

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 3, 1961

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

Prayer by the Rev. Mr. Victor Musk of Augusta.

The journal of yesterday was read and approved.

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

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing that the Legislative Research Committee Study a State Building Code and Anti-Shack Statute" (S. P. 135) (L. D. 318)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Default under Trustee Process" (S. P. 421) (L. D. 1301)

Came from the Senate read and accepted.

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

Bill Substituted for Report in Senate and Indefinitely Postponed Tabled and Assigned

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Further Regulate the Sale of Malt Liquor Between Manufacturers and Wholesalers" (S. P. 438) (L. D. 1359)

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

In the House: Report was read.

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

Mr. DENNETT: Mr. Speaker, and Members of the House: There is in course of preparation an amendment to this bill. I would, of course, like to substitute the bill for the report; but without the amendment it would be meaningless to the members of this House and until such time as this amendment can be distributed I would ask that this be tabled and assigned for later in this morning's session.

The SPEAKER: The Chair un-

derstands that the amendment has been distributed, or is in the process of being distributed.

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

Mr. DENNETT: Mr. Speaker, I withdraw my motion to table and would like to address myself to the bill.

The SPEAKER: The gentleman may proceed.

Mr. DENNETT: Mr. Speaker and Members of the House: Ultimately I will move in this instance that this bill be substituted for the report. This is rather quick notice to all concerned, the amendment has just reached your desks.

This bill was originally heard, I believe, before the Committee on Judiciary and they passed it out with an "Ought not to pass" report. Now it is felt that this amendment will remove some of the objections to the bill, and it is my understanding that it changes the complexion of it considerably. To begin with and to not drag this thing out, just what does this bill—this amendment, seek to accomplish? It is simply to correct, if possible, a situation that has existed here in the State of Maine for some time. This is actually, you might say, a battle within an industry. It is a David and Goliath sort of thing. Will you have these distributors, these Maine people within the State of Maine, opposed to these manufacturers from outside? It has been the custom of these manufacturers, if they were displeased with their distributor, to walk in and shut him off immediately and leave him high and dry.

Now what is being asked in this case is for powers to be conferred upon the Liquor Commission so that they may consider the situation and, if they feel it is necessary, impose a time that the distributor can have before he ceases to carry the line. It is a two-way street, the distributor, too, must give notice to the manufacturer if he intends to discontinue the line.

Now the question might be raised that this interferes with free enterprise. There is no such thing as free enterprise within this type of business. This is a control business. The State of Maine through its

Liquor Commission dictates to the distributor and he tells him who, how and when he can sell. It is the way it should be for a business of this type. Now all the distributor is asking for under this, that he be given a fair shake and not be put out of business at the whim of the manufacturer.

Now upon malfeasance or non-feasance, and I mean by that such as the distributor not paying his bills, that does not enter into this type of thing at all. He can be shut off immediately as anybody can be shut off when they don't pay their bills. But, when he is continuing, when he has built up a line, when he is working hard all the time, it is quite a shock for the manufacturer to come in and say, I have changed my mind, you're no longer in business, I am going to give this to your competitor.

The result is, it has created chaos in this type of business in the State of Maine, and this does not hold well for even the people of the State of Maine when a business becomes in a chaotic condition. Things creep in that are not in the best interests of the public. I feel very strongly on this amendment, that this would bring order out of chaos and create a better situation within the State of Maine.

I will now move to substitute the bill for the report and after the bill has had its second reading, if you choose to accept it, I will endeavor to introduce House Amendment "A."

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, I fully agree with my colleague from Kittery for the particular reason, that is the breweries as he says the manufacturers, they are the breweries. They own and control the malt beverage in the State of Maine. You as one of their distributors could be put out of business overnight if somebody else comes in and gives the breweries a little better promise. I say it should come under control of our Liquor Commission that we have in this state. That body is to say whether he has done—or the practices have been ill or not.

I say and I confirm with our brother from Kittery that his idea is right and I hope you go along with it.

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

Mr. MINSKY: Mr. Speaker, this bears an "ought not to pass" report from the Judiciary Committee. I would like to indicate, however, that this amendment was not presented to the committee, and I would like to express my views at this time that had this committee—had this amendment been presented to the committee I for one would have voted "ought to pass."

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

Mr. KNIGHT: Mr. Speaker and Ladies and Gentlemen of the House: I have had this amendment before me and I would not dare to pass judgment on it at such short notice. Possibly it is all right, possibly if I read it and understood it I would be in favor of it; but at this time I can not pass lightly upon it. I would at this time move to table this matter at least for one day in order to study the amendment.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that this matter be tabled until tomorrow, pending the motion of the gentleman from Kittery, Mr. Dennett, that the bill be substituted for the report.

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

A viva voce vote being taken, the motion to table prevailed.

Ought to Pass in New Draft

Report of the Committee on Health and Institutional Services on Bill "An Act Governing Hospitalization of the Mentally Ill" (S. P. 283) (L. D. 884) reporting same in a new draft (S. P. 497) (L. D. 1496) 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 as amended by Senate Amendment "A".

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

the New Draft read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment
Amendment Indefinitely Postponed**

Report of the Committee on Judiciary on Bill "An Act to Revise Laws relating to Department of Mental Health and Corrections" (S. P. 282) (L. D. 883) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted, Committee Amendment "A" indefinitely postponed, and the Bill passed to be engrossed.

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. 282, L. D. 883, Bill—"An Act to Revise Laws Relating to Department of Mental Health and Corrections".

Amend said bill by adding a new paragraph to section 1 of chapter 27 at the end of section 3 to read as follows: "The Commissioner may authorize the Superintendents of the Augusta State Hospital, Bangor State Hospital and the Pineland Hospital and Training Center, to take sabbatical leaves with full pay for one academic year, provided that such Superintendents shall have served in that capacity seven years continuously and provided that such Superintendents will utilize said sabbatical leave to further their knowledge, skill and competence in the field of mental illness and/or mental retardation and/or allied fields, which may include administrative, clinical and basic sciences, anthropology, psychoanalysis, sociology, clinical psychology, genetics, and statistics."

Further amend said bill by striking out in the 10th line of Sec. 25 the word "arrest" and inserting in place thereof "commitment, including proceedings under section 175"

Further amend said bill by deleting all of section 31.

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

Referred to 101st Legislature

Report of the Committee on Judiciary on Bill "An Act Establishing the Uniform Commercial Code" (S. P. 456) (L. D. 1462) reporting that the Bill and proposed Committee Amendment "A" be referred to the 101st Legislature.

Came from the Senate with the Report read and accepted and the Bill and proposed Committee Amendment "A" referred to the 101st Legislature.

In the House, the Report was read and accepted in concurrence and the Bill and proposed Committee Amendment "A" referred to the 101st Legislature in concurrence.

Non-Concurrent Matter

Bill "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels" (S. P. 90) (L. D. 186) which was indefinitely postponed in non-concurrence in the House on April 28.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. PORTEOUS of Cumberland
EDGAR of Hancock
FARRIS of Kennebec

In the House:

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

Mr. BERRY: Mr. Speaker, I move that we concur with the action of the Senate and that a Committee of Conference be appointed.

The SPEAKER: The Chair understands that the gentleman from Cape Elizabeth, Mr. Berry, moves that the House insist and join in a Committee of Conference.

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

Mr. BEARCE: Mr. Speaker, is it in order to move that we adhere?

The SPEAKER: A motion to adhere will be entertained after the House has made a decision as to whether or not it wishes to insist and join in a Committee of Conference.

The Chair recognizes the gentleman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I move that the motion to concur, when the vote is taken, that it be taken by division; and I hope that we will not concur.

The SPEAKER: Will the gentleman from Cape Elizabeth, Mr. Berry, approach the rostrum please.

(Conference at rostrum)

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House insist and join in a Committee of Conference, and a division has been requested.

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

Mr. BEARCE: Mr. Speaker and Members of the House: This bill has been around apparently for quite a while, and it is entirely unnecessary. It was certainly voted down in the House before. I am under the impression from discussions with the various people on the other side of the building that they are not particularly interested in this, and why it was brought here I don't know. I certainly hope that it is again killed.

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: In discussing this bill the other day it seemed to me that most of the objection was with the last section of the bill. That is the one that I raised objection to and I sincerely feel the Committee on Legal Affairs has done a magnificent job in analyzing this piece of legislation and I would respect their report. I feel that we perhaps ought to follow the suggestion of the gentleman from Cape Elizabeth, Mr. Berry, in insisting and asking for a Committee of Conference.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House insist and join in a Committee of Conference.

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

A division of the House was had. Twenty-seven having voted in the

affirmative and ninety having voted in the negative, the motion to insist did not prevail.

Thereupon, on motion of Mr. Bearce of Bucksport, the House voted to adhere.

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

Non-Concurrent Matter

Bill "An Act relating to Obscene Printed or Written Matter or Material" (S. P. 433) (L. D. 1393) which was indefinitely postponed in non-concurrence in the House on April 28.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A", and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. MARDEN of Kennebec

BATES of Penobscot

FARRIS of Kennebec

In the House: On motion of Mr. Dennett of Kittery, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act relating to Compensation of Medical Examiners for View Without Autopsy" (H. P. 162) (L. D. 225) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Towns and Counties on April 18.

Came from the Senate with the Majority "Ought to pass" Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Danes of South Portland, on a viva voce vote the House voted to recede and concur with the Senate in accepting the Majority "Ought to pass" Report.

Thereupon, the Bill was given its two several readings.

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

SENATE AMENDMENT "A" to H. P. 162, L. D. 225, Bill, "An Act relating to Compensation of

Medical Examiners for View Without Autopsy.”

Amend said Bill in the 9th line by striking out the underlined figure “\$25” and inserting in place thereof the underlined figure “\$20”

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

Non-Concurrent Matter

Bill “An Act relating to Plant Protection” (H. P. 1114) (L. D. 1536) which was passed to be engrossed as amended by House Amendment “A” in the House on April 27.

Came from the Senate passed to be engrossed as amended by House Amendment “A” and Senate Amendment “A” in non-concurrence.

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

Non-Concurrent Matter

An Act relating to Form of Standard Fire Insurance Policy (S. P. 405) (L. D. 1346) which was passed to be enacted in the House on April 19 and passed to be engrossed as amended by Senate Amendment “A” on April 13.

Came from the Senate with Senate Amendment “A” indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment “C” in non-concurrence.

In the House: Report was read.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Morse.

Mr. MORSE: Mr. Speaker, Ladies and Gentlemen of the House: This bill on the standard fire insurance policy, the amendment which the Senate has adopted takes care of the other amendment and also corrects the minor mistakes; so I move that we recede and concur with the Senate.

Thereupon, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill “An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy” (S. P. 377) (L. D. 1188) which was passed to

be engrossed as amended by House Amendments “C” and “D” in non-concurrence in the House on April 27.

Came from the Senate with House Amendment “D” indefinitely postponed and the Bill passed to be engrossed as amended by House Amendment “C” in non-concurrence.

In the House: Report was read.

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

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: I move that we insist and ask for a Committee of Conference.

The SPEAKER: The question before the House is the motion of the gentleman from Farmington, Mr. Jones, that the House insist and ask for a Committee of Conference.

Mr. PIKE of Lubec: Mr. Speaker, is that motion debatable?

The SPEAKER: That motion is debatable, and the Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: I can't help but feel we are making a mistake both tactically and in good sense to insist in an area which to me is so narrow that it really isn't fair. Now as I understand it, the place where we differ with the other body on this bill is that in the original bill and the one that the other body—it's a matter of just a majority vote in the towns affected. This House amendment which they didn't go along with, which I wouldn't have gone along with if I had been here, not that it makes any difference, required a two-thirds vote in the towns affected. I am not going to argue the merits of the amendment, but I really hope that we do not go along with the motion to insist. I hope that we can get another motion in to recede and concur, but that can't be done now.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I want to concur with the remarks of the gentleman from Farmington, Mr. Jones, because I know of no

fairer process or any fairer way to give consideration to all merits and consideration of this bill. And by allowing this due process of our parliamentary procedure I think it's only fair and right, and I hope the House will sustain his motion.

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

Mr. WINCHENPAW: Mr. Speaker, I have not talked on this bill before, but it was very well debated the other day, and it was pointed out that many, many votes that we take in this House here are on a two-thirds basis, so I hope that the motion made by the gentleman from Farmington, prevails.

The SPEAKER: Is the House ready for the question?

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

Mr. BRADEEN: Mr. Speaker, do I understand that presently a motion to recede and concur is not in order?

The SPEAKER: A motion to recede and concur is in order at this time.

Mr. BRADEEN: I make that motion, and I would say a few words on this matter very—

The SPEAKER: The gentleman may proceed.

Mr. BRADEEN: I never have sensed much profit in raking over old ashes. The bus has gone down the road, and it appears that at least a few of the children have been left on the corner. However, may I remind you, my friends, the ghost still walks. If I were to leave a message with you this morning, it would be a thought which was placed in my mind many years ago at a Rotary dinner. It may have been in the Statler in Boston.

We had as the speaker of the day, a most distinguished professor of banking and finance at one of the largest colleges in the East. His subject was business practice. He recalled for our benefit the practice among the tradespeople of years gone by, that was built around the cold-blooded philosophy expressed in the two Latin words, "caveat emptor"—let the buyer beware. As time marched on, they found—that is to say the tradespeople, that this was a very narrow

view, it hurt not only themselves, but the community. Consequently, a different philosophy evolved, one built around the thinking of "live and let live," he commended that to our thinking. But he went one step further and this is what he said before he sat down, "... I commend to you, a more positive approach to life, live and help live. ..." I wish you would think about that. And I would say this, live and help live, reflecting as it does the principles and the teachings of the Golden Rule—a pretty sound philosophy of life and creates a standard to which the wise and honest may repair. I thank you.

The SPEAKER: The question now before the House is the motion of the gentleman from Waterboro, Mr. Bradeen, that the House recede and concur.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: You stop and analyze this bill and see what the actual bill does. If we recede and concur, as I understand the bill—if I'm wrong I stand corrected—but as I understand it myself, it makes it mandatory upon those areas that they shall have to pay private school transportation costs in lieu of where it now is not mandatory, it will have to pay for public school transportation. Now if that is fair in equity, I fail to see it. Because I certainly think our first obligation and duty from taxpayers' dollars to pay for public school transportation, at least make that mandatory which it is not under this bill but does for private schools. And when the vote is taken, I do request a division.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Waterboro, Mr. Bradeen, that the House recede and concur on 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. A division has been requested.

All those in favor of receding and concurring, please rise and re-

main standing until the monitors have made and returned their count.

A division of the House was had.

Seventy-four having voted in the affirmative and sixty-eight having voted in the negative, the motion prevailed and the House voted to recede and concur with the Senate whereby it passed this bill to be engrossed as amended by House Amendment "C."

Orders

On motion of Mrs. Harrington of Patten, it was

ORDERED, that Mr. Chapman of Gardiner be excused from attendance for the duration of his illness.

House Reports of Committees Ought Not to Pass Recommitted

Mr. Drake from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Providing for Legislative Research Committee Study of State and Municipal Sewage Problems (H. P. 572) (L. D. 792)

Report was read.

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

Mr. DRAKE: Mr. Speaker, in view of additional information that has been made available to the Committee, I move that this matter be recommitted to the Committee on Appropriations and Financial Affairs.

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

Mr. Minsky from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Trespass on Residential Property" (H. P. 996) (L. D. 1383)

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Berry from the Committee on Legal Affairs on Bill "An Act to Encourage the Observance of Certain Holidays" (H. P. 939) (L. D. 1287) reported "Ought not to

pass", as covered by other legislation.

Mrs. Sproul from same Committee reported same on Bill "An Act relating to Operating Automatic Laundries and Holding Auctions on Sundays" (H. P. 460) (L. D. 660)

Mr. Stewart from same Committee reported same on Bill "An Act relating to Penalty for Operating Business on Sundays" (H. P. 118) (L. D. 158)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Knight from the Committee on Judiciary on Bill "An Act relating to Recording of Conditional Sales" (H. P. 253) (L. D. 367) reported same in a new draft (H. P. 1148) (L. D. 1580) under same title and that it "Ought to pass"

Mr. Smith from same Committee on Bill "An Act relating to Place for Recording Certain Chatel Mortgages" (H. P. 888) (L. D. 1222) reported same in a new draft (H. P. 1149) (L. D. 1581) under same title and that it "Ought to pass"

Mr. Berry from the Committee on Legal Affairs on Bill "An Act Creating the Maine Board of Auctioneers" (H. P. 100) (L. D. 140) which was recommitted, reported same in a new draft (H. P. 1147) (L. D. 1579) under title of "An Act Revising the Laws relating to Auctioneers" and that it "Ought to pass"

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

Ought to Pass Printed Bills

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Appropriating Money to Match Federal Funds Provided under Title X of the National Defense Education Act" (H. P. 724) (L. D. 1012)

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

Mr. Wellman from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on

Bill "An Act Continuing the Committee on Aging" (H. P. 1116) (L. D. 1538)

Report was read.

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: As you remember a few weeks ago, I got up and asked permission to have this bill referred to the Committee on Appropriations and Financial Affairs so that we might consider it along with the Committee on Mental Health and the Committee on Youth, to see if anything could be accomplished in the way of combining the secretarial facilities. We explored the possibilities with representatives of those three committees, and found that they—among their own bodies would not be able to cooperate with each other. The Appropriations Committee has therefore returned the bill on the aging exactly as it was referred to it, in due course the Committee on Mental Health and also on Youth will be sent to this body to be left to your tender mercies.

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

Mr. Hughes from the Committee on Claims reported "Ought to pass" on Resolve in favor of Walter Lanoue of Limerick (H. P. 1134) (L. D. 1565)

Mr. Pike from the Committee on Sea and Shore Fisheries reported same on Bill "An Act Regulating the Taking of Alewives in East Machias" (H. P. 1130) (L. D. 1557)

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

Ought to Pass with Committee Amendment Tabled and Assigned

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Reactivating the State Committee on Children and Youth" (H. P. 452) (L. D. 652) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. KENNEDY: Mr. Speaker, I would ask a question through the Chair.

The SPEAKER: The gentleman may state his question.

Mr. KENNEDY: I was going to question the Appropriations Committee as to why this particular bill was amended and for what purpose.

The SPEAKER: The gentleman from Milbridge, Mr. Kennedy, has asked a question through the Chair of anyone on the Appropriations Committee who may choose to answer.

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

Mr. BRAGDON: I believe the answer is that the Appropriations Committee in looking into this, doubt that they were in favor of continuing the committee at somewhat its present level, rather than expanding it to the point of providing an executive secretary, or something to that effect.

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

Mr. KENNEDY: Mr. Speaker, thank you very much, but I understood a previous speaker on the Appropriations Committee on the Act relative to the Continuing Committee on the Aging, that they went along with it; and I supposed they would go along with all of this—we all have our particular interests and I think that we as citizens, and perhaps elderly citizens like myself, are as interested in children and youth, perhaps as interested as we are the aged.

I would move that this be tabled until tomorrow.

The SPEAKER: The gentleman from Milbridge, Mr. Kennedy, in reference to item thirteen, L. D. 652, moves that it be tabled until tomorrow pending acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Advisory Committee on

Education (H. P. 227) (L. D. 341) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 227, L. D. 341, Resolve, Appropriating Funds for Advisory Committee on Education.

Amend said Resolve by striking out all of the 2nd sentence which reads as follows: "Such appropriation shall not lapse but shall remain a continuing carrying account until June 30, 1963."

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

Mr. Wellman from the Committee on Appropriations and Financial Affairs on Resolve in favor of School Administrative District No. 14, Danforth-Weston, for School Construction Aid (H. P. 573) (L. D. 793) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 573, L. D. 793, Resolve, in Favor of School Administrative District No. 14, Danforth-Weston, for School Construction Aid.

Amend said Resolve in the 2nd line by striking out the figure "\$50,000" and inserting in place thereof the figure "\$20,000"

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

The SPEAKER: At this time the Chair would recognize the presence in the gallery of eighteen students from the Freshman Class of the Norridgewock Junior High School, accompanied by their Principal, Mr. Barr Hatfield, and William Jones, a teacher.

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

Mr. Rust from the Committee on Judiciary on Bill "An Act relating to Certain Property of Town of Union, Knox County, Acquired under Will of Francis E. Thompson" (H. P. 886) (L. D. 1221) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen: I would like to ask a question if I might to some member of the Committee on Judiciary.

The SPEAKER: The gentleman may state his question.

Mr. ESTEY: Mr. Speaker, this bill originally came out "Ought not to pass" and was recommitted. The Committee on Education has reported previously "Ought not to pass" on the formation of a school district for some of these communities, and on another item has reported the permissive legislation for these communities to form a school district and contract with Thomaston for secondary education. It seems to me that this particular bill is related to the formation of school districts in that it involves a piece of property on which a school is located. I wonder if the Committee on Judiciary could indicate whether this would in any way affect the formation of school districts in that community?

The SPEAKER: The gentleman from Portland, Mr. Estey, has asked a question through the Chair of any member of the Judiciary Committee who may choose to answer.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: Apparently up in this particular area they have a number of towns who are attempting to form a school district. However, one of these towns, which is Union, has a school facility which is a gymnasium type operation which was given to them under the will of a particular individual. Now because this was given to the town under a will and funds were set up to maintain

it and so forth, the town is not sure whether it can include this piece of property in the school administrative district if such is set up. And this is the problem, now the bill as it was originally presented to the committee wanted to exclude this piece of property from any school administrative district, and the bill as it was originally drafted was unconstitutional. We could not go along with it. However, there has been presented a new amendment to the committee, which now makes it legal to do what these people want to do, which is to exclude this piece of property from a school administrative district because basically it had nothing to do with public funds.

Thereupon, the Committee "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. 886, L. D. 1221, Bill, "An Act relating to Certain Property of Town of Union, Knox County, Acquired Under Will of Francis E. Thompson."

Amend said Bill by striking out the 2nd and 3rd lines and inserting in place thereof the following: 'event that an administrative school district for the municipality of Union, Knox County, and any other town or towns, is organized and issued its certificate'

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

The SPEAKER: Is there objection to taking up out of order a paper from the Senate at this time? The Chair hears none, the Clerk will read the paper.

Senate Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs be authorized to report such Bill as may be necessary to cover current Legislative Expenditures (S. P. 537)

Came from the Senate read and passed.

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

Passed to Be Engrossed

Mr. Young from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Taking of Alewives in Waters Leading to Winnegance Lake" (H. P. 1129) (L. D. 1556) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1129, L. D. 1556, Bill, "An Act Relating to Taking of Alewives in Waters Leading to Winnegance Lake."

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

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

Whereas, fishing is one of Maine's greatest natural resources and should be encouraged and promoted as much as possible; and

Whereas, conservation of Maine's fishing industry is in the best interest of the people of Maine; and

Whereas, the following legislation is vitally necessary for such conservation and should be effective in the spring of 1961; 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 inserting after the underlined words "**Winnegance Lake**" in the 6th line the underlined words '**within the City of Bath and the Towns of Phippsburg and West Bath**'

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

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

Committee Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Schulten.

Mr. SCHULTEN: Mr. Speaker, Members of the House: I move that the House Rules be suspended in order that the bill might now be given its third reading, and I would like to speak very briefly on the reason why.

The SPEAKER: The gentleman from Woolwich, Mr. Schulten, has moved without reference to the Committee on Bills in the Third Reading that the rules be suspended in order that this bill be given its third reading at this time. Is it the pleasure of the House to suspend the rules?

The motion prevailed and the Bill was given its third reading and passed to be engrossed as amended by Committee Amendment "A."

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Schulten.

Mr. SCHULTEN: Mr. Speaker, I now request unanimous consent to send this bill forthwith to the Senate.

The SPEAKER: The gentleman from Woolwich, Mr. Schulten, moves by unanimous consent that this bill be sent forthwith to the Senate at this time. Is there objection? The Chair hears none, the bill will be sent forthwith to the Senate as amended.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act relating to Qualifications of Directors of Trust Companies" (H. P. 883) (L. D. 1218) reporting same in a new draft (H. P. 1150) (L. D. 1582) under title of "An Act relating to Qualifications of Directors of Trust Companies and Eligibility of Directors of Banks" and that it "Ought to pass"

Report was signed by the following members:

Messrs. ERWIN of York
MARDEN of Kennebec
BOARDMAN
of Washington
— of the Senate.
Messrs. BEANE of Augusta
SMITH of Bar Harbor
KNIGHT of Rockland
MINSKY of Bangor
— of the House

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

Report was signed by the following member:

Mr. RUST of York
— of the House.

Reports were read.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: In connection with this particular bill, which is a redraft of 1218, I have been presented with a problem this morning relating to the germaneness of the new draft in comparison to the original piece of legislation. In order to have sufficient time to study this particular phase of the bill, I wish to table this until tomorrow.

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

Divided Report

Report "A" of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Designating Monday for Observance of Memorial Day" (H. P. 1005) (L. D. 1406)

Report was signed by the following members:

Mrs. LORD of Cumberland
Mr. NOYES of Franklin
— of the Senate.
Messrs. BRIGGS of Portland
KELLAM of Portland
Mrs. KNAPP of Yarmouth
— of the House.

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

Report was signed by the following members:

Mr. FARRIS of Kennebec
— of the Senate.
Mrs. SPROUL of Bristol
Messrs. BERRY of Cape Elizabeth
STEWART
of Presque Isle
BERMAN of Houlton
— of the House.

Reports were read.

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

Mr. BROWN: Mr. Speaker, in reference to this bill, I move that we accept Report "A" "Ought to pass" and would like to speak briefly to the bill.

The SPEAKER: The gentleman may proceed.

Mr. BROWN: To acquaint the members of the House as to the contents of the bill, I will read part of it: "Whenever Memorial Day falls on a day other than Monday, the legal holiday for such date shall be observed on the last Monday in May."

"This act shall take effect whenever after January 1, 1963 the Governor shall determine and by proclamation declare that the majority of the"—New England States—"shall have, each by law, designated the last Monday in May for the observance of Memorial Day."

This is a move that has been started and these different states have similar bills before them, and this is permissive legislation as you can see.

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

Mrs. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: This bill, as the gentleman from South Portland, Mr. Brown, says, provides for observance of Memorial Day on Monday. In Maine I think that we have got used to having Memorial Day the 30th and always the 30th, and while this particular bill would be attractive to the tourist industry at the same time it would result probably in a good many more automobile accidents. I do not concur with Mr. Brown and move that this bill be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Bristol, Mrs. Sproul, that both Reports and the Bill be indefinitely postponed.

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

Mr. KELLAM: Mr. Speaker and Members of the House: To give my views on this bill and why I signed for the "Ought to pass"

Report, I would say that it is not any particular concern for these long weekend holidays, to boost business or anything such as that. It just appears to me that Memorial Day is set aside for people to visit the graves of their deceased loved ones and I know in my own instance that many of the people live some distance from where the cemeteries are located. It would appear to me that it is much more fitting to observe the holiday by permitting people to have enough time to visit their cemeteries which are quite frequently located in other states, instead of just having the holiday come in the middle of the week and thereby preventing their traveling any distance during that period of time.

The holiday itself, May 30, is an arbitrary date, I don't believe it has any particular significance. It is just that that date was set aside and for uniformity it has been observed, at least I believe throughout the northern part of the country. This particular bill would only move the date to Monday in the event the other New England states decide to do the same thing.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of our House chairman, Mrs. Sproul, and I will be very brief. I really think that we ought to respect our heritage and we ought to keep Memorial Day May 30.

The SPEAKER: The question before the House is the motion of the gentlewoman from Bristol, Mrs. Sproul, that both Reports and the Bill be indefinitely postponed.

All those in favor of the motion to indefinitely postpone say aye; those opposed, no.

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of students from Brewer

High School, who are Juniors and they are studying Government. They are accompanied by their teacher, Mrs. Helen Todd and a teacher, Mr. Carr.

Also in the balcony is a group of eighth grade students from Washington School, Dixmont, Maine. They are accompanied by their teacher, Mrs. Edith Luce.

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

Passed to Be Engrossed

Bill "An Act relating to Disposition of Mentally Ill Juveniles Guilty of Juvenile Offenses" (S. P. 228) (L. D. 633)

Bill "An Act to Increase the Indebtedness of the Fort Fairfield Utilities District" (S. P. 510) (L. D. 1533)

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 Tabled and Assigned

Bill "An Act relating to County Appropriations for Industrial Development" (S. P. 531) (L. D. 1570)

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

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

Mr. BERRY: Mr. Speaker and Members of the House: With reference to this item, with the indulgence of the House, this is an extremely short bill, but like most short ones, it is in my opinion quite significant. The significant section reads: "At the request of the county commissioners of any county the State Department of Economic Development may assign personnel to such county to aid in planning its industrial growth and development. The expenses and salary of such personnel shall be paid for by county funds but shall not exceed \$12,500 annually."

It would seem to me that this would result without any question in each county requesting the as-

signment of such personnel. We have accordingly involved here, the sum of \$200,000. It also seems to me that if the Department of Economic Development should expand its operations which would be indicated by this L. D., that it would be far more germane to increase the budget of the Department of Economic Development. I think that there is no need of having arbitrary county lines determining the necessity for expansion of this activity. We I think would end up with sixteen branch offices. Mr. Speaker, I move indefinite postponement of this paper.

The SPEAKER: The question now before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, with reference to item 3, L. D. 1570, that this L. D. be indefinitely postponed.

The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: This redraft of the bill which is now before us for industrial development is the outgrowth of two bills, one of which I introduced and one which was introduced by a member of the other body. The purposes of this legislation is essentially to assist Washington County in overcoming some of its economic difficulties. The bill here may be broader in that it does encompass every county in the State. It is my feeling that this bill may be amended so that it would be satisfactory to my good friend from Cape Elizabeth, Mr. Berry. Therefore, I would move that this bill be tabled until tomorrow in order for an amendment to be prepared.

The SPEAKER: The gentleman has made his motion. The question now before the House is the motion of the gentleman from Calais, Mr. Davis, that this bill be tabled and specially assigned for tomorrow pending the motion of Mr. Berry of Cape Elizabeth, that the bill be indefinitely postponed. Is this the pleasure of the House?

The motion did prevail.

The SPEAKER: The Chair would like to recognize the presence at this time in the gallery of the

House of a group of fifty students from the eighth grade of the Ingalls School of Farmington, Maine. On behalf of the House, the Chair extends to you a most hearty and cordial welcome, and we hope you will enjoy and profit by your visit with us here today. (Applause)

The SPEAKER: We have at least three groups in the gallery at this time and the Chair wishes to compliment the three groups and their teachers on their rapt attention to the proceedings and their excellent conduct. (Applause)

Bill "An Act Revising Laws Relating to Pollution Control" (H. P. 1125) (L. D. 1552)

Bill "An Act relating to the Control of Malfunctioning Disposal Systems" (H. P. 1142) (L. D. 1574)

Bill "An Act relating to the Dissolution of Corporations" (H. P. 1143) (L. D. 1575)

Bill "An Act relating to Criminal Acts Due to Mental Disease" (H. P. 1144) (L. D. 1576)

Resolve Appropriating Money for the Establishment of a School of Practical Nursing in Portland or Vicinity (S. P. 530) (L. D. 1564)

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

Amended Bills

Bill "An Act relating to Pollution Abatement" (S. P. 133) (L. D. 316)

Bill "An Act relating to Appointment of Examiners of Insane Convicts" (S. P. 170) (L. D. 416)

Bill "An Act to Grant a New Charter to the City of South Portland" (H. P. 605) (L. D. 864)

Resolve Providing Funds for a Referral Center at Farmington State Teachers' College for Assistance to Teachers (S. P. 274) (L. D. 875)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended by

Committee Amendment "A" and sent to the Senate.

Bill "An Act relating to Annual Compensation for Superior Court Messenger of Cumberland County" (H. P. 1138) (L. D. 1568)

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

Bill "An Act to Clarify the Liquor Laws" (S. P. 353) (L. D. 1086)

Was 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 Senate Amendment "B" in non-concurrence and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act relating to Immunity from Prosecution for Giving Testimony (S. P. 425) (L. D. 1389)

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. 125 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.

Emergency Measure

An Act relating to Licenses and Fees Therefor by Running Horse Racing Commission (H. P. 827) (L. D. 1142)

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. 124 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.

Emergency Measure

An Act to Increase the Indebtedness of the Town of Poland School District (H. P. 1086) (L. D. 1506)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Revising Fee Schedules of Court Reporters (S. P. 183) (L. D. 429)

An Act Authorizing Washington County to Construct an Addition to County Court House (S. P. 209) (L. D. 542)

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 Providing for a Review of Laws of Department of Mental Health and Corrections (S. P. 220) (L. D. 625)

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

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

An Act relating to the Regulation of the Practice of Professional Engineering (S. P. 293) (L. D. 904)

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

An Act relating to Use of Motor Vehicles Without Authority in any Place (S. P. 465) (L. D. 1464)

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

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

acted, signed by the Speaker and sent to the Senate.

Tabled and Assigned

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

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

(On motion of Mr. Stewart of Presque Isle, tabled pending passage to be enacted and specially assigned for tomorrow.)

An Act relating to Compensation of Chief Deputy Sheriffs Performing Special Duties (H. P. 168) (L. D. 231)

Was 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 Participation by the State of Maine in the 1964-1965 New York World's Fair (H. P. 377) (L. D. 552)

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

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

An Act relating to Fees of Certain Sheriffs for Service of Criminal Process (H. P. 427) (L. D. 602)

An Act to Ratify and Confirm the Incorporation of the Lewiston and Auburn Society for the Prevention of Cruelty to Animals (H. P. 607) (L. D. 824)

An Act relating to Rulings on Admissibility of Evidence by Public Utility Hearing Examiners (H. P. 755) (L. D. 1041)

An Act Classifying Certain Tidal Waters in Sagadahoc County (H. P. 832) (L. D. 1147)

An Act relating to Liability of Landowners Towards Hunters, Fishermen, Trappers, Campers, Hikers or Sightseers (H. P. 934) (L. D. 1282)

An Act relating to Disclosure of Vital Records (H. P. 988) (L. D. 1375)

An Act Classifying Certain Tidal Waters, Cumberland County (H. P. 1014) (L. D. 1415)

An Act Revising Minimum Wage Law (H. P. 1115) (L. D. 1537)

An Act Prohibiting Illegal Collection of Sales Tax (H. P. 1126) (L. D. 1553)

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

Tabled

Resolve Providing Funds for Urban Planning (S. P. 101) (L. D. 246)

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

Were 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 to Reimburse Denis N. Caron of Litchfield for Damage to Poultry (H. P. 109) (L. D. 149)

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

Tabled

Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (H. P. 184) (L. D. 280)

Resolve in favor of Maine Society of the Sons of the American Revolution (H. P. 291) (L. D. 443)

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

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of forty-seven high school students from Warren, accompanied by

their teacher, Mrs. Grace Wyllie, Mr. Richard Stoddard, and their principal, Mr. Edgar Lemke.

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

Orders of the Day

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

HOUSE REPORT — Ought Not to Pass — Committee on Appropriations and Financial Affairs on Bill "An Act Repealing Appropriation for Tuberculosis Hospital Building at Community General Hospital in Fort Fairfield." (H. P. 788) (L. D. 1266)

Tabled — April 25, by Mr. Chapman of Norway.

Pending — Acceptance of Report.

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

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentleman of the House I would move to lift this from the table, substitute the bill for the report and I would request permission to make a few remarks pertaining thereto.

The SPEAKER: The gentleman may proceed. The Speaker has already taken it from the table.

Mr. CHAPMAN: It appears that the Committee on Financial Affairs took a dim view of H. P. 788, L. D. 1266, but that may have been due to lack of some information which I would like to furnish now.

I have a great amount of respect for the delegation from Aroostook County because of their solidarity. They are like two pieces of plywood cemented together with water resistant glue; I like them, but temporarily our paths must diverge.

This bill, L. D. 1266, is self-explanatory in a way. It calls for the cancellation of construction of a wing on a hospital in Fort Fairfield, because the need ceases to exist for two reasons. First reason is that due to a bill, S. P. 211, L. D. 899, which calls for the transfer of the 21 TB patients

from Northern Maine to Central Maine TB Hospital and second, there are no funds in the appropriation to continue the Northern Maine TB Hospital beyond June 30.

The delegation has solicited the services of a talented registered Legislative agent, who I understand is prepared to cite several court decisions which would be adverse to this procedure; but I believe that they will have to do with municipal transactions only. I am unable to find any case where they bear on a State transaction of this nature. However, to eliminate any question of doubt, I am about to offer an amendment to this bill which I hope this House will support.

This amendment would take this bill to referendum, and I am going to state that if a referendum passed can authorize an appropriation, a referendum passed can cancel any part which has not been contracted for.

I understand that the Community General Hospital bought some land to set this building on, but the plan of the architect overlapped the land some eighteen inches; therefore, the hospital was compelled to purchase another strip so the building could have a foundation on that side. This included a strip for right-of-way for entrance and egress for supplies.

There is no doubt in my mind but what the Hospital should be reimbursed for this expense. The deed has not yet been delivered though to the State.

The next item to be considered is, should we proceed to construct this building, what may we do with it?

If you will refer to L. D. 1266, which is a copy of the original bill that made the appropriation, you will find that some of it has been deleted and in that part on the third line below the figures \$533,400, it goes on to state—"to serve the needs of the people of Maine for the care and treatment of persons affected with tuberculosis."

That in my mind is very specific. It does not say that we may

use it for this or that or something else.

The opponents say that if we cancel this arrangement, we shall impair the credit of the State of Maine.

Now I am going to ask you all if you think this will do more to impair the credit than it will to spend approximately one-half million dollars for something which is unwarranted, uncalled for and for which we now have no need at this time? These bonds have been issued in a blanket with other bonds and the proceeds are now in the working capital of the general fund. This is not purely a matter of Aroostook County, but there are fifteen other counties involved which will have to help pay.

I would like all of the representatives of these other counties to think seriously whether this bill ought to pass or not.

I will submit the amendment at this time, if I may.

The SPEAKER: An amendment will be in order if your motion to substitute the bill for the report prevails after the two readings. An introduction of an amendment at this time will not be in order.

Mr. CHAPMAN: I would like to ask for a division.

The SPEAKER: A division has been requested on the motion to substitute the bill for the report.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: Because I did not have any knowledge of this amendment until I came into my seat this morning, and I would like to have time to study it, I would now move that this matter be tabled until Wednesday next.

Thereupon, the Report and Bill were tabled pending the motion of the gentleman from Norway, Mr. Chapman, that the House substitute the bill for the report, and specially assigned for Wednesday, May 10.

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

HOUSE REPORT—Ought Not to Pass—Committee on Towns and Counties on Bill "An Act Increas-

ing Appropriation to Promote and Advertise County Resources and Attractions." (H. P. 911) (L. D. 1245)

Tabled—April 25, by Mr. Davis of Calais.

Pending—Acceptance of Report.

On motion of Mr. Davis of Calais, the Committee "Ought not to pass" Report was accepted and sent up for concurrence.

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

Bill "An Act relating to Fees of Clerks of Courts For Entry of Action and Motion" (H. P. 993) (L. D. 1380)—In House Read the Third Time.

Tabled—April 25, by Mr. Berry of Portland.

Pending — Passage to be Engrossed.

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

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

HOUSE DIVIDED REPORT — Majority Ought Not to Pass—Minority Ought to Pass with Committee Amendment "A" (Filing H-226)—Committee on Appropriations and Financial Affairs on Resolve, Relating to Treatment of Lake Annabessacook to Eliminate Aquatic Growth. (H. P. 293) (L. D. 445)

Tabled—April 27, by Mr. Thaanum of Winthrop.

Pending—Motion of Mr. Wellman of Bangor to Accept Majority Ought Not to Pass Report.

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

Mr. THAANUM: Mr. Speaker and Ladies and Gentlemen of the House: I sat here just a few nights ago and heard with keen interest the report of the Armour Committee in connection with the value of our natural resources here in Maine, and I am heartily in accord with that committee's report. I also noticed with some interest that this morning we passed here an item of a bond issue for in-

dustrial and recreational development. I do believe wholeheartedly in the policy of this State, which I believe now is the established policy of this State, that our recreational and our other advantages here are of high importance to the State of Maine.

Now in the matter of these resources I think that they not only include our inland waters, but they also include our shore line and other resources. But I do know that our inland waters are on a high level in this particular matter. I am heartily in accord with the appropriations that have been made for the Department of Economic Development and for the appropriations that will be made in the future in that connection. However, I think that it will be lack of foresight very much on the part of this State if we neglect to take care of the resources that we presently have. I feel that with the investment that we are making in industrial development, it would be shortsighted not to do a good job of housekeeping in our own State.

Here in central Maine we are very fortunate we have some lakes here that are of high importance in the recreational development of this State. We have the Belgrade chain, which to Kennebec County is the same as the Rangeley chain to Franklin County and the Sebago chain to Cumberland County. And this L. D. 445 relative to aquatic treatment of Lake Annabessacook, concerns the Kennebec chain. The biggest lake in the Kennebec chain, of course, is Lake Cobbosseecontee, which you find located just outside of Augusta here. Now, if you travel from Augusta to Lewiston and over the bypass in the town of Winthrop, the new bypass, if you look to your right you will see a sewerage treatment plant that has been pointed out as one of the examples of a good sewerage treatment plant to many engineers and to many of the municipal officers of the State who are contemplating taking care of sewerage problems. That plant is part of a half a million dollar investment on the part of the town of Winthrop.

But to the right of that bypass, if you look to your right you will see the upper reaches of Lake Annabessacook, a lake that has for many years been one of the recreational centers here in central Maine. Now Lake Annabessacook is also situated within a section here which is surrounded by a population of approximately 125,000 residents of the State of Maine. During the past twenty years there has been a gradual deterioration of this lake's usefulness because of the steady increase in the growth of a seaweed-like plant. This plant, similar in appearance to the branch of a hemlock, grows in the spring and early summer, finally reaches maturity in mid-July, breaks off and gradually disintegrates into smaller and smaller particles. Eventually the lake is covered and even permeated with a thick green scum, pea soup in color and consistency.

This condition lasts from two to eight weeks and unfortunately during the height of our summer season, and completely destroys the recreational value of this lake. Resorts have had to close in mid-season, out-of-staters have gone home in disgust and with well-expressed opinions of Maine and its lakes. The economy of the area has suffered, and even the towns have been approached for reduction in taxes on shore property.

Because Annabessacook empties into Lake Cobbosseecontee, the largest lake in this area, property owners and resort operators in Lake Cobbosseecontee are beginning to feel the effects of this particular growth. Not only is Lake Cobbosseecontee receiving the flow of aquatic growth from Annabessacook, but hundreds of thousands of plants are beginning to seed along the southwest shore of this lake.

Now this, ladies and gentlemen, is the situation. The question is, what can be done about it? This resolve would provide money for the Department of Economic Development, through the Purchasing Agent of the State, to contract for the treatment of the lake which will destroy this plant growth. Such treatment under-

taken this spring will have no effect upon the fish life and it will rid the lake of twenty years of seeding. Property owners, possibly with the support of the towns, which would be Winthrop and Monmouth and the adjoining towns, hope to cooperate in treating the lake in future years should gradual growth commence again in a few years. The sum of money sought, and recommended by biologists and engineers, is \$4,000.

It boils down to this: We are spending considerable sums of money to attract industry and to attract vacationists. Can we afford to neglect and destroy existing resort business, and to wipe from the map one of the most beautiful lakes in Southern Maine? This lake offers tremendous possibilities in future development for the benefit of our citizens and our visitors. How can we justify the expenditure of a cent to attract more vacationists if we don't lift a hand to protect and preserve our present facilities?

In closing, ladies and gentlemen, I trust you will give this resolve your closest consideration and reject the majority report "ought not to pass" and accept the minority report "ought to pass." I thank you.

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

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

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: My good friend, Mr. Thaanum, has outlined to you here today what he told us in the Appropriations Committee very, very fully. There is only one other fact that I would like to add, I looked into this a little bit and in 1957 that Legislature had before it a similar bill. At that time the — I forget the exact amount of money — was appropriated to the Fish and Game Department to study what could be done about this matter. They contacted some chemical companies, trying different approaches, and finally wound up with an application of

sodium arsenate. Sodium arsenate as you know, is harmful to warm blooded creatures such as you and I. Now I understand that there are chemicals that are not as harmful as sodium arsenate, so I don't want to give you the idea that sodium arsenate would be used again in these particular lakes. The point being that there is even today no chemical that can be applied that will guarantee the reduction or the destruction of the weed for more than a season or at the very outside, two seasons. This weed growth is dependent apparently upon water temperature, the warmer the better; shallow area, I suppose that must be because the sun's rays get down into the water and warm up the bed of the pond or whatever it is. It depends upon the stillness of the water, it will never reproduce in a fast running area. And apparently it needs some kind of fertilization, whether it be from human and industrial pollution or whether it would just be simply run off from surrounding tilled fields that bring a correct medium in which this weed can grow.

I suggest that in your consideration of what my good friend, Mr. Thaenum, has said, consider these few additional facts.

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

Mrs. SMITH: Mr. Speaker, I think that we are confusing two bills here. The bill that we are considering I believe went to Towns and Counties, it has to do with promotion of county resources and attractions, and the bill that the gentleman from Bangor, Mr. Wellman, is speaking on has to do with this growth in the lake. I think that we have confused two issues, I may be wrong.

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

Mr. JALBERT: Mr. Speaker, I think that the gentleman from Bangor, Mr. Wellman, in that I oppose his speaking on the proper measure. We are now on item four, a divided report wherein it concerns the treatment of aquatic

growth at Lake Annabessacook. Is that correct, Mr. Speaker?

The SPEAKER: That is correct.

Mr. JALBERT: I would like to concur wholeheartedly with the gentleman from Winthrop, Mr. Thaenum and add that the next bill to it is a similar bill had the effect that this lake has been surveyed and at the hearing several facts were brought out and there is one fact that should be brought to the attention of the membership of this House, and that is the danger wherein it involves this hard weed. The danger involves the hundreds of children that come there to camp, the hundreds of children who come there to their parent's camp to spend the summer and now are forbidden the pleasure of bathing. I would like wholeheartedly to concur with Mr. Thaenum in accepting the Minority "Ought to pass" Report.

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

Mr. THAENUM: Mr. Speaker, in introducing this bill—this bill was introduced through me by a group of men for whom I have a very profound respect, and it was only introduced after they made considerable investigation into the possibilities of doing this job with what we are asking for in this bill. They consulted engineers, they consulted biologists, and they consulted with the Water Improvement Department, Mr. Raeburn MacDonald, they consulted with the DED, and this thing has been thrashed out as to the possibilities of what this \$4,000 will do in this lake. I can assure you that I am confident that if you pass this bill favorably that the people who have investigated this matter have gone into it thoroughly and have come to the conclusion that it is workable and will do the job. Thank you very much.

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

Mr. BRAGDON: Mr. Speaker, I arise to explain my reason for signing the "ought not to pass" report on this bill. I wish to call your attention to the tremendous amount of territory that we would

be committing the State to in the future if we accept this policy of correcting these conditions. The gentleman from Winthrop mentioned the Belgrade chain, the Rangeley chain, and I know of several other chains that I would say innumerable other lakes in the State of Maine, almost too innumerable to count, which could, if we start out on a policy of attempting to correct this condition, we would be pretty much committed if we do to one, to do the same to others. This will not affect this session of the Legislature but some of you may be back here in the future, and I am sure in voting that you should take this possibility into consideration.

Another thing that impressed me at the hearing with regard to this particular lake, apparently there is a considerable amount of property around this lake. I did at the time attempt to arrive, by questions, at the value, the assessed value of this property. But it is considerable. And my thought at the time of the hearing was that, these people had come in here, apparently they had convinced themselves that \$4,000 would correct this condition. They did not convince me. I do not believe that \$4,000 would scratch the surface of correcting this condition, but if they believe that my answer to them was, with possibly a half million dollars worth of property surrounding this lake, certainly \$4,000.

If you believe this thing, it is certainly not too much of an investment for you to put in it. I don't believe it and I don't think the other members of the Appropriations Committee that signed this "ought not to pass" report did at that time believe that this would correct this condition, and neither do I think they believe it now. I certainly don't. I don't believe that anything has yet been devised that would correct this condition that exists on many of our Maine lakes. Perhaps if I did I might feel that the Legislature might wisely commit themselves to a method of correction. If this thing has got to be a continuing

thing and it is going to spread to every lake in the State of Maine, certainly I think you want to—before you vote—I think you want to very carefully consider the thing that you are letting yourself into. These are some of the reasons that I signed the "ought not to pass" report on this bill.

I do recall that mention was made to an action of the Legislature in 1957. I am somewhat lazy and I intended to look up just what this action was, but as I recall it I believe at that time that we appropriated some money to correct a similar condition on Lake Sebasticook. I believe that was in 1957. If anybody who is familiar—this is not recurring—now if anybody who is familiar today with Lake Sebasticook believes that all the weeds in Lake Sebasticook were corrected by the appropriation made in 1957 that may answer some of your questions. I don't believe it corrected it and I don't believe they came back again because they felt it was money poorly spent.

Mr. Thaanum of Winthrop was granted permission to speak a third time.

MR. THAANUM: Mr. Speaker and Ladies and Gentlemen of the House: In regard to Lake Sebasticook, as I had been told in the town of Newport, that in that connection it was a marsh, it was a grass proposition. It was not the same at all as what is existing in Annabessacook. And as to the proposition of having to do a great many lakes in the State, here in your Legislature you have only been asked in 1957 and 1961 to consider something of this kind. Now I would like to impress upon you ladies and gentlemen, that the responsibility for the housekeeping of our lakes in the State of Maine rests with this Legislature and the people of the State of Maine. It is the responsibility of the State, and as I said originally that we are going to put all this money into development, we are going to do some advertising to get the vacationists and the out-of-state people in here. We have a great many citizens of our own State who enjoy this lake, and I don't think that to have a lake

left down here in the central part of the State you can see from the road, to be in that condition, but what this money will be well invested.

Now I am not going to take exception with my good friend, Mr. Bragdon, in regard to the cost, but as I said before, this was thoroughly looked into and I am confident that the people who put this bill in are also confident that this will do the job. And I urge you to give this your favorable consideration. Thank you.

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

Mr. BAXTER: Mr. Speaker, with regard to Lake Sebasticook, it was a weed rather than a marsh, the weed by name being called algae canadensis and it sounds very much like the weed involved in this particular lake. The arsenate was used, there is evidence that would lead one to believe that a few cows around the shore died as a result. The weed was certainly controlled, reduced, if not eliminated. Whether it is permanent or not I don't know, because I think the last application was last summer. They did this over a period of at least two years, possibly three years. It certainly did have an effect upon the weed and how long it will last I don't know. Sebasticook is physically very much as the gentleman from Bangor describes this lake. It is a shallow warm water pond with a fertile bottom.

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

Mr. BEARCE: Mr. Speaker and Members of the House: I don't know why I am getting into this but I have had a little experience. If this is an algae, a little green scum, why we have done the same thing on the water supply. You take a little cup of sulphate, put it in the back of a rowboat and go around the edge, when the water is low and the temperatures are high, and it kills it off and there is no trouble. And you can buy that by the ton. I wonder if that has been looked into. And I again wonder why the Economic Development Department is doing it

when we have got the Water Improvement Commission and we've got the Fish and Game Commission and all these other people that are more acquainted with water than this present bill.

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

Mr. WELLMAN: Mr. Speaker, I would like to answer the gentleman from Bucksport, Mr. Bearce, by saying that this is not an algae. This is a growth that is directly connected to the bottom.

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

Mr. BOOTHBY: Mr. Speaker, as I understand this problem, it is pretty largely a weed growth. At least it is a weed as far as the usefulness of the lake is concerned. I would like to point out to the members of the House that the controlling of weed growth in our agricultural products, and I think that is—our agricultural crops—and I think this is quite similar—is subject to a revision every year. That which was effective in 1957 has been superseded by new methods and new products. And I know on the farm we reapprize our wheat control program every year. We are using this year a new product that we have never used before in controlling some weed growth. Now it is nice to be able to control a thick weed in the garden, it is also nice to control crab grass or witch grass, and we have specific products to do those things. And I don't have any doubt but what as Mr. Thaanum, the Representative from Winthrop, says, that we have products now that will do a much more effective job than they did have in 1957. And for that reason I would like to go along with him on this.

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

Mr. PHILBRICK: Mr. Speaker, Ladies, and Gentlemen of the House: I think the question that we are concerned with today is not so much the technique with which we handle this problem, or the methods that we use with this problem, but with whom does the

responsibility lie to take care of this problem. Accordingly I might say this and I am sure that my friends of the Bar will back me in this: and that is that any body of water consisting of more than ten acres is considered a great pond and is accordingly the property of the State of Maine at large or the citizens at large. Therefore, if this lake is more than ten acres and I don't think anyone would say that it was less, it is property of the State of Maine and accordingly is a responsibility of the State of Maine, so it follows that the State of Maine should take care of any noxious growths on that lake.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Moore.

Mr. MOORE: Mr. Speaker and Members of the House: I can see if we are going to accept the responsibility of all the lakes in the State of Maine that we are entering into a million dollar project, a multi-million dollar project, because I can name you hundreds of lakes that are in the same condition as this and the people around it try to correct it. In fact I have three-quarters of a mile of shore front myself and I would like to have a bill in here to clean that up. And that is practically the same thing as we have right here. I am opposed to the State entering into this business, because I am sure there will be no end to it. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that the House accept the Majority "Ought not to pass" Report on Resolve relating to Treatment of Lake Annabessacook to Eliminate Aquatic Growth, House Paper 293, Legislative Document 445.

All those in favor of accepting the Majority Report say aye; those opposed, no.

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

Sixty-eight having voted in the affirmative and sixty-one having voted in the negative, the Majority "Ought not to pass" Report was

accepted and sent up for concurrence.

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 with Committee Amendment "A" (Filing H-227)—Committee on Appropriations and Financial Affairs on Resolve, relating to Treatment of Lake Sabattus to Eliminate Aquatic Growth. (H. P. 647) (L. D. 925)

Tabled—April 27, by Mr. Bussiere of Lewiston.

Pending—Motion of Mr. Wellman of Bangor to Accept Majority Ought Not to Pass Report.

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

Mr. WELLMAN: Mr. Speaker, using the same thinking that this body has used in the previous vote, I would suspect that you would turn down my motion.

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

Mr. JALBERT: Mr. Speaker Ladies and Gentlemen of the House: I am happy to state that on this one the gentleman from Bangor has joined us. I am sure that what he meant is that he hoped that his motion will prevail. In fairness to him, I know it was a slip of the tongue.

I presumed that this measure would no doubt suffer the same fate as the first one. I would, however, like to bring out because I know a little more about this one than I did about the other, although I was solidly in sympathy with my good friend from Winthrop, Mr. Thaanum. Now comments have been made on this bill as to we don't know what door we are opening. It's only a short while ago that one gentleman asked me where the taxation problem was going to end. We started it and there is no end to it, I believe we all know that, if we want to go into programs of progress. We may differ on the forms of taxation or forms of paying money above, but we still, if we

want to spend, we've still got to pay.

This program here is a serious one. And I will tell you that at a meeting that was held concerning the Sabattus Lake or Pond as some will differ in calling it, that there were over three hundred present. The tax rate around these—for these cottages—is very, very high, now this program which calls for the state to put in funds, the county to put in funds and the cottage owners themselves to put in a small amount to pick up the freight. The amount is accurate, as I know the amount of the Annabessacook Lake was accurate. Now I spoke on the previous bill as far as the inability for children or people around the areas where these weeds grow to go swimming. It creates that kind of a handicap and I don't think it is good as far as Maine is concerned.

Now there is another point that I would like to bring out wherein it concerns this weed, it is a very dangerous situation that exists, and I don't doubt that the previous speaker is right when he said that there are many lakes involved, but we are talking about this one as we were talking about Annabessacook in the previous bill.

This creates a very dangerous hazard. It's only a few years ago that a badly disabled veteran hired a cottage in Sabattus, and he went for a boat ride, fell in the water, and the authorities involved, scraped, scraped and scraped, — couldn't see, couldn't find him. They finally found him about twenty feet off shore meshed into the weeds. Now just before you turn these measures down and these programs down, just imagine any one of you, and I don't have a cottage there, just imagine how any one of you who have a cottage surrounding this area, and you go to work and the good Mrs. is taking care of the children, ranging anywhere from one to five or six, and one of them escapes from the cottage for a few minutes and winds up in those weeds. Now this program here is a program which the State

of Maine will have to go into — the lakes are ours. I know it will be a door opener, and I assure you that should this thing — bill be defeated, steps should be taken that this aquatic weed program be studied because it's not only a handicap to all of our shore lines, but it is also a very dangerous hazard. And I hope that the Minority "Ought to pass" report prevails.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: As has already been said, the same arguments apply to this bill as applied to the one that we just acted upon. For that reason. I now — and I assume you will treat one the same as you did the other. For that reason, I now move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, to accept the Majority "Ought not to pass" Report. Since accepting that report would be the same as indefinite postponement, the motion of the gentleman from Bangor, Mr. Wellman, does prevail in preference. Is the House ready for the question?

The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, with reference to this bill, and as a member of the committee on Industrial and Recreational Development, I would just like to offer the House for consideration the fact that the boating industry in itself is fast becoming one of the largest industries in our state. We have figures to support that there were over 50,000 out-of-state outboard motor rigs come over the turnpike alone last year, and have reason to believe that there will probably be even more this year. In conjunction with that, there are over 40,000 outboard motor rigs registered in the State of Maine. Now from an economic point of view, this means dollars in tourism, and in-

come for the citizens of the State of Maine. I merely wish to submit that if we don't have good clean navigable lakes, it would be quite difficult to expect these people to come into our state. I merely offer this for consideration of the House. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that the House accept the Majority "Ought not to pass" Report on Resolve, relating to Treatment of Lake Sabattus to Eliminate Aquatic Growth, House Paper 647, Legislative Document 925.

All those in favor of accepting the Majority "Ought not to pass" Report, please say aye; those opposed, no.

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

Sixty-four having voted in the affirmative and sixty-three having voted in the negative, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The House will be in order. Is there objection to taking up at this time, out of order, an item on Supplement Number 1, which is on your desks? The Chair hears none, the Clerk will read the paper.

Senate Report of Committee Ought to Pass

Report of the Committee on Appropriations and Financial Affairs, acting by authority of Joint Order (S. P. 537) reporting a Bill (S. P. 536) under title of "An Act to Appropriate Moneys for Legislative Expenditures for the Fiscal Year Ending June 30, 1961" and that it "Ought to pass"

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

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

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

Mr. WELLMAN: Mr. Speaker, this bill that we have now before

us to give the legislative account enough money to continue operations for this session. There were expenses that were not anticipated during the last two years, including the special session. We now have in the cash box, I have been informed, \$20,000, your pay checks and others associated with legislative process amounts to \$29,000 for this week. There will be additional pay checks for the personnel, there will be our own final pay checks, there will be our travel expenses. Any money that is not spent at the—during this session, merely carries over into the—stays right in the legislative account and carries over and would be available—if we had to come into special session or would be carried over to another session. The total amount is \$250,000.

Thereupon, the Bill was read twice and, under suspension of the rules, was given its third reading and passed to be engrossed in concurrence.

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

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

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass—Committee on Legal Affairs on Bill "An Act Removing Hurricane Island from Territorial Limits of Town of Vinalhaven." (H. P. 410) (L. D. 585)

Tabled — April 27, by Mr. Knight of Rockland.

Pending — Acceptance of Either Report.

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

Mr. MADDUX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct a misconception that I believe exists about this particular bill. It is not a bill to remove arbitrarily the Island of Hurricane from the jurisdiction of the Town of Vinalhaven. It is simply an enabling act to allow the people of Vinalhaven to vote in town meeting next year as to whether they will agree to the separation or not.

The Island of Hurricane originally was part of the Town of Vinalhaven. Shortly after the Civil War, the stone industry beginning to boom on the coast of Maine, operations were started on this island. The island was very sparsely inhabited at the time. And at that time the Town of Vinalhaven, not being able to furnish fire, police protection owing to geographical conditions, and the increased population that came to Hurricane Island because of the influx of stone cutters, the town became an incorporated town and eventually grew to be a town of 1,500 people.

This stone business eventually declined about the turn of the century, and being abandoned, the population largely left, and by 1916 Hurricane Island again became unorganized territory and surrendered their town charter. It existed in that status for some time, eventually became reannexed to Vinalhaven.

Now it has been purchased about ten years ago by a private citizen who has a large summer home on the adjacent island. He proposes to build a cooperative summer colony there, on this island. Also to reestablish — to reconstruct the town or part of the town as it existed around 1880 as a museum to the stone cutting industry on the coast of Maine. This involves a lot of money. He has succeeded in getting capital, he is sincere in his intentions, he wants to go ahead with this project; but for the same reason that Hurricane Island seceded from Vinalhaven, became a town around 1870, for the same reason he asks that it become an organized territory, because Vinalhaven cannot furnish police protection and fire protection.

This would bring employment to that area, it would mean expenditures of considerable sums of money. It would also mean more income to the Maine State Ferry Service which is something to look forward to, and something to anticipate. And I move now the acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The Chair recog-

nizes the gentlewoman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker, as a signer of the "Ought not to pass" Report, I feel that I should at least justify the position. To me this is a dangerous bill, it will mean that the island would be exempt from taxation as far as the Town of Vinalhaven is concerned. I think that every island up and down the coast presently being taxed by towns adjacent to it would immediately want to become outside of the territorial limits of that particular town. I am reminded in my own town of an island, namely John's Island, off the coast of Bristol, presently being occupied by Mary L. Tunney, wife of the former champion, Gene Tunney, and paying a tax of \$810 to the town. This we cannot do without. And I don't see how any other town up and down the coast can do without the taxes coming from these islands. We furnish no police protection, no fire protection, and that argument will be used again and again for these islands up and down the coast. I am not in sympathy with this bill.

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

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: I would again remind the House that this matter is to be left to local referendum at the next town meeting.

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

Mrs. SPROUL: Mr. Speaker, it is true that this matter is left to referendum, and an easy way to get out of making a decision in any committee is to say that this should be left to referendum. I certainly do not feel that the easy way out is always the best way.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion made by the gentleman from Vinalhaven, Mr. Maddox. This concerns the Town of Vinalhaven. The Town of Vinalhaven elected a representative who is

seated here representing his town, as each and every one of us represents their towns. I live in the community that is on the mainland nearest to Vinalhaven, this bill has not raised an eyebrow. People seem to feel that if the people in Vinalhaven want it, they should have it; if they don't want it, they shouldn't have it. It should be brought to a vote out there. I think that there are sufficient safeguards on the measure, and therefore I am in accord with the motion made by the gentleman from Vinalhaven.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Vinalhaven, Mr. Maddox, that the House accept the Minority "Ought to pass" Report on Bill, "An Act Removing Hurricane Island from Territorial Limits of Town of Vinalhaven," House Paper 410, Legislative Document 585.

All those in favor of accepting the Minority "Ought to pass" Report, please say aye; those opposed, no.

A viva voce vote being taken, the Minority "Ought to pass" Report was accepted, and the Bill read twice and tomorrow assigned.

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

SENATE DIVIDED REPORT—Report "A" Ought to Pass—Report "B" Ought Not to Pass—Committee on Industrial and Recreational Development on Bill "An Act Including Piers and Terminals in Maine Industrial Building Authority Act." (S. P. 418) (L. D. 1357)—In Senate, Report "A" Accepted and Engrossed.

Tabled—April 27, by Mr. Finley of Washington.

Pending—Motion of Mr. Morrill of Harrison to Accept Report "A" Ought to Pass.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of Mr. Morrill of Harrison to accept Report "A", and after that report should be accepted, I would then

offer Senate Amendment "A," which has been reproduced, I believe, and is on your desks under—may I ask through the Chair if the Clerk has the Senate Amendment to this L. D.? It's my understanding that the amendment was adopted, in the unmentionable body.

The SPEAKER: Senate Amendment "A," Filing S-133 was adopted in the Senate and has been distributed to the members' desks.

Mr. KNIGHT: Is it to my understanding, Mr. Speaker, that first the report must be accepted and then the amendment be offered again in the House or can it—

The SPEAKER: The "Ought to pass" Report must first be accepted, the bill be given two readings, and then at that time the question of whether or not Senate Amendment "A" will be adopted will be entertained.

Mr. KNIGHT: It is unfortunate that this bill has received the label, the Rockland bill. It's the Rockland bill only in connection that it is sponsored by the Rockland Chamber of Commerce which has as its purpose encouraging industrial development of harbors on the coast of Maine.

In September, 1957, the people of Maine in referendum vote, amended the Constitution to allow the state to pledge its credit to insure mortgage loans to foster and encourage the physical location and settlement of industrial and manufacturing enterprises within the state. Because the present language of the Maine Industrial Building Authority limits industrial projects to land on which manufacturing processing or assembling of raw materials is done, an ocean pier or terminal—or a pier or terminal could not be included under this definition. For their use would be primarily in transshipment of goods and not assembling or manufacturing of them. As I see it here, the question to be considered is, does Maine Legislature want to encourage the development of harbors and the consequential industrial potential it can mean?

There are two towns in Knox County that might take advantage

if this bill would pass. I regret that there have been rumors, conjectures and surmises concerning this bill through the corridors of this Legislature. But I am in favor of this bill and I would point out that the Republican party platform advocates the development of state harbors in these words: "... we pledge and urgently advocate that the state take immediate and vigorous action to improve, develop and enhance the utility and economic effectiveness of the state's harbors, tidal waters and tributary inlets with due regard to the federal maximum share of responsibility, both physical and administrative, all to the end that cities and towns of the coastal area be provided with the basis to redevelop—develop anew and expand the magnificent, unique and rich economic potential which our sea coast provides."

This bill would allow in—ocean piers and terminals to be included under the Maine Industrial Building Act, and the community would form a group who would have to raise ten per cent of the capital and then convince the Maine Industrial Building Act that this was a sound financial enterprise. The moneys borrowed from the MIBA would be repaid and the industry that is located here would be a taxable industry. If you put it under a state owned operation such as the Maine Port Authority, you are taking away taxable property. This is an attempt to increase taxable property and industry along our coast. And I hope that the motion of the gentleman from—Mr. Morrill, will prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Harrison, Mr. Morrill, that the House accept Report "A", "Ought to pass." All those in favor of accepting Report "A", "Ought to pass," please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Bill was given its two several readings.

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

SENATE AMENDMENT "A" to S. P. 418, L. D. 1357, Bill, "An Act Including Piers and Terminals in Maine Industrial Building Authority Act."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R. S., c. 38-B, §5, Sub-§III, repealed and replaced. Sub-section III of section 5 of chapter 38-B of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1957, is repealed and the following enacted in place thereof:

'III. Industrial project. "Industrial project" shall mean:

A. Any building or other real estate improvement and, if a part thereof, the land upon which they may be located, and all real properties deemed necessary to their use by any industry for the manufacturing, processing or assembling of raw materials or manufactured products;

B. Water piers or terminals where the same are used for transshipment or storage of materials and products. Said piers and terminals shall not be used by any person, corporation, association or other entity in competition with the ferry service supplied under the private and special laws of 1953, chapter 105.'"

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

The SPEAKER: Is there objection to taking up out of order at this time an item on Supplement Number 2? The Chair hears none, the Clerk will read the paper.

Passed to Be Enacted Emergency Measure

An Act to Appropriate Moneys for Legislative Expenditures for the Fiscal Year Ending June 30, 1961 (S. P. 537) (L. D. 1584)

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 neces-

sary, a division was had. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

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

Mr. BAXTER: Mr. Speaker, I move that the House recess until 1:30 this afternoon.

Thereupon, the House voted to recess until 1:30 this afternoon.

After Recess
1:30 P.M.

The House was called to order by the Speaker.

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

HOUSE REPORT—Ought Not to Pass—Committee on Taxation on Bill "An Act relating to Apportionment of Railroad Excise Taxes to the State, Cities and Towns." (H. P. 944) (L. D. 1292)

Tabled—April 28, by Mr. Crockett of Freeport.

Pending—Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of the House: I humbly ask you to allow me to lay this on the table until tomorrow until I get my clams and lobsters—

The SPEAKER: The gentleman has made his tabling motion. The question before the House is the motion of the gentleman from Freeport, Mr. Crockett, that the Report and Bill be tabled and specially assigned for tomorrow pending acceptance of the Report. Is this the pleasure of the House?

The motion prevailed.

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

Joint Resolution Re School Safety Patrols. (H. P. 1146)

Tabled—May 2, by Mr. Hardy of Hope.

Pending—Adoption.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

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

Bill "An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies." (H. P. 358) (L. D. 510)—In House Read the Third Time, Adoption of Committee Amendment "A" Reconsidered (Filing H-236)

Tabled—May 2, by Mr. Baxter of Pittsfield.

Pending — Adoption of House Amendment "A" (Filing H-243) to Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I offered House Amendment "A" to Committee Amendment "A" which is the motion pending. L. D. 510 provides for the reapportionment of certain tax monies paid by the telephone companies to the State of Maine.

First, may I say that this is a bill in which I thoroughly believe and which I have researched quite completely. It is not a department bill, but it is one which the local assessors who saw the injustice of this tax to the cities and towns in that the state has been taking property taxation away from them and they are the ones that would like to see this bill pass.

The principle of this bill has been approved by the Taxation Department, the State Treasurer's office and the Public Utilities Division, as well as our own committee on Taxation.

However, the amount of money to be apportioned to the several municipalities is what we are to consider here this afternoon. The bill as presented by me would return one dollar per inhabitant, based on the latest Federal Census, to each and every organized municipality in the State. The committee amendment, which I would like to amend, would cut this allocation to a mere five cents per head. The amendment which we are now considering would bring the refund to twenty-five cents per capita. This, I believe, would take the least amount of

money from the state and still would provide that no city or town would suffer when the shift to a new system were effected.

The present means of distribution was established in the late 1800's when telephone companies were mainly a community organization, founded by the townspeople through cooperative effort.

Telephone companies are today taxed on a gross receipts basis which today nets the state better than two and one-half million dollars. This tax is in lieu of all taxes — including poles, wires, conduits, cables, booths, central office equipment, and even excise taxes for its fleet of vehicles.

A refund based on one percent of the value of stock held by inhabitants of the municipalities is made annually from the money collected by the state. This year, the refund amounted to \$37,000.

It is interesting to note that only 258 municipalities of our 500 cities, towns and plantations, received any money under the present system.

The basis of the present tax may have been equitable when established, but corporate mergers for the past half century have practically eliminated the resident stockholder, and each year the money returned to the municipalities grows smaller.

According to statistics provided by the Public Utilities, the amount of real estate towns are allowed to tax is valued at some ten and one-half million dollars, this includes land and buildings only; while the amount of real estate and personal property exempt from taxation on the local level under this gross receipts provision is about \$113,000,000.

Let us consider what this \$113,000,000 of exempt property is. This is worth half of the assessed value of the entire city of Portland—it is greater than the assessed value of any other single city of our state—and it is nearly as large as the combined assessment of all the cities in Kennebec County. It is my belief that this alone is ample reason for local governments to have returned to them money which should have

been theirs when the state left the property taxation field.

If this property, now exempt, were taxed by the municipalities it would net them approximately two and one-half million dollars or similar to that which is now collected by the State. This is based on a 100 percent valuation, depreciated by one-third, at 30 mills.

The one dollar per inhabitant formula which I proposed in the original bill, favors each community pretty much in proportion to their respective problems. Those towns which would receive the smaller percentage increases are for the most part places where independent telephone companies are situated. The twenty-five cent formula which is in the amendment would react much the same only on a lesser scale.

The assessors of my three towns, Chelsea, Randolph and Farmingdale, as well as some of the assessors from towns which you represent, have written and told me that this problem has been one which has bothered them a great deal. The assessor, in trying to discharge his obligation to the townspeople in attempting to find and value all property justly, is told, value all property—but do not touch the property of the telephone company as this has been taken out of your hands through an act of Legislature.

Ladies and Gentlemen—this bill and amendment, merely asks you, the Members of the 100th Legislature, to correct this injustice and to return a portion of the telephone tax now being paid the state—back to your own towns on a population formula.

The telephone companies are satisfied with the present means of taxation and do not desire to change. I have no quarrel with this. However, the intent that the several municipalities should share this tax with the state is apparent in the fact that there is an apportionment provision.

Apportionment may, as you realize, be accomplished in many ways. During the war, the meat dealer who advertised a special buy as being fifty percent horse and fifty percent rabbit was telling the truth — he used one horse

and one rabbit, but I don't think there is any need of the state dealing with the municipalities in this manner.

The twenty-five cents per inhabitant being asked for in this amendment is merely a token payment of what the towns would be receiving were they allowed to assess this property themselves.

It is true that this bill in its original form would remove approximately one million dollars from the general fund. However, the amendment would reduce this figure to approximately \$200,000.

As I told you before, the state this year collected two and one-half million dollars from the telephone company. Our budget book on page 5 will show that the estimated revenue from the telephone company in the next biennium will be \$2,800,000 per year.

The members of the governing bodies of your cities and towns feel that this money justly belongs to their communities and should be returned. Property taxation, as you well know, is reaching its limits in most communities and additional sources of revenue must be satisfied.

Loss to the general fund can be rectified by other means of taxation, such as the cigarette tax which I am sponsoring. The cigarette tax would not only replenish the loss on the one dollar per person basis but would supplement the general fund by an established amount. If we adopt the amendment, the estimated increase in the monies paid by the telephone company would offset the program.

In order that this more equitable means of distribution be started without a too drastic drain on the State's general fund, I now move that House Amendment "A" to Committee Amendment "A" be adopted, and when the vote is taken, I do request a division. Thank you

The SPEAKER: The question now before the House is the motion of the gentlewoman from Chelsea, Mrs. Shaw, that the House adopt House Amendment "A" to Committee Amendment "A."

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

Mr. BAXTER: Mr. Speaker and Members of the House: I feel that I should explain as briefly as possible the feelings of the Taxation Committee with regard to this bill and with regard to the action that we took in our report, in which we reported ought to pass with a rebate of five cents instead of a dollar originally proposed and twenty-five cents now proposed.

As Mrs. Shaw has said, this tax dates back, this and the railroad tax, dates back to the late 1800's, around 1883, and it has been revised somewhat since then but that was the start of these two taxes. It was our feeling that the tax was actually conceived as a franchise tax. It was most certainly not conceived as a means of taxing these utilities in order to return the money to the towns. As the tax was written originally, it provided for the rates of taxation on a gross receipts basis, it did eliminate certain properties which the utilities owned within the various towns, and it did eliminate the taxation of the utility stocks and it then provided for a rebate on the basis of the stocks which had been exempted.

It is interesting to note that there was not a rebate provided for on the basis of property exempted from taxation. It was primarily the stocks which were exempted and on which the rebate was applied. Of course as you know, up until this year intangible property such as stocks were subject to taxation. As we all know, the problem of taxing such things as stocks is difficult and that is one of the reasons that the tax has now been eliminated. I think perhaps the original concept was that they—the state was better able to locate the stocks and exempt them from taxation and then rebate on the basis of this particular thing.

Now certainly in the past few decades or for many years the state has regarded this tax as a source of general fund income. Actually, the rebate to the towns on the basis of the telephone tax, and I only have it back—it is only of record back as far as 1945, in 1945 it was \$8,000, so we can see

that this was primarily a general fund income, and when they set their rate they set it on the basis of what the state needed for money to carry out its operations without reference necessarily to the tax exemption feature. It was \$8,000 in 1945; \$17,000 in '50; \$24,000—this is the rebate to the towns—\$24,000 in '55 and it is \$37,000 now, so as you can see the rebate has been growing over the years actually, and basically it was a franchise tax.

Now the problem of rebating based on the stock is a very cumbersome clerical problem for the state. That is one factor which we took into account. Furthermore, we have this year already passed a bill exempting intangibles from taxation which would include stocks, so that was another factor which we took into account. For that reason, we felt it was a good idea to eliminate the stock basis—the rebate based on stock ownership within the towns. That rebate, as Mrs. Shaw has pointed out, amounted to \$37,000 per year. At the five cent level of rebating based on the per capita basis, the rebate to the towns would be \$48,000 or \$11,000 extra per year or \$22,000 in the biennium. The twenty-five cent rebate would be an extra rebate of \$245,000 per year or \$490,000 for the biennium from general fund income which as Mrs. Shaw has pointed out would require funds to support it the same as any spending L. D. that we might have.

Now it was the inclination of the committee originally to refer this subject to the Legislative Research Committee because we do recognize that there is property not being taxed within the towns. There are—the vehicles are not being excised and such things as that, and we think that some unified approach should be worked out to our three major utilities, that is the railroads, the power companies and also the telephone companies. As it is now, they are handled differently. I would point out that buildings of the telephone companies were not exempt from taxation in the law. In other words, the things that were exempt with

the exception of trucks, were things which were more or less peculiar to that particular monopoly. I believe the telephone companies pay some \$240,000 annually now in local property taxes, so it isn't as though the exemption was complete.

As I say, we felt that we do have a problem here with properties not taxed locally. However, how it should be handled, whether it should be passed back to the localities on an individual basis such as is the case of the power companies or whether it should be attempted to be taxed by the state and rebated, and if so, how, was the question that we felt was of much too broad a scope for us to be able to decide upon sensibly at this time. For that reason we have prepared an order which would refer the subject of public service company taxation and its relationship to the town to the Legislative Research Committee for the next session, to report to the next session.

I think our point in putting this at five cents was to recognize the problem to eliminate the intangible tax which no longer made sense and to return approximately the same amount that is being returned now although some towns will receive more than they are returning now and some will receive less. We did believe that the tax at its present rate and under its present rate system was founded and is operating as a franchise tax. If it is to be both a franchise tax and a tax in lieu of property taxes, then it is more than probable that the rate should be changed. If it is going to do the job it is doing now for the state funds and is going to do another job for the town funds, then of course you would say that it would have to be increased. Whether it should be increased or not, of course is another subject.

For these reasons, the committee reported the bill out in its present form and for these reasons I think that the committee — I know of course that the committee does not favor the twenty-five cent amendment, and would hope that the amendment is not adopted.

The S P E A K E R: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, I wish to correct the gentleman from Pittsfield, Mr. Baxter, on the franchise tax. The franchise tax in the State of Maine is not a revenue-producing measure but barely covers the cost of administration. I think you will find in Chapter 97 of the business tax pamphlet that franchise tax is — the highest paid is \$100 for each company. We have only forty-one telephone companies in the State of Maine, and I think that a very small portion of this two and one-half million dollars would be considered a franchise tax. As to the cost of this to the state, he said that it would cost \$490,000 I believe per biennium — for the biennium, but he neglected to take out the \$37,000 a year which is now being refunded and could possibly be a little more, which would bring this at the best to only \$426,000 from the general fund.

Now as to the — I think it is very clearly stated that this tax is in lieu of these properties. It is spelled right out in the law, and if it is exempting these properties, I think one can interpret that it is meant to replace this property tax or at least that is what the assessors in my community feel.

Now in order to get any taxation problem, I appreciate the fact that perhaps we do tax one utility one way and another utility the other. As we all know our power companies are taxed on the local level and it is a good source of revenue to our towns, and if we did not have the power company taxation our property taxpayers, individual property taxpayers would be more severely hit than they are now. But by the same token, when a company finds a means of taxation with which they are familiar, they do not like to change, and the power companies are satisfied to be taxed at the local level, and the telephone company is satisfied to be taxed at the state level. The means of the cost of administering

the telephone tax at the state level is established. It would be less under my program because the accounting of past procedure which has to be gone through with the telephone tax, the telephone companies must file on April 1st a list of all their stockholders, and their addresses, preferably the town in which they live. But as you know, many of our towns do not have post offices of their own and so if your town happens to be one that does not have a post office of its own, such as my little town of Chelsea, half of our people get their mail in Augusta and half get theirs in Gardiner; well Gardiner and Augusta get the benefit of any refund that the state might make on this telephone stock that is held by our town. Now our town doesn't receive a penny under this present basis, and neither does Randolph and neither does Farmingdale, and neither do a lot of your towns. And under this plan, each of your towns would receive a small refund. True, twenty-five cents per head is not too much money, but it is a start, it is establishing a program through which each of our towns could realize some money from the telephone tax, and this certainly would be one means of alleviating the property tax which has become such a problem to all of us.

The S P E A K E R: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, of course we have to look at this tax from both sides, both angles, the question of state revenue and revenue to the towns. We obviously are looking at it from the standpoint of state revenue, because that has been its primary function over the years as I pointed out from the fact that as short a time ago as 1945 there was only \$8,000 of this money returned to the towns. Now the matter of franchise tax or not is somewhat a play on words. We do have, of course, as Mrs. Shaw points out, a franchise tax, which is more or less of a registration tax and is at a very low level. However, in taxation parlance a franchise tax can also be a tax levied for the privi-

lege of doing business within the state and particularly levied upon a monopoly. In this case, the state has granted monopoly privileges to the telephone company and in return for the monopoly privileges they extract the tax. Actually going back to the history of this thing you will find that that is generally laid out. Actually, at the time of the first tax back in 1883, I believe it was Governor Dingley said that all of state functions should be able to be carried out with a tax on the gross receipts of the telephone companies and the railroad companies. In other words, it was conceived as a revenue for the state to carry out the state functions, extracted because they were giving these public service companies monopoly privileges.

Now the matter of the money of course isn't too important. We are only talking on the twenty-five cent figure of a few dollars, but the way my arithmetic does it is that there are 969,000 people in the state and at twenty-five cents a person I have that at \$282,000, and I subtract \$37,000 from that and get \$245,000 which gives me \$490,000 for the biennium, so my \$490,000 figure did have the subtraction of the \$37,000 now paid.

I think again the point that we want to leave with the Legislature is the fact that we feel that this has been used over the period of a good many years as a source of income to the state and very, very secondarily as a return to the towns. And if we make a large change at this time it is certainly a very basic change. Now again I point out as to the question of what level, if this tax is going to perform two functions, the question of at what level it should retain money for itself, for the state, and what level it should return to the town, what is right and proper? And in view of that, what tax on the telephone company is right and proper? Of course you will notice that this rebate is on a per capita basis. Now we will admit that that is certainly a very simple way to go about it. It is obvious and can be easily computed and easily handled clerically. However, we certainly would question whether

per capita population in a town is an accurate reflection of the value of the exempt telephone property within the town. Obviously all the towns don't have trucks that should be excised in them necessarily, there are towns of high density. For instance you would say a city like Portland for instance, the ratio of telephone equipment that is exempt to population is probably a great deal higher than it would be in a country town in which there may be one set per person or less than one set per person, one telephone set, whereas in the cities probably the ratio is much higher. We would like to look into this basis of rebate much more closely than we have been able to look into it to date. As a matter of fact, of course with regard to the other bill which we have on this same general subject, the method of rebate is different, it is not on a per capita basis, it is on a property basis. So again, I would say that I hope the amendment does not prevail.

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

MR. SMITH: Mr. Speaker, I want to go on record as being in favor of this amendment that has been presented by the gentlewoman from Chelsea, Mrs. Shaw. I think it is about time that we stopped fooling ourselves that we represent just the state; we also have some towns back home that we need to think about. A short while ago, in the last legislature sometime recently, a bill was passed and the towns awakened to the fact later that much of their revenue of the personal property had been taken away from them. In this legislature, we are being sold the idea, or at least they are out over the state that \$500,000 has come to us from out of somewhere through education and that we are benefitting tremendously by it, when the truth of the matter is that that \$510,000 is just coming out of the towns, that much less that they are going to have. The state hasn't got to raise it from the state level but the towns will have to raise it from the town level. If through this bill we can give back twenty-five cents per capita to these towns, I think it is

about time we began to think about this, and give the towns some benefit at least for some of the work that we are doing. I hope that whatever is in to favor Mrs. Shaw's amendment will certainly pass.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentlewoman from Chelsea, Mrs. Shaw, that the House adopt House Amendment "A" to Committee Amendment "A" to Bill "An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies." A division has been requested. If you are in favor of adopting House Amendment "A" to Committee Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-six having voted in the affirmative and forty-one having voted in the negative, House Amendment "A" to Committee Amendment "A" was adopted.

Thereupon, Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

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

HOUSE 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 Bill by adding at the end a new section to read as follows:

'Sec. 4. Effective date. Allocations to be made pursuant to this act shall first be made with respect to telephone taxes required to be paid on June 1, 1961.'

House Amendment "A" was adopted.

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

Mr. WINCHENPAW: Mr. Speaker?

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

Mr. WINCHENPAW: Mr. Speaker, I should like to inquire through the Chair if Senate Paper 515, L. D. 1535 is in possession of the House?

The SPEAKER: Senate Paper 515, Legislative Document 1535, Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes is in the possession of the House.

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: I want to make a motion, but I have to be rather careful and not make the motion ahead of time because sometimes the hammer falls quite quickly, and I am not exactly sure what I want to say, but I think at this time I would like to move to reconsider the action whereby we passed this measure to be enacted yesterday. Is that a proper motion?

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves that the House reconsider its action of May 2 whereby this Resolve was finally passed. Is this the pleasure of the House?

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

Mr. HAUGHN: Mr. Speaker, as a signer of the ought to pass report on that particular measure coming out of State Government, I will have to defend the action of the House here yesterday whereby a vote of 101 passed that as an emergency measure. It seems rather odd to me that a total of 101 people in this House cast a vote for the amount of people here and to have to reconsider a measure that was passed as an emergency measure to be reconsidered today. I think a sufficient number voted upon it and expressed their approval. I don't know what attempts or designs are to be made upon this bill but I have heard rumors and stories to the extent of what might try to be done, and I have all the respect for my colleague from Friendship, Mr. Winchenpaw, his sincerity, but I think the vote as established here

yesterday was sufficient to prove the desire of the House.

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

Mr. WINCHENPAW: Mr. Speaker, perhaps I didn't explain myself carefully enough, but I was trying to not debate a motion after I had made the motion, and the reason for my asking to reconsider this measure is that it has a bearing on another bill that is coming up later, and several of us or quite a few of us I will say thought that this should be reconsidered at this time in order to hold it up until the other bill has been acted upon, but I cannot make the motion I intend to make until this has been put to a vote.

The SPEAKER: The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the House reconsider its action of yesterday whereby this Resolve was finally passed. All those in favor of the motion to reconsider please say aye; those opposed, no.

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

Sixty having voted in the affirmative and fifty two having voted in the negative, the motion did prevail.

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

Mr. WINCHENPAW: Mr. Speaker, there is another bill coming along that is very closely related to this bill, so I move this bill be tabled until tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that this Resolve be tabled pending final passage and be specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed.

The Chair laid before the House the first Tabled and Unassigned matter:

SENATE REPORT — Ought to pass with Committee Amendment "A" (Filing S-50)—Committee on Industrial and Recreational Devel-

opment on Resolve, Providing for Survey to Determine New Projects for Recreational Areas (S. P. 286) (L. D. 887)

Tabled—March 21, by Mr. Bragdon of Perham.

Pending—Acceptance of Report.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I trust that you will bear with me a few minutes while I call to your attention some of the very thin ice I feel this House is skating on. It is not a pleasant duty to oppose other members of this legislature who have high ideals and beliefs. However, I feel that I would be remiss if I too did not call to your attention my very strong conviction in regard to this type of legislation. Please accept my remarks with the humbleness that they are given, and consider them carefully, please, and then take whatever action you deem necessary.

We have before us many bills to commit this state to many things. We seem to be developing a peculiar philosophy here which seems to me to be inconsistent. We are against increasing the sales taxes, and other taxes, yet we are willing to commit future generations to bond issues to engage this state in private business. These bond issues are no panacea. They mean more taxes and more taxes in the years ahead. We seem to want to have our cake and eat it too. Even Massachusetts with its bond issue upon bond issue and until it needed a bond issue to pay its interest on its bond issue, did not go into the doubtful areas of recreational development. Yes, Mr. Hunnewell, Director of Labor Relations for the Raytheon Manufacturing stated and I quote—this is in a speech at Waltham before the Massachusetts Restaurant Association: "Raytheon Manufacturing Company has established nine new plants in other states and areas of this country, and more are in the offing. These might have been established in Massachusetts and provided many more jobs here if it were not for the Bay State's poor business climate."

I would remind you that the Raytheon plant that we have in Lewiston was a direct result of the action taken in this Legislature two years ago and was not established here until after this Legislature adjourned.

Now what seems odd about this situation here is that we spent of this state and the Small Business Administration's money in the last two years between \$75,000 and \$100,000 to survey the business climate in Maine. The Armour Report has not been particularly well analyzed. In fact, we have a committee here serving on the industrial and recreational development who up until very recently less than half the members had ever seen the Armour Report. We have a specific report on recreational activities made by the S.B.A. which has never been printed but was due on April 10. Yet having spent money for this purpose, we try to involve this state in every area with very complicated bills and no consideration of what these reports say, or any effort on our own part to solve our own problems. The Armour Report says that we should make up with our own efforts and initiative what we lack in money; that we have that ability and I submit to you that when it is profitable to be in business, money can be procured, witness much new building in this state, including a chain of ice cream parlors similar to the Friendly Villages to be nineteen in number I hear to be established. Two are to be built in Portland, the buildings to cost \$75,000. This is no small investment. This is being done with private money.

We have formed a Vacation Travel Council recently. Now the Council was formed with representatives from all the different industries and associations and groups in the state that are in any way connected with the vacation business. I submit to you that our industry is in a terrific period of adjustment as are many businesses today. What the answers are, we do not know, but I sincerely hope we are going to work together to solve them, using these surveys as tools and our own initiative and

efforts to supplement the activities of the D.E.D.

I hope we may pass the money in the Governor's—in our supplemental budget to increase the promotion of Maine. I think the Governor has been most generous in view of the present economic conditions.

Also, I call to your attention that no money passed here now will help the industry until next spring, because we are past the time when we can place advertising with new money, that is the money will not be available for this year, so we had better start selling Maine ourselves instead of continually selling it short every time we speak. The Armour Report, by the way cites this, cites the fact that we do that, we do sell the state short. Whenever we want to sell something or get our hand in the till, we say Maine has done this and this and this and doesn't have this and this and this. Maybe if we talked a little bit about how much Maine had to offer we might get a little farther ahead. Let's talk about it ourselves and not wait for someone else to. It is a bit harder, but lots more profitable for the state in the end.

Now I want to call to your attention this particular bill that is before us. This particular bill does not belong or was not drawn up by the Senator who presented it. It happens to come from my town, and this bill is a cutie if ever I saw one. Now in these surveys that we have had in the past, we have made some progress. These surveys were started before I was here. The first one was done under the Ford Foundation with their money. We have catalogued quite a lot of the recreational facilities in the state and they are on I.B.M. machines, which is what we had hoped to do as an industry, because if the facilities that we have are catalogued, then if you wish to build a new motel or any other type of installation, you could look and see what you had in that area, how well developed it was or whether it was over-developed, and I am sure that some of you realize that we are in some instances over-developing with motels. In fact, Mr. Sullivan, President of

the Hotel Corporation of America, has said that we must look to this area, that it is becoming increasingly apparent that there is a problem afoot. He has spoken nationally on this subject. But this particular bill in the beginning says that we shall not survey what we have, but that we shall survey what we do not have which is much more difficult, with the survey of the general services in all regions of Maine to determine what types of new enterprises would strengthen the recreational regions of Maine. After they have surveyed, they are then to correlate, evaluate and publish the results of this survey annually and make it available to all interested parties but you know as soon as anything is built on this basis, anything that is taken apart you can't add to this file, you have got to take away from it, so it is a new printing. On the other hand, the index that we have, you simply would add. Through proper and selected channels the Department of Economic Development shall advertise all small business opportunities that the survey shows exist. So they must advertise these facilities. In areas where inadequate financing exists, the Department of Economic Development shall arrange necessary financing for those projects which appear to have reasonable chance of success, it doesn't say that they shall necessarily be successful, they shall only reasonably be so. And we have put on this a very innocuous little sum of \$15,000.

Now I took this up with the Department and they readily agreed that \$15,000 wouldn't even — why it just wouldn't do anything was Mr. Allen's comment. And my comment was that then you will go to the Governor and Council and you will say this legislation is on the books and I can't do anything with it and I need some more money, and whether you put the pressure on or not, the pressure will be there by these special interests, and the publicity will be there and both you and the Governor and Council will be in a very embarrassing position. I submit to you that he did not deny this would happen.

There are many others of this same type floating around here. Some of them have price tags on them, large price tags. You have just tabled until tomorrow a bill which has a \$20,000,000 price tag on it, a bond issue. You have many other bond issues. This is specifically aimed at putting this state into such types of business as motels, swimming pools, bowling alleys and such things. Aside from the fact that you are interfering with private business, do you want to pay for this type of business?

I also submit to you that I need a new motel opposite my farm. I have not felt I wanted to go into the business, but under a bill of this type I could, and you could foot the bill. I now will move for the indefinite postponement of this bill and all its accompanying papers. I hope when the vote is taken that it may be taken by division. I leave it to your good judgment as to whether you want this bill and some of the others around here. I shall not attempt to kill them all. I can't. I feel very strongly about this whole situation. I happen to be the Vice-Chairman of the Vacation Travel Council. I have worked in the industry for many years. I have a great deal of interest in promoting it. I will do all I can to promote it, but I don't think this is the way to do it either from a taxpayer's standpoint or the industry's standpoint.

The SPEAKER: The question before the House is the motion of the gentlewoman from Falmouth, Mrs. Smith, that Resolve, Providing for Survey to Determine New Projects for Recreational Areas, Senate Paper 286, Legislative Document 887, be indefinitely postponed, and a division has been requested.

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

A division of the House was had.

One hundred and one having voted in the affirmative and eight having voted in the negative, the Report and Bill were indefinitely

postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the second tabled an unassigned matter:

HOUSE REPORT—Ought Not to Pass—Committee on State Government on Bill "An Act Increasing Salary of Attorney General." (H. P. 904) (L. D. 1238).

Tabled—March 24, by Mr. Rust of York.

Pending—Acceptance of Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: At approximately 11:30 o'clock this morning, I received a note from the gentleman from York, Mr. Rust, in which he announced that he had been taken ill, and requested that on his behalf I make a certain motion. As a courtesy and only as a courtesy to that gentleman, I will comply with his request and move that this item be tabled until Tuesday next.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that in reference to item 2, that it be tabled until Tuesday next pending acceptance of the report.

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

Mr. WHITMAN: I would only wish to debate the time of tabling. I will bring to your attention that this item has been tabled since March 24, or a period of approximately six weeks. I fail to see why it would be necessary to accommodate the gentleman as a courtesy to extend it until another week. Recognizing the necessity for extending a courtesy, I would move that this item be tabled until tomorrow, offering you an alternative motion.

The SPEAKER: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that this bill be tabled until May 9, 1961, pending the acceptance of the report.

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

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

The SPEAKER: The question now before the House is the motion of the gentleman from Woodstock, Mr. Whitman, that this Bill be tabled until tomorrow pending acceptance of the report. Is this the pleasure of the House?

The motion prevailed, the Report and Bill were tabled pending acceptance of the Report and specially assigned for tomorrow.

The Chair laid before the House the third tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on State Government on Bill "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court." (H. P. 538) (L. D. 736)

Tabled — March 24, by Mr. Smith of Bar Harbor.

Pending—acceptance of Report.

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

The Chair laid before the House the Fourth tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on Highways on Bill "An Act Transferring Working Capital Fund of Highway Garage to General Highway Fund." (H. P. 977) (L. D. 1364)

Tabled — April 7, by Mr. Turner of Auburn.

Pending — Acceptance of Report.

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

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

The SPEAKER: Is it the pleasure of the House to accept the Committee "Ought not to pass" Report?

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

Mr. MINSKY: Mr. Speaker, I have stood on my feet a few times this session but not really arisen to do battle since my disharmonious duet in the early part of the session regarding a couple of symphony orchestras. I am quite serious on this matter.

My adversary today is the genial gentleman from Auburn, Mr. Turner, and I suspect I have a very

competent adversary from whom I shall receive gently but well placed scars.

Now the purpose of this bill, and I want no misunderstanding concerning that, the purpose of this bill and the purpose of my attitude towards the Highway Department is a simple one. I simply have a desire to see roads built — to see roads built as economically and as swiftly as this state can afford.

I would like to review just a couple of facts concerning the Highway Department. Many of us are not particularly well informed concerning the Highway Department because it's budget does not come for review to this House in the same fashion in which we review the General Fund. But there is, as of the latest figure that I have, a current highway surplus amounting to \$5,578,507.25. There is in addition to that a highway garage fund surplus, sometimes referred to as reserve, and I would accept either word. This reserve or this surplus fund amounts to slightly in excess of \$1,400,000. Now you will not see this \$1,400,000 in your budget book but you have to search a bit for it. You will find it in the auditor's report, somewhere in those one hundred and twenty odd pages of tables and charts and balance sheets. And you will also find it if you have been a studious legislator in the report of the State Highway Department. But it is not in your budget book.

Now how did this \$1,400,000 get to be accumulated? I think through a very logical and very necessary fashion. The Highway Garage has charged rentals for its equipment. I have no dispute with this. This to me is entirely proper. It is what should be done, it is what is being done, it is what must be done, and I do not wish to change this. But I do ask why do we take this money and put it in a special Highway Garage Surplus Fund? Why can't this fund, like other funds accumulated throughout the state, be in the general highway fund surplus? Now I point out one other item; several months ago, the members of this House, approved a six million dollar bond issue for the Highway Department. Of this ac-

tion, I generally approve, but I do not approve of the idea of the State of Maine borrowing money — which is what bonding is — at the rate of roughly three percent at the same time accumulating a surplus in a separate fund of 1.4 million dollars.

Now this money is being put to use by the Highway fund in buying bonds. And so we have a department that both buys bonds and sells bonds. We have a department that wants to float six million dollars worth of bonds at roughly three percent, and at the same time wants to loan out money at 2.7 percent. This, to me, is not good business.

The money is accumulated for a good purpose, to buy new equipment as needed. But why borrow money at three percent and loan it out at 2.7 percent, this is not good business. It would seem to me that the wiser course would be to use some of this money and instead of borrowing six million dollars immediately and paying three percent on it, perhaps we could borrow five million dollars now, and then borrow the sixth million when we need it. But let's not have it to loan at 2.7 percent, and then borrow it in advance of when we need it at three percent.

Now perhaps you can draw an analogy to the general fund of which I am sure you are much more familiar. We have a surplus, and this surplus has generally been used for capital expenses. We do not have one reserve for capital expenses and one reserve or one surplus for any other purpose. The \$119,000,000 budget, or \$130,000,000 budget as we have, is based upon our expected revenue and one surplus fund. But the Highway Department has two. It has general surplus and it has Highway Garage surplus for capital equipment. But let us remember that what capital equipment, machines and bulldozers are to the Highway Department, so buildings can be to the State Government. I submit that while the Highway Department can certainly afford two such reserve funds, the State Government cannot afford such a luxury.

Now in all fairness to the Highway Department, it is my understanding that it is their present intention with the large surplus that they now have to reduce the present bonded indebtedness of that department by approximately \$2,000,000 this summer. This is a fine idea; of this I approve. This still leaves a general surplus in excess of three and one half million dollars. It means a general surplus in excess of three and one half million dollars while the state budget's general surplus would be basically liquidated by this Legislature. So they shall go on their operations with a reserve retained while we shall perform our functions with a reserve spent. They have an argument why such a reserve must be retained, and to this perhaps there is some justification. They claim and they point to the fact that flood, unusual winter or some other disaster could cause a large expenditure of money. With this, I agree, but I believe the three and one half million dollars, that would be left after they retire two million dollars' worth of bonds could be used for this purpose and should be satisfactory; plus the fact that I fully expect that this reserve will continue to grow after June 30, as it has every other year. And come the winter which they fear, I suspect that reserve may be again close to four million dollars; plus the fact that there is nothing to stop the Highway Department from going to the Governor and Council should such an emergency arise and seek to obtain additional funds as our other departments now do. Again, the Highway Department, I think, is involved in a luxury item that the State in general cannot afford.

Now what is the purpose of this dual system that the Highway Department has? It had been my intention at this time to say that they were going to try to eat their cake and have it to, but Mrs. Smith already used that expression so perhaps I had better use the expression in deference to her, that they wanted to have their potato pie and eat it too.

Now they will attempt to justify this, as they have in committee by pointing to a survey—which says this is wonderful procedure. The fact is, they pointed to three surveys conducted in a period of approximately two years. In fact one of the surveys did little more than approve the work of the previous survey, and so we find ourselves in a situation where we now have surveys whose responsibility it is to survey surveys.

Now the purpose of my bill is a simple one. It is not to eliminate the charging of rentals. It is to put the Highway Department on the same basis that you members here in this House insist that the State Government be on, and that is, one reserve or one surplus. It is splitting it so you can easily find what their reserve is and not find a five and one half million dollar figure in one place and have to go scurrying through other books to find a 1.4 million dollar figure. Now, further, the Department claims that it needs between \$225,000 to \$250,000 each month for operating expenses for the Highway Garage, and that the surplus is used for this reason and they must have approximately two months of reserve or two months' operating expenses in the till at all times. This is five hundred thousand dollars.

They further claim that this bill would wreck their current program, because they have accumulated this money to spend it in 1961. I think in a spirit of compromise, I am willing to concede these two points. They do need approximately two months' expenses to operate. This is five hundred thousand dollars. They further need to buy equipment this year on their program. This will take a considerable amount of money.

I therefore am going to ask that this House substitute the bill for the report, and if this bill receives two readings, tomorrow I will offer an amendment which I think is a fair amendment and will meet the major objections of the Highway Department. My amendment will provide the following: as the bill now provides,

the highway fund is to be eliminated. I would say the highway garage fund should be reduced to the figure of five hundred thousand dollars, the figure that they have set as their needs to operate the garage for two months, one of their primary purposes in maintaining this highway garage reserve fund. Secondly, I will further amend the bill by stating that this reduction to five hundred thousand dollars need not be effective until June 30, 1962. Now they have planned for five years to buy equipment this year. The money that is now there may be used as such. This will not therefore alter or affect the program they have been working towards for five years. But this bill as amended will prevent, I believe, an accumulation of an unreasonable sum of money; it will put the surplus of the Highway Department in its true perspective in its general highway surplus so it can be found easily and be reviewed without scurrying through several books.

I therefore hope that this House will accept my motion to substitute the bill for the report.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Minsky, to substitute the bill for the report.

The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen of the House: It seems that somebody most all the time wants to wreck a department that has really shown advantage to the State of Maine, namely the Highway Department.

Now this Highway Garage account—the money that has been accumulated has been through the rental system they are using, and I say that any time that you can have a man run a department that can show a million, five, six, seven thousand dollars is run and run accurately for your benefit and for my benefit. The statement of the Highway Garage is this: If you go to work and cripple the highways any more than they have, you have already bought seventy-

five—twenty-five support of the State Police. Seventy-five percent will come from highways, twenty-five percent from general fund. That already cripples the highways one million one hundred thousand dollars.

Now my good friend from Bangor wants to use a hatchet act again upon an outfit that is doing a good job for you and I in the State of Maine. The statement as of May 1, — cash encumbrance as of May 1, is \$233,000; investment in United States government short term securities, \$1,200,000 that is earning you money. This money must be on hand — we don't know what is going to happen. This money is set aside for a purpose, to buy new equipment and you have in the Highway Fund \$800,000 in the garage fund alone, salaries have got to be kept there to pay these men and women that work for us.

I tell you that it is a disgrace to ruin the finest organization of any department in our State Government, and that is the Highway Department. I hope Mr. Minsky's bill does not survive.

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

Mr. BEARCE: Mr. Speaker, Members of the House: Sorry to really disagree with our previous speaker, I don't think anyone in this House wants to wreck or hurt our Highway Department, because it is very efficient and very good. I just want to mention that I have been in business quite a few years, and have handled the same proposition. Yes, we've allowed a certain rental value for all the trucks, not as many as the state, but we have thirty or forty trucks — forty or fifty trucks, bulldozers, and what have you; we had that in a special account, but the dollars and cents were in the bank in one spot. I don't think it makes a great deal of difference and I don't really understand why from a business standpoint, why that million and four hundred thousand dollars is in a special account and purchased bonds with it in the same department — it's a mystery to me — it may be all right, but it's a mystery to me —

and I have been in business a hell of a long while.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I wish to point out that some of the investments that the State Highway has—the investment they have, they call a short term investment, it is; however some of them, I think I have been told over there, do extend up to the period of nine months. We who have been looking at this, as you have already heard, do not have any bone to pick with the rentals. In fact, I personally think that perhaps they could be reviewed by the Department and increased. I wholeheartedly concur with the delivery that Mr. Minsky from Bangor, has given us, I would like to see it all in one book and one account.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: It seems that on the long drawn symphony bill, I was playing second fiddle, but on this particular bill, I don't think Mr. Minsky is just blowing a woodwind. I am inclined to believe that he and I are again in tune or at least playing the same tune. That I too am concerned about the issuance of bonds, for a program that already has surpluses in it — when we might be using that money elsewhere in the State. I concur with the gentleman from Bangor, Mr. Minsky, in substituting the bill for the report.

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

Mr. PHILBRICK: Mr. Speaker, Ladies and Gentlemen of the House: What we are concerned with today is a question of working capital and not a question of surplus. The total valuation of the equipment in the Highway Garage account approximates \$7,000,000. The average life of this heavy road working equipment is seven years, which means that each year you have a turnover of approximately one seventh of the equipment or ap-

proximately one million dollars. For that reason it is necessary to have this working capital—and again I remind you, not a surplus—on hand to replace this equipment which doesn't necessarily come under regular orderly schedules of two months for X amount of equipment and two months more for X plus three equipment etc.

Now as for investing this working capital in bonds, that's not exactly the correct terminology. They have working capital, yes, but would you have them put that in a checking account and earn nothing? Would you have them put it into a savings account, and have to wait six months before they collect two per cent? It is just sound good business practice to invest it in short term government notes. —thirty day notes, ninety day notes, that sort of thing.

Now supposing you do take this money away from this working capital fund — and I stress that word — and supposing you do put it into their general highway fund and surplus, what then have you accomplished? There's no more money in the Highway Department, there's no less money in the Highway Department. Personally I fail to see the purpose behind the bill which has been introduced by my fellow colleague from Bangor, Mr. Minsky, and for that reason, I trust and hope that this House will not go along with his motion.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, I think this department is showing pretty good sound judgment in their business methods. In regards to the garage account, this method was — this method of knowing where your money is coming from when you want new equipment — when your new equipment is needed, it had been approved by three different governors and three different auditing companies — Ernst and Ernst approved this setup, and the — I wonder if you people know how this Highway Garage account happened to come about. Years ago when they wanted money to buy equipment, they didn't know — they

had to go to the Governor and Council or out to — and they didn't have the money there to do business with, and they were in a mix-up all the time.

And I asked — after our hearing, I asked Mr. Stevens how he handled the situation, and he prepared a note here for us, “. . . in discussing the Highway transfer fund one or two individuals stated that they had found some thought on the part of two or three Legislators that the rather large amount of money that will be expended for replacement equipment should be approved by the Legislature. This, of course, would seem to be quite undesirable in view of the fact that we have a replacement schedule for the heavy equipment which makes the replacement of this equipment almost automatic and there certainly would be no way that anyone could forecast the cost of equipment two or two and one-half years in advance which would be necessary if we should be seeking legislative approval for such replacements.

“To me it is quite significant that the State Highway Commission does not actually purchase the equipment, but rather files requisitions with the state purchasing agent who, in turn, solicits bids and all heavy equipment for the past seven years and in the future has been and will be purchased on a competitive bid basis. The state auditor, of course, checks very carefully all transactions including the purchase of equipment at the garage. He checks the amount of depreciation set up in our reserves for replacements, the amount of equipment in the inventory and questions any excessive depreciation rates which, in his mind, should be questioned in his Audit Report. It seems to me that these should be ample safeguards for the expenditure of the Highway Garage . . .”

Of course this business is wholly an administrative function and I can't see here how you are going to handle it any different if you are going to really do business and function right. In calling that a matter of surplus — it is a reserve and working capital, of course it is wholly up to you ladies and

gentlemen what you want to do with it.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The highway fund is dedicated, the general fund is undedicated. It is to be remembered that in agreement with the gentleman from Auburn, Mr. Turner, that it is not a surplus, it is a reserve — it is a working capital reserve and it is to be remembered that in the general fund a few years ago, we set up a working capital reserve, I believe two million dollars, and it's worked out fairly well. Besides that working capital reserve that we have set up, we enjoy lapsable money which gives us a surplus and also unexpended money that we find here and there, but insofar as this account is concerned, it is my understanding that it is a reserve and I also know that we do have a working capital reserve in our general fund.

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly I would like to reiterate one fact. I am in no way trying to take any funds away from the Highway Department. It is purely an administrative and accounting change that I am seeking. I have wholehearted approval—or give my wholehearted approval to the system of charging rentals. This will still be charged. I was interested in the statement of Mr. Stevens that was read to the House by Mr. Turner. I only wished he had named the other two surveying companies, because their names have slipped me at the moment. I also would like to point out that Mr. Stevens inevitably has indicated that he could not forecast two and one half years in advance. If so, I would question how he prepared for me a forecast for more than two and one half years, and how he started accumulating this fund four years ago in anticipation of 1961 purchases. Again, this is a final word, let me reiterate, we

are not taking any money away from the Highway Department, we do not have the authority, and I do not wish that change.

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

Mr. PHILBRICK: Mr. Speaker, I move for indefinite postponement of the Bill and when the vote is taken, I ask for a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Philbrick, that the Report and Bill, "An Act Transferring Working Capital Fund of Highway Garage to General Highway Fund," House Paper 977, Legislative Document 1364, be indefinitely postponed, and a division has been requested.

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

A division of the House was had. Sixty-two having voted in the affirmative and fifty-five having voted in the negative, the motion prevailed.

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

The Chair laid before the House the fifth tabled and unassigned matter:

HOUSE REPORT—Ought to Pass with Committee Amendment "A" —(Filing H-167)—Committee on Legal Affairs on Bill "An Act relating to Exits in Buildings." (H. P. 1006) (L. D. 1407)

Tabled—April 7, by Mr. Hinds of South Portland.

Pending—Acceptance of Report.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: This is the only bill that I have tabled for myself during this session, and it is not because I have any argument with the bill at all, it was because of an amendment—a committee amendment that was attached to the bill. And I have a bill across the hall that is tabled over there that would make this

amendment completely different—well I'll explain so you will all know what it is—I don't know if you have it, it is filing number H-167, and it reads as follows:

"...any building housing a nursing home or home for the aged having no more than three paid occupants shall be equipped with an activated fire alarm system. . ." But what changes—I have a bill in that would change that number of three, so I don't know if you people want to pass this and leave loop holes in the other legislation or not, but I would request that this item be tabled until May 11.

The SPEAKER: In reference to item five, L. D. 1407, the gentleman from South Portland, Mr. Hinds, moves that this be tabled until May 11, pending acceptance of the report. Is this the pleasure of the House?

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

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

Sixty-seven having voted in the affirmative and thirty-seven having voted in the negative, the motion prevailed.

Thereupon, the Report and Bill were tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 11.

The Chair laid before the House the sixth tabled and unassigned matter:

Resolve, Reimbursing Bay Ferry Corporation for Loss of Its Business. (H. P. 579) (L. D. 799) —(Amendment Filing H-165) In House Read the Second Time.

Tabled — April 11, by Mr. Knight of Rockland.

Pending — Passage to be Engrossed.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I tabled this item in order to check into it and I have done so with Mr. Hughes, and the questions that I have — as I say Mr. Hughes is the House chairman of the Claims Committee, and this concerns Long Island Plantation and loss of service and loss of business and also apparently there

is a moral consideration to be taken as we look at this. Now I think Mr. Hughes can explain this better but I have no objections to this and would move its passage.

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

Mr. HUGHES: Mr. Speaker, perhaps a more brief explanation is required on this resolve. The Sea Wind was in effect put out of business because of the State putting into operation the William Silsby ferry, which we considered was in direct competition to private enterprise. We do have a letter from the Attorney General's Department; we posed some questions to that department and for the record I would like to read the reply from that department so that it will be on record. Honorable L. Robert Porteous, Jr. Chairman, Legislative Claims Committee
State House
Augusta, Maine

Dear Senator Porteous:

We have your request for an opinion as to the propriety of the Legislature's authorizing payment of a sum of money based upon the claim presented in H. P. 579, L. D. 799.

It is alleged by the claimant, Bay Ferry Service, that the inauguration of ferry service by the Maine Port Authority has put the Bay Ferry Service "out of business" and compensation is claimed for the consequent damage.

It is our opinion that the legislature may properly appropriate a sum of money for the purpose above mentioned if, in the opinion of the legislature, the State owes a "moral obligation" to the claimant.

A question of this nature — loss of business — was considered by our Supreme Judicial Court in an advisory opinion to the House of Representatives dated February 28, 1961. (See House Advance Journal and Calendar, Wednesday, March 1, 1961.)

The court recognized that "elements of damage for interrupted or loss of business in condemnation proceedings is not legally compensable in the absence of

statutory authorization." House Advance Journal and Calendar, supra, page 6.

However, in the following words the court stated the rules pertaining to those cases where the Legislature may find facts from which it could conclude that "moral obligation" was owed by the State to the claimant:

"The determination of the underlying facts is exclusively for the Legislature and its wisdom and judgment in making such findings are not to be questioned. Whether the facts found warrant the conclusion that a 'moral obligation' exists is always subject to judicial review. Such terms as 'moral obligation' and obligation 'founded on justice and equity' are flexible. They serve to formulate the problem rather than to provide the formula by which the problem may be solved. No yardstick has ever been devised which can be mechanically applied. Nonetheless, in every case there must exist an obligation which would be recognized, at least, by men with a keen sense of honor and with real desire to act fairly and equitably without compulsion of law. The Constitution does not prohibit the Legislature from doing in behalf of the state what a fine sense of justice and equity would dictate to an honorable individual. It does prohibit the Legislature from doing in behalf of the state what only a sense of gratitude or charity might impel a generous individual to do."

The court further indicated that the Legislature could not, under the guise of discharging a "moral obligation," grant additional compensation to one where the law provides an adequate remedy available to all claimants similarly circumstanced, and provides the nature and limits of damages recoverable therefor.

The unique circumstances of the case pertaining to the Bay Ferry Service, where it is alleged that it has been put out of business by the entrance of the State into the ferry service business, distinguishes it from the case of a business that is ordinary in the sense that there are a great number

of other kinds of business similarly circumstanced. For this reason we are of the opinion that the legislature could, in exercising its wisdom and judgment, pay a sum of money to the instant claimant, if the legislature determines that the facts surrounding the circumstances are such that the State owes a moral obligation to the claimant.

Very truly yours,
James Glynn Frost
Deputy Attorney General

I will further state that the resolve has been amended down to approximately fifty cents on the dollar of what was considered the actual loss.

The SPEAKER: The question before the House is on the passage to be engrossed of the Resolve Reimbursing Bay Ferry Corporation for Loss of Its Business. This Bill, having had its two several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, is it now the pleasure of the House that this Resolve be passed to be engrossed?

All those in favor say aye; those opposed, no.

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

Thirty-seven having voted in the affirmative and fifty-seven having voted in the negative, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the seventh tabled and unassigned matter:

HOUSE DIVIDED REPORT—Report "A" Ought to Pass — Report "B" Ought Not to Pass—Committee on Labor on Bill "An Act relating to Compensation for Injuries Under Workmen's Compensation Law." (H. P. 937) (L. D. 1285)

Tabled—April 14, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Hardy of Hope to Indefinitely Postpone Bill and Both Reports.

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

Mr. JALBERT: Mr. Speaker, this is the only bill that I tabled all through the session and I tabled it for someone else. The gentleman from Houlton, Mr. Berman, is vitally interested in this bill. He has been unavoidably detained and didn't know this was coming up this afternoon; as I say, it was a favor to him and out of courtesy to him I ask that the House retable this until tomorrow.

Thereupon, the Reports and Bill were tabled pending the motion of the gentleman from Hope, Mr. Hardy, to indefinitely postpone, and specially assigned for tomorrow.

The Chair laid before the House the eighth tabled and unassigned matter:

HOUSE REPORT—Ought Not to Pass—Covered by Other Legislation—Committee on Judiciary on Bill "An Act relating to Transportation of School Children to Private Schools." (H. P. 114) (L. D. 154)

Tabled—April 14, by Mr. Lane of Waterville.

Pending—Acceptance of Report.

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

Mr. LANE: Mr. Speaker and Members of the House: We all know that the report of this bill, the report says that is covered by other legislation, and will know if this bill—the other bill is still pending—and we will know the disposition of the other bill in a few days, and I would like to table this bill until Wednesday next.

The SPEAKER: The gentleman from Waterville, Mr. Lane, moves that this item be tabled until next Wednesday pending acceptance of the Report. Is this the pleasure of the House?

All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion to table prevailed.

The Chair laid before the House the ninth tabled and unassigned matter:

Bill "An Act relating to Costs and Fees in Civil Cases in Municipal and Trial Justice Courts." (H. P. 141) (L. D. 204) — In House Read the Third Time.

Tabled — April 18, by Mr. Briggs of Portland.

Pending — Passage to be En-grossed.

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

Mr. KELLAM: Mr. Speaker and Members of the House: My study of this bill indicates that in order to sue a debtor in the municipal court for something like twenty dollars, the cost in some respects at least would exceed the suit cost of the superior court suit. And furthermore, I can see no reason why we should increase the hardship any more on anyone when the ad damnum is twenty dollars or less. The present court costs run twelve to fifteen dollars. Why should we try to make it any more difficult for them? If a man can't pay twenty dollars, he certainly can't pay any more, and therefore I make a motion that we indefinitely postpone this bill and all the accompanying papers.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Kellam, in reference to L. D. 204, that it be indefinitely postponed.

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

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

The Chair laid before the House the tenth tabled and unassigned matter:

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

Tabled — April 18, by Mr. Haughn of Bridgton.

Pending — Passage to be En-grossed.

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

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief with this bill. This was heard by Towns and Counties Committee, reported out unanimously "ought not to pass," and my good colleague and friend from Old Orchard Beach, Mr. Plante, of course objects to this bill, and to

a certain proportion I can see justly why, because there is an amendment needed to this bill. The Secretary of State has called my attention since the report came out, that he was concerned, that it might include special and private hearings held by either the Public Utilities Commission, which occasionally uses the Court House, the Liquor Commission, Highway Commission, or the Secretary of State for special and private hearings possibly once or twice occasionally.

Therefore, I will offer this amendment. But I briefly want to state to the House what the bill actually means. It is not the intent nor the desire of the County Commissioners of Cumberland County, and I don't believe any county in the State, to collect rents for those occasional visits of necessity by these several commissions. But it is the desire and the intent of the commissioners of those counties which are concerned with state departments occupying Portland headquarters in the county buildings. We will use Cumberland County for an example, just to show actually what is happening. Your Department of Mental Health and Corrections and the Probation Department maintains permanent headquarters in Cumberland County court house. Now if they had to go out and seek and secure private places for these, they would definitely have to pay rent to private operators or private owners. There is no reason to believe that if they are using county buildings they shouldn't do likewise.

Because this county building in Cumberland does supply the heat, janitor service, pays cost of light and repairs and upkeep for the offices for them, they do need the space for themselves for their own operation of county government. And because of the convenience to the Probation Department, it has been very convenient for them to have all facilities available and ready and handy by means of the court house available, the county jail and everything in conjunction and working with the Probation Department right at their footsteps, whereby they have to go out and get private buildings they

would not enjoy these privileges, and the rent would be much higher than is being sought by the county.

Now your committee has heard this at a public hearing. Mr. Jack Shea, who is head of your State Probation Department, was the sponsor — not a sponsor but an advocate of the passage of this bill. Because he says that there are places where he does now have to pay rent to private ownership and does not enjoy the privileges and the services now rendered by Cumberland County. And I believe there are only two or three counties in the State which come under this. So if the gentleman from Old Orchard Beach, who was so definitely opposed to this bill, feels that his county should not now come under it, all he would have to do is to add an amendment to take him out of the bill. This only applies to those counties who are concerned with this problem. And I think it is only fair and just to any county that they are sacrificing county government space for purposes of courtesy to a state department, they should pay rent the same as they should in private operation.

I know my colleague from Old Orchard Beach will probably have some explanation to the House and I am willing to sit down and listen to it, and until such time as he does then I would ask the privilege and courtesy of the House to table this bill once more for one day in order to prepare the proper amendment which will be necessary to meet the requirements of the Secretary of State in his occasional hearing rooms, which is not the desire of Cumberland County and I don't think of any other county to collect rent for.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not concerned just in case my county would wish to charge the state rent. I am concerned with the entire principle involved.

Essentially the Division of Probation and Parole supporting this bill was, I feel, motivated by a spirit of self-defense. As the gentleman

from Bridgton, Mr. Haughn indicated the Division of Probation and Parole could conceivably be asked to vacate offices they now occupy. This in my opinion, is county black-mail, and I am sure that this House doesn't have to take it.

Now if you will read the bill, L. D. 1520, you will find it will take more than one amendment to make it palatable, it will take about a hundred of them. In addition, this bill would not make it possible for the Division of Probation and Parole to lease or rent quarters from a private individual should it appear to be in the best interests of the state. Also, you will find in this bill that the county may charge for rooms and waiting rooms and record rooms and office space and court rooms in connection with any district court system. This part of the bill isn't necessary at all, for if any of you were to read any of the district court bills you would find that both documents provide that a general fund be established for maintenance of the courts and renovation of the courts and mind you, that the surplus from such revenue from such courts would go back to the county, so in case of the district courts no rent would be needed under L. D. 1520. This is the part I don't like, it calls for reasonable rent to the county for the space used as determined, now listen carefully, as determined by agreement between the county commissioners and the heads of the state department using the space. I respect the department heads and I respect some county commissioners. However, I think that your Appropriations Committee should have an idea of how much these things will cost before the two parties determine what the rent should be.

In addition, this was considered during the 99th session of the Legislature, and I might add here also considered by the Governor prior to his preparation of part II of our supplemental budget this year, and he felt that it wasn't necessary. The same reasonable figure \$6,060 was omitted last session of the Legislature in the supplemental budget, and it has been eliminated in this supplemental recommendation by the Governor. If he felt it was

that important, I am sure he would have left it in. I am sure I don't feel that the bill is important and I don't like to be blackmailed by any county. Therefore, I move that the bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the Bill be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: At the outset I would like to say to my knowledge the Governor has never been conversed with or talked with on this particular bill to ask to be put in the budget of any nature, and I resent the front office being brought into a picture where I doubt if he even had the full knowledge on the operation of the contents of this bill. That to me is using somebody as a wedge.

This particular bill as I stated, has been heard by your Committee on Towns and Counties and I believe there is an amendment, I may ask through the Chairman of that Committee a question whether or not we did not set a specified sum. I have forgotten now because it has been so long ago this bill has been heard. But as far as the district court goes, if we do not have a bill there is no rental paid there. Now it has been inferred there would be a charge for the courtroom. There would be if they have to use the court the same as any other place they have to pay. The county now pays for the courtrooms all over the counties in his county and mine, and it should be no different in the future when the courtroom is so established, because it is established for a service to the people. And I'll assure you this if Cumberland County has to pay state bills for state use for Cumberland County properties, there is nothing to prevent them to say tomorrow, move and find headquarters for yourself and pay a large and greater rent, and with less services and possibilities they need so close to their hand that is available to them in the county courthouse. And would that be the case, that he desires

to kill a bill of that nature and force upon the county expenditures which is not under their control and have no control over spending then I don't think it is good legislation. I certainly hope that you will uphold the report of the committee which was unanimous and reject his motion and accept and pass the bill which has gone through up to the engrossing stage now. When the vote is taken, I do request a division.

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

Mr. BERRY: Mr. Speaker, I think that we have involved here a principle which hasn't been mentioned. Those offices of the state which are in county buildings certainly do support and serve the county involved. And it would only seem fair that the county involved contribute certainly the office space for its own use. There is another principle involved here, and that is that we are in essence increasing the expenses to the state for the services performed that have got to come from the state level; and we are increasing the revenue at the county level. And to my mind this is a rather broad principle. I heartily support the motion of the gentleman from Old Orchard Beach.

The SPEAKER: Is the House ready for the question? The question before the House is on item ten, Bill 'An Act relating to Rental of Space in County Buildings by State Department.' House Paper 1104, Legislative Document 1520, and the question is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the Bill be indefinitely postponed.

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

A division of the House was had.

Seventy-four having voted in the affirmative and thirty-one having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair would like to inform the members of the Republican party that there will not be a caucus in this House.

tonight. There will not be a caucus in the House tonight.

The Chair would also like to advise the entire membership that there may be a session tomorrow afternoon, if our work load warrants it.

The Chair would also like to announce that the entire Oxford

County delegation will meet in Room 120B immediately following adjournment.

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.