and given three readings. There are thirteen other bills in the Committee on Education, directly related to withdrawal or dissolution, all special legislation. And those bills will be reported out this week as soon as this major dissolution bill has been through both Houses.

The SPEAKER: The Speaker realizes that everybody in the Legislature is cooperating to the best of their ability and in a very commendable manner to accelerate the proceedings of the Legislature. The Speaker and, I am sure, the leaders of both parties, will lend their every effort to make progress along those lines, and if the Legislature can adjourn in May with their work done in a commendable manner, I am sure that it is going to be done. There's a lot of work before us, but if things fall nicely into place and they can be made to do so, why we can adjourn in May. That is pure speculation, but we have great hopes.

Mr. Jobin of Rumford was granted unanimous consent to briefly address the House.

Mr. JOBIN: Mr. Speaker, Ladies and Gentlemen of the House: In view of information released by my colleague from Bowdoinham this morning, Mr. Curtis, I would like at this time to speak on the subject.

During the past few weeks, we have seen considerable heat generated over efforts to persuade the Legislature to enact a so-called "right-to-work" bill implying the giving to the working people of our state greater liberties, but which, in reality, is a proposal to admit

compulsory open shop on our labor-management structure.

This attempt to disrupt Maine's sound and healthy labor-management structure has had its origin and inspiration from sources without the state—notably by an organization that calls itself the National Right to Work Committee, with offices in Washington, D. C.

It is about this intrusion from outside the state in an effort to pressure this legislation through our legislature that I wish to speak.

One of Maine's safeguards against this type of pressure and lobbying in the Legislature for special interest legislation, is an act that requires the registration with the office of the Secretary of State of legislative agents who engage in lobbying acts. A legislative agent is defined by Chapter 10, Section 34 of this act as follows: "The term 'legislative agent' is construed to mean any person, firm, association or corporation that for hire or reward does any act to promote or oppose proposed legislation, except to appear at public hearings before committees of the Legislature of the State of Maine, and include all persons who for compensation shall approach individual members of the Legislature or members elect thereof with the intent in any manner, directly or indirectly, to influence action upon proposed legislation."

I would like to call the Legislature's attention to the fact that apparently acts to promote the so-called "right-to-work" law proposal have been committed by the National Right to Work Committee, and by its representatives within the State of Maine. There is no doubt that these representatives have also approached at least a few select members of this House.

The facts are important, for in inquiry, the Office of the Secretary of State says that neither the National Right to Work Committee nor its representatives, who came into Maine, have registered under the Maine Legislative Counsel Act.

I suggest that this apparent failure to comply with the law of our state should be investigated by the proper authorities, and if this proves to be a fact, that appropriate action should be taken.

This lobbying registration act provides for a minimum fine of \$100 for infractions, to a maximum of \$500.

Now what are the facts about this situation?

In the issue of the Portland Telegram of April 19, 1961, the following appeared:

"The first of this month, a national representative of the National Right to Work Committee, arrived in Augusta, set up an office in a motel, hired a typist; and helped to form a state committee to work for passage of the Right to Work bill."

Inquiry at the Senator Motel, here in Augusta, disclosed that a representative of the National Right to Work Committee registered there from Washington, D. C., to engage in this operation of pressuring for passage of this anti-labor legislation.

He was identified as Reed Larsen, an executive vice president of the National Right to Work Committee.

I also submit taken from the Wall Street Journal, Wednesday, April 19, 1961 under a column headed, "Right to Work Drive, Left for Dead in 1958, Aims for a Comeback." In order to expedite time here, I would quote the pertinent passage: "...newly hired Education Director, Glen Green, is standing by for a probable call to return to Maine, where the bitter legislative battle has prompted frequent missions from Washington headquarters to advise and encourage local right to work forces. . ."

This is not the first visit of these outsiders to Maine to carry out their pressure operations. During this stay in Augusta, and on earlier visits, they engaged in organizing a state committee in advising members of their handpicked committee on how to conduct a campaign seeking to persuade the legislature to enact a "right-to-work" law and distributed various news releases bearing on this legislative proposal.

In the Portland Sunday Telegram of March 19, 1961, this item appeared:

"The campaign to win over the legislators was sparked by R. Murray Briggs, Presque Isle beer distributor. . ."

"Briggs is chairman of a state-wide committee, formed two weeks ago, and including truckers and distributors mostly from the Bangor and Aroostook area.

"He (Mr. Briggs) acknowledged help from a national organization, known as the National Committee for the Right to Work. In fact, he handed out what appeared to be 'canned' press releases, with underlined spaces left blank for insertion of local names.

"Reed Larsen, director of the national committee, and his assistant, Bud Green, have been in Maine several times, most recently when the state committee was formed."

Further inquiry at the Office of the Secretary of State also has disclosed that not only have the National Right to Work Committee and its out-of-state representatives, Larsen and Green, failed to register under the Maine Legislative Counsel Act as lobbyists, but there is no record of the Maine Right to Work Committee, or its representatives having registered either.

It may be that the responsible heads of the state committee have not received remuneration for their pressure activities, and unlike the out-of-state representatives of the National Right to Work Committee, who are paid, are not required to register under the lobbying act. But perhaps this failure should also be looked into. Who, for instance, paid for the tape recorder and its operators who sought surreptitiously to record the public hearing held by the Labor Committee on this proposal?

You may recall that Chairman Howard Mayo, of the Labor Committee, who had refused permission to both representatives of the labor and the proponents of the "right-to-work" proposal to record the hearing proceedings, was forced to confiscate the tape recording when he learned that the right-to-work-ers had flouted his order and had hired tape recording technicians to record the hearings, covertly and by stealth, in a room hidden from the committee room where the hearings were being held.

This was reported by the Associated Press in a news item on March 29, 1961, which stated:

"The operators connected their recorder in another room to a loud-speaker linked to the public address system in the House. They said they had orders from Mrs. R. Murray Briggs, of Presque Isle, wife of the president of the Pine Tree Citizens for Right to Work".

I raise the question again: who paid for this covert attempt to flout the authority of the Labor Committee of our State Legislature? Did the funds originate with the National Right to Work Committee in Washington, which to attain its highly questionable purposes has provided the overall financing for this "right-to-work" lobbying and pressure campaign? If so, this would appear to give adequate reason under the Legislative Counsel Act why the State Committee should have registered, which they have failed to do. As previously noted, the central headquarters in the Senator Motel has been the operating area for the National Right to Work Committee and its representatives, Larsen and Green.

We have experienced in the past few weeks a highly organized attempt to influence legislators of our state.

It is a basic law of physics that every action results in a counter action. If we allow outsiders to come into our state and flout our laws in their efforts to influence legislation pending in this House, it is axiomatic that this will draw reaction from those who will be hurt by such legislation.

There is no harm in lawful petition. It is a right guaranteed by the Constitution; but illegal, unregistered pressures are something else again.

As you know, members of both major political parties in our Legislature have already made clear their stand on the punitive and discriminatory "right-to-work" proposal. Both parties have voted against this bill in caucus. It is also opposed by the Governor and by our Commissioner of Labor and Industry.

In view of the circumstances that I have cited here today, I suggest that an investigation should

be made under the proper authorities to determine whether there has been a violation of the Legislative Counsel Act and, if so, for legal steps to be instituted.

Only in this way is it possible for this body to protect itself from such unwarranted and unlawful pressures. Thank you.

(Off Record Remarks)

Orders of the Day

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

HOUSE REPORT — Ought to Pass with Committee Amendment "A" — (Filing H-178) — Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the City of South Portland." (H. P. 605) (L. D. 864)

Tabled — April 18, by Mr. Danes of South Portland.

Pending — Acceptance of Report.

Thereupon, the "Ought to pass" Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 605, L. D. 864, Bill, "An Act to Grant a New Charter to the City of South Portland."

Amend said Bill by striking out all of section 616 and inserting in place thereof the following:

'616. All bonds paid in annual installments. Bonds issued after the adoption of this charter shall be made payable in annual, serial and approximately equal installments as pertains to principal, and interest shall be made payable semiannual-ly.'

Further amend said Bill in the 2nd line of section 624 by inserting after the word "publication" the word 'and'

Further amend said Bill in the 5th line of section 902 by striking out the word "Four" and inserting in place thereof the word "Three"

Further amend said Bill in the 2nd line of section 904 by striking out the word "shall" and inserting in place thereof the word 'may'

Further amend said Bill in section 1001 by adding at the end a new paragraph to read as follows:

'Nothing hereinabove contained shall be in any way construed so as to affect the qualifications, tenure or terms of office of the present members of the city council or school board.'

Further amend said Bill in the first paragraph of section 1002 by striking out the figure "5" before the words "voting places" in the 3rd line from the end of said paragraph and inserting in place thereof the word 'several'

Further amend said Bill in section 1002 by striking out all of the 2nd paragraph thereof.

Further amend said Bill in the first line of the 3rd paragraph of section 1003 by striking out the word "how" and inserting in place thereof the word 'now'

Further amend said Bill by striking out all of section 1204 and inserting in place thereof the following section:

'1204. Summons before city council and civil service commission; failure to obey summons. The clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and to produce books, documents and papers at any meeting of the city council of the City of South Portland at which a hearing is had in any matter regarding any alleged dereliction, which summons shall be served as summons are required to be served in matters before the Supreme Judicial or Superior Courts.

On complaint of failure to obey summons to the municipal court of the City of South Portland, which court is expressly given jurisdiction to hear such complaints, said municipal court, if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or imprisonment for not more than 30 days, or both.

All rights of appeal are to be available as exist in the general laws of the State of Maine.'

Further amend said Bill in section 1207 by striking out all of the 2nd sentence and inserting in place thereof the following sentence:

'The decision of the manager, or other appointing officer, may be appealed from for hearing before the personnel advisory board.'

Further amend said Bill in section 1301 by striking out the last sentence and inserting in place thereof the following sentences:

'If a majority of the valid ballots deposited as aforesaid shall favor accepting the same, then this act shall forthwith take effect as herein provided; but only if the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 20 percent of the total vote for all candidates for Governor cast in said city at the next previous gubernatorial election. The result of said vote shall be determined as above provided and due certificate thereof filed by the city clerk with the Secretary of State.'

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

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

Bill "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County." (H. P. 1128) (L. D. 1555) —In House Read the Third Time.

Tabled — April 26, by Mr. Wade of Skowhegan.

Pending — Passage to be Engrossed.

Mr. Wellman of Bangor offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1128, L. D. 1555, Bill, "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County."

Amend said Bill by striking out all of the last sentence and inserting in place thereof the following: 'For this purpose there shall be appropriated from the Unappropriated Surplus of the General Fund the amount of \$500 during the 1961-62 fiscal year.'

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

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1138) (L. D. 1568) under New Title of "An Act relating to Annual Compensation for Superior Court Messenger of Cumberland County." — 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)

Tabled — April 27, by Mr. Kellam of Portland.

Pending — Acceptance of Report. Thereupon, the "Ought to pass" in New Draft Report was accepted and the New Draft read twice.

Mr. Kellam of Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1138, L. D. 1568, Bill "An Act relating to Annual Compensation for Superior Court Messenger of Cumberland County."

Amend said Bill, in the 5th line, by inserting after the underlined words "**Cumberland County**" the underlined words '**shall be appointed by the senior resident Superior Court Justice and**'

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

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1140) (L. D. 1569)—Committee on Towns and Counties on Bill "An Act Increasing Certain Fees to Registers of Deeds" (H. P. 1040) (L. D. 1441)

Tabled — April 27, by Mr. Berry of Cape Elizabeth.

Pending — Acceptance of Report.

(On motion of Mrs. Baker of Orrington, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 4)

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass—Minority Ought to Pass — Committee on Appropriations and Financial Af-

fairs on Resolve, Providing Funds for Public Landing at Isleford, Hancock County. (H. P. 571) (L. D. 791)

Tabled — April 27, by Mr. Kimball of Mt. Desert.

Pending — Acceptance of Either Report.

(On motion of Mr. Kimball of Mount Desert, tabled pending acceptance of either Report and specially assigned for Thursday, May 4)

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

SENATE REPORT — Ought to Pass with Committee Amendment "A" (Filing S-103) — Committee on Liquor Control on Bill "An Act to Clarify the Liquor Laws." (S. P. 353) (L. D. 1086) — In Senate Engrossed with Amendments (Filing S-103 and S-144)

Tabled — April 28, by Mr. Dostie of Winslow.

Pending — Acceptance of Report.

On motion of Mr. Dostie of Winslow, the "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 353, L. D. 1086, Bill, "An Act to Clarify the Liquor Laws."

Amend said Bill by adding after section 4, 2 new sections as follows:

"Sec. 4-A. R. S., c. 61, Sec. 31, amended. The 2nd sentence of the 3rd paragraph of section 31 of chapter 61 of the Revised Statutes, as enacted by chapter 144 of the public laws of 1957, is repealed as follows:

'A part time hotel licensee shall conduct his hotel business on the premises only during the time when such part time license is in effect.'

Sec. 4-B. R. S., c. 61, Sec. 51, amended. The 2nd paragraph of section 51 of chapter 61 of the Revised Statutes is amended by adding at the end a new sentence, as follows:

'Any licensee who accepts an order or receives payment for liquor from a minor shall be considered as in violation of this paragraph.'

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "B" to S. P. 353, L. D. 1086, Bill, "An Act to Clarify the Liquor Laws."

Amend said Bill by adding after the enacting clause, the following:

"Sec. 1. R. S., c. 61, Sec. 1, amended. Section 1 of chapter 61 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph, to read as follows:

'Places located on fairgrounds operated by agricultural societies or where pari mutuel racing is conducted, which otherwise meet the definition of a hotel or a restaurant, shall be deemed to be a hotel or restaurant for purposes of this chapter notwithstanding the fact an admission charge must be paid to gain entrance to such place.'

Further amend said Bill by renumbering sections 1 to 7 to be sections 2 to 8.

Senate Amendment "B" was adopted in concurrence.

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

SENATE AMENDMENT "C" to S. P. 353, L. D. 1086, Bill, "An Act to Clarify the Liquor Laws."

Amend said Bill by adding at the end 2 new sections to read as follows:

"Sec. 8. R. S., c. 61, Sec. 48, amended. The last sentence of section 48 of chapter 61 of the Revised Statutes is amended to read as follows:

'Licensed clubs shall not sell liquor except to members and their guests accompanying them, except that veterans' organizations duly licensed may sell liquor to members of the same national organization.'

Sec. 9. P. L., 1961, c. 151, repealed; limitation. Chapter 151 of the public laws of 1961, heretofore passed by this Legislature, amending section 48 of chapter 61 of the Revised Statutes, permitting the sale of liquor in clubs to members of veterans' organizations and auxiliaries, is repealed and shall not be printed as part of the Session Laws of 1961."

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: In reference to Senate Amendment "C," we know it refers to L. D. 1411. 1411 was presented by me to the Committee and that came out of the Committee as we all know nine to one ought to pass, and it went through the House and it went through the Senate and it was signed by the Governor. In the meantime, the minority member of that committee decided she didn't like the bill, so she put on an amendment to the bill, the bill we just passed. Now I move that Senate Amendment "C," filing number 144 be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Waterville, Mr. Lane, that Senate Amendment "C" be indefinitely postponed.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I am thoroughly confused with this bill and all these, and I would like that it be tabled until Thursday so we have time to read them and know what it is all about,—

The SPEAKER: The gentleman has made his motion. The gentleman from Bowdoinham, Mr. Curtis, moves that this bill be tabled until next Thursday pending the motion of the gentleman from Waterville, Mr. Lane, that Senate Amendment "C" be indefinitely postponed.

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

The SPEAKER: A division has been requested by the gentleman from Brunswick, Mr. Lacharite. All those in favor of the tabling motion, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One having voted in the affirmative and one hundred and one having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Waterville, Mr. Lane, that Senate Amendment "C" be indefinitely postponed.

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

Mr. LACHARITE: Mr. Speaker and Members of the House: I think we can probably clarify these amendments a little bit. If for no other reason, I would oppose this amendment on the grounds that it questions the integrity, the ability and the courage and the intelligence of the Members of this House. This amendment, in my opinion, is not germane to the bill to which it is presented. This bill, the bill itself, is a good bill. It's a bill to clarify the liquor laws existing at the time the bill was introduced. This amendment that we are acting upon now under filing S-144, actually refers to another bill, L. D. 1411, An Act relating to Sale of Liquor in Clubs to Members of Veterans Organizations and Auxiliaries. The proponents at the hearing on that bill, as it was mentioned just a bit earlier, included representatives of the industry, and representatives of the Liquor Commission and of the enforcement division. No one spoke in opposition to this bill. The Committee reported out a nine to one ought to pass report, which was accepted by both houses. The bill was enacted and signed by the Governor about two or three weeks ago. Now this amendment to an entirely different bill is to undo all the work that we did on that previous bill. Are we going to be told that we were all asleep when that previous bill was acted upon in this House? Or that we didn't know what we were doing? I believe that we can back up our previous action by doing away with this amendment right here. The bill before us today is a good bill. It was one of the few which received a unanimous ought to pass report from the Committee on Liquor Control. The only two amendments that were agreed upon by the Committee are those two amendments that we have already adopted, those under filing S-92 and under filing S-103. Mr. Speaker and Members of the House, I hope that we go along with the motion of the gentleman from Waterville, Mr. Lane, to indefinitely postpone this amendment.

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

Mr. CURTIS: Mr. Speaker, I would like to ask a question through the Chair of the gentleman who just spoke inasmuch as this thing seems all new to me, with the fifteen hundred odd bills we have and have to make a study of. I would like to ask him, is that the amendment that provides that agricultural fairs would come under restaurant; in other words, if a restaurant did a certain amount of business, would they be able under that amendment to sell intoxicating hard liquors at the fairs?

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, has asked a question through the Chair of the gentleman from Brunswick, Mr. Lacharite, who may answer if he chooses.

Mr. LACHARITE: Mr. Speaker, with regards to Senate Amendment "B" under filing S-103 which the gentleman from Bowdoinham, Mr. Curtis, referred to, this amendment applies to a condition that previously existed, it is not something that is new, and it was also considered by the committee before this report was made out and the committee agreed upon this amendment.

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

Mr. CURTIS: Mr. Speaker, my good friend,—evidently I didn't make myself clear, but he didn't answer my question. What I want to know is, if this bill is passed as is, can they sell intoxicating liquors at an agricultural fair?

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

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

Mr. MORRILL: Mr. Speaker, I think the amendment the gentleman from Bowdoinham, Mr. Curtis is speaking about is to take care of one situation that occurs on the Lewiston Fairgrounds, the only place in the state that this fact occurs. They have a restaurant in the center of the fairgrounds and they cannot charge for liquor where

there is a charge at the gate, and it takes care of this one situation and that is the only one that occurs in the state.

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

Mr. MORRILL: Mr. Speaker, I would like to concur with the last two speakers, that this amendment S-144 does away with a bill that was passed by this House this year, 1411, and this amendment just does away with it. In other words, we are passing one law and then this amendment does away with it. That's why the motion to indefinitely postpone was made.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Waterville, Mr. Lane, that Senate Amendment "C" be indefinitely postponed. All those in favor of the motion say aye; those opposed, no.

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

Thereupon, the Bill was assigned for third reading tomorrow.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion of Mr. Jones of Farmington, the House voted to take from the table the fifth tabled and unassigned matter:

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

Tabled — April 5, by Mr. Jones of Farmington.

Pending — Motion of Mr. Maxwell of Jay to Substitute the Bill for the Ought Not to Pass Report.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to take enough time this morning to refresh your memories on this bill as to the content and the intent of the measure. This bill reads: Ways to Great Ponds. The County Commissioners may lay out, alter or discontinue ways which will pro-

vide right of access to great ponds. This morning I have had reproduced and delivered to your desks an amendment to this bill which would change the wording to read: "An Act relating to Paths to Great Ponds in Unorganized Territory."

Further amend said Bill by striking out that part designated "Sec. 43-A." and inserting in place thereof the following:

'Sec. 43-A. Paths to great ponds in unorganized territory. The county commissioners of any county may lay out, alter or discontinue paths or trails in the unorganized territory of the county which will provide a right of access to great ponds, provided a request therefor is made by petition signed by not less than 40 residents of said county. Such trails or paths shall not exceed 10 feet in width.'

Now my reasoning is that this wording spells out what is needed, leaving no guesswork on the part of the Commissioners, at practically no extra cost to the county or state. Again, I want to impress upon this House, the county commissioners now have the right to lay out and build roads in unorganized townships. This bill, contrary to what has been said of it, only includes trails or paths providing the access that our grandparents granted us when Maine became a state. We spend thousands of dollars in advertising, we put Vacationland on our license plates; we charge a good fee for fishing licenses and then when our guests come from out of state, they are greeted with no trespass signs, private property, no fishing and so forth. We of the 100th Legislature should feel proud and a lot better if when we go home we could tell our constituents that a way has been provided through enabling legislation for access to great ponds. I could point to what other states have done, but always have been one to try and lead the way rather than follow. I now move this amendment be adopted to the bill if that is in order.

The SPEAKER: The Chair would like to advise the gentleman from Jay, Mr. Maxwell, that before his House Amendment "A" can be offered, we must decide upon the motion made by the same gentle-

man to substitute the bill for the "Ought not to pass" Report. That will be the prevailing motion.

Mr. MAXWELL: I would now move that we do that sir.

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

Mr. KNIGHT: Mr. Speaker, the original bill received the unanimous ought not to pass report of the committee and this amendment here changes the bill in what respect I haven't had a chance to see. Some of the matters that deal with the original bill, and I would assume with the amendment, a person could own an unorganized township, the county would come in and take his land, yet there is no provision made for payment for damages. Would the man be assessed to pay his own damages? I know that this House is in a negative move as to tabling, but I would suggest that you allow it to be tabled until Thursday so that we can look it over—

The SPEAKER: The gentleman has made his motion. With reference to this bill, the gentleman from Rockland, Mr. Knight, moves that it be tabled until Thursday, pending the motion of the gentleman from Jay, Mr. Maxwell, to substitute the bill for the "Ought not to pass" Report. Is this the pleasure of the House?

Cries of "No."

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

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

Fifty-six having voted in the affirmative and sixty-two having voted in the negative, the tabling motion did not prevail.

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

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

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

A division of the House was had.

Mr. JALBERT: Mr. Speaker? May I approach the rostrum for a moment please?

Mr. Speaker, is the item still debatable?

The SPEAKER: The matter is not debatable and the Chair will announce the vote.

Mr. JALBERT: Mr. Speaker?

Sixty-three having voted in the affirmative and sixty-nine having voted in the negative, the motion to substitute the bill for the report did not prevail.

Mr. JALBERT: Mr. Speaker?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, may approach the rostrum.

(Conference at rostrum)

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was entangled in a little parliamentary disorder in my own mind so I thought I would step forward and get a lesson.

This is apparently an important piece of legislation. The House Chairman of the Judiciary Committee in his remarks practically served notice to that effect, and the speaker and others interested in the bill also served notice to the effect. I would like to know something about the bill. The attempt was made unsuccessfully to table it until Thursday to study the matter. It is my understanding that after their long and hard hours at work, the Judiciary Committee might be able to spend a few minutes on this measure and maybe it would clear the air and maybe some of us would know something about what we are voting about. Consequently, I would ask that this be referred back to the Committee on Judiciary.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that Bill "An Act relating to Ways to Great Ponds" be recommitted to the Committee on Judiciary. All those in favor of recommitting this please say aye; those opposed, no.

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

Eighty-eight having voted in the affirmative and twenty-eight having voted in the negative, the motion did prevail. Sent up for concurrence.

The SPEAKER: The Chair will announce there will be a caucus of all House Republicans this evening at 7:30.

On motion of Mr. Haughn of Bridgton, the House voted to take from the table the first tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on Legal Affairs — on Bill "An Act Creating a Sweepstakes to Aid Public and Private Hospitals." (H. P. 404) (L. D. 579)

Tabled — March 14, by Mr. Haughn of Bridgton.

Pending — Acceptance of Report.

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

Mr. GILL: Mr. Speaker and Members of the House: I feel there is a great deal of support for this type of legislation and by the majority of the people of the State of Maine. However, I am quite anxious to see the session come to a successful conclusion, and whereas I am not the only one that has got a bill that I feel is a good one, I would like to move that we accept the Committee Report at this time and prepare to support the lottery bill on Thursday.

The SPEAKER: The gentleman from South Portland, Mr. Gill, with reference to this matter, moves the House accept the Committee "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

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

The SPEAKER: Will the gentleman from Perham, Mr. Bragdon, approach the rostrum please?

(Conference at rostrum)

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.