

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Thursday, May 4, 1961

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

Prayer by the Rev. Mr. Andrew F. Cone of Gardiner.

The journal of yesterday was read and approved.

### Papers from the Senate Senate Reports of Committees Ought Not to Pass Covered by Other Legislation

Report of the Committee on Legal Affairs on Bill "An Act relating to Business and Recreation on Sunday" (S. P. 142) (L. D. 325) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

### Ought to Pass with Committee Amendment

Report of the Committee on Natural Resources on Resolve Providing for Publication of Information on the Public Lots by Forestry Department (S. P. 491) (L. D. 1486) which was recommended, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 491, L. D. 1486, Resolve Providing for Publication of Information on the Public Lots by Forestry Department.

Amend said Resolve by striking out the word "Unorganized" in the 9th line and inserting in place thereof the word "Organized"

Further amend said Resolve by striking out all of the last line and inserting in place thereof the following:

'Statutes, chapter 36, section 54; and be it further

**Resolved:** That said appropriation shall not lapse but shall remain a continuing carrying account until June 30, 1963.'

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

### Non-Concurrent Matter

Bill "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled" (H. P. 501) (L. D. 700) on which the House accepted the "Ought not to pass" Report of the Committee on Judiciary on April 19.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto, and Senate Amendment "B", in non-concurrence.

In the House: The House voted to recede and concur with the Senate in substituting the Bill for the Report.

The Bill was then given its two several readings.

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

SENATE AMENDMENT "A" to H. P. 501, L. D. 700, Bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled."

Amend said Bill in section 1 by striking out in the 11th line the underlined words: "or acquired by him afterwards" and by striking out in the 12th line the underlined words: "and deeds recorded subsequent thereto"

Further amend said Bill in section 1 by inserting before the single quotation mark at the end the following underlined sentence: "Nothing in this section shall affect the existing priority of mechanics' and materialmen's liens and municipal tax liens."

Further amend said Bill in section 2 by striking out in the 11th line the underlined words: "or acquired by him afterwards" and by striking out in the 12th line the underlined words: "and deeds recorded subsequent thereto"

Further amend said Bill in section 2 by inserting before the single

quotation mark at the end the following underlined sentence: **'Nothing in this section shall affect the existing priority of mechanics' and materialmen's liens and municipal tax liens.'**

Further amend said Bill in section 3 by striking out in the 11th line the underlined words: **"or acquired by him afterwards"** and by striking out in the 12th line the underlined words: **"and deeds recorded subsequent thereto"**

Further amend said Bill in section 3 by inserting before the single quotation mark at the end the following underlined sentence: **'Nothing in this section shall affect the existing priority of mechanics' and materialmen's liens and municipal tax liens.'**

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

SENATE AMENDMENT "A" to SENATE AMENDMENT "A" to H. P. 501, L. D. 700, Bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled."

Amend said Amendment by striking out in the 2nd, 3rd and 4th lines the following: **'and by striking out in the 12th line the underlined words: "and deeds recorded subsequent thereto"'**

Further amend said Amendment by striking out in the 11th and 12th lines the following: **'and by striking out in the 12th line the underlined words: "and deeds recorded subsequent thereto"'**

Further amend said Amendment by striking out in the 8th, 9th and 10th lines from the end the following: **'and by striking out in the 12th line the underlined words: "and deeds recorded subsequent thereto"'**

Senate Amendment "A" to Senate Amendment "A" was adopted in concurrence.

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

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

SENATE AMENDMENT "B" to H. P. 501, L. D. 700, Bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age

Assistance, Aid to the Blind and Aid to the Disabled."

Amend said Bill in "Sec. 294-A." of Section 1 by adding at the end, before the single quotation mark, the following underlined sentence: **'Said lien as herein provided, however, upon the death of the beneficiary shall not have priority over such last expenses and expenses of administration as are approved by the probate court.'**

Further amend said Bill in "Sec. 312-A." of section 2 by adding at the end, before the single quotation mark, the following underlined sentence: **'Said lien as herein provided, however, upon the death of the beneficiary shall not have priority over such last expenses and expenses of administration as are approved by the probate court.'**

Further amend said Bill in "Sec. 319-P-1." of section 3 by adding at the end, before the single quotation mark, the following underlined sentence: **'Said lien as herein provided, however, upon the death of the beneficiary shall not have priority over such last expenses and expenses of administration as are approved by the probate court.'**

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

### Orders

On motion of Mr. Hutchins of Kingfield, it was

ORDERED, that Rev. Charles Reid of the United Brethren Church of Kingfield be invited to officiate as Chaplain of the House on Wednesday, May 10, 1961.

### House Reports of Committees Ought Not to Pass

Mr. Davis from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Funds for Purchase of Copies of "A Picture History of Maine" (H. P. 650) (L. D. 928)

Mr. Drake from same Committee reported same on Resolve Appropriating Funds for Certain Construction at Augusta State Airport (H. P. 292) (L. D. 444)

Same gentleman from same Committee reported same on Resolve Appropriating Funds for Regional

Airport to Service Augusta, Waterville and Surrounding Areas (H. P. 568) (L. D. 788)

Reports were read and accepted and sent up for concurrence.

#### **Tabled and Assigned**

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Funds for Publication of Civil War History in Maine (H. P. 569) (L. D. 819)

Report was read.

(On motion of Mr. Dennison of East Machias, tabled pending acceptance of Committee Report and specially assigned for Wednesday, May 10.)

Mrs. Smith from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve to Purchase Copies of "History of City of Brewer, Maine" (H. P. 290) (L. D. 442)

Mr. Haughn from the Committee on Public Utilities reported same on Bill "An Act relating to Transportation to Islands in Casco Bay" (H. P. 59) (L. D. 100)

Reports were read and accepted and sent up for concurrence.

#### **Tabled and Assigned**

Mr. Westerfield from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Maintenance and Use of Landings on Islands of Casco Bay" (H. P. 621) (L. D. 838)

Report was read.

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: This bill was introduced in behalf of the residents of the Islands of Casco Bay, particularly because there was an appropriation being asked for public funds to maintain these docks. That bill has not been reported out by the Appropriations Committee yet. These people feel that if public funds were appropriated, then there should be some use of public facilities by the residents in that area. Therefore I would like to table this bill until next Wednesday.

Thereupon, the Bill was tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 10.

#### **Ought to Pass in New Draft New Drafts Printed Tabled and Assigned**

Mr. Brown from the Committee on Natural Resources on Bill "An Act Classifying Certain Surface Waters in Kennebec River Basin" (H. P. 1016) (L. D. 1417) reported same in a new draft (H. P. 1151) (L. D. 1585) under same title and that it "Ought to pass"

Report was read.

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

Mr. WADE: Mr. Speaker and Ladies and Gentlemen of the House: In reading the new draft, I am confused considerably. The first paragraph, the statement is that the "Kennebec River, main stem, from latitude" and so forth "in the Towns of Anson and Madison to the head of the island immediately below Great Eddy."

Now my understanding is that the Great Eddy is in the town of Skowhegan and until I can get a little further information I would request permission to table this bill until Tuesday next.

Thereupon, the Bill was tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 16.

Mr. Maxwell from the Committee on Taxation on Bill "An Act relating to Inventory of Tax Exempt Property by Assessors" (H. P. 1037) (L. D. 1438) reported same in a new draft (H. P. 1152) (L. D. 1586) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

#### **Ought to Pass with Committee Amendment**

Mr. Kimball from the Committee on State Government on Bill "An Act relating to Preservation of Essential Records Against Destruction in Event of a Disaster" (H. P. 989) (L. D. 1376) 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. 989, L. D. 1376, Bill, "An Act relating to Preservation of Essential Records Against Destruction in Event of a Disaster."

Amend said Bill in that part designated "**Sec. 44.**" by striking out in the 2nd sentence the underlined words "**and shall advise and assist in the establishment of programs for the selection and preservation of essential local records.**"

Further amend said Bill in that part designated "**Sec. 52.**" by striking out in the first sentence the underlined words and punctuation "**, with the advice and assistance of the board,**".

Further amend said Bill in that part designated "**Sec. 52.**" by striking out the last underlined sentence.

Further amend said Bill in that part designated "**Sec. 52.**" by adding a last underlined sentence thereto as follows:

**'Preservation shall be in accordance with section 48.'**

Further amend said Bill by adding a new section 2, to read as follows:

**"Sec. 2. R. S., c. 90-A, Sec. 57-A, sub-Sec. IV, amended.** Subsection IV of section 57-A of chapter 90-A of the Revised Statutes, as enacted by chapter 228 of the public laws of 1959, is amended to read as follows:

**'IV. Microfilming.** Records disposed of by microfilming shall be accomplished by the production of 2 positive films, one to be retained by the municipality in a fireproof container and properly labeled to show the contents, the other to be certified to the county for permanent storage, **and the negative film to be certified to the Records Preservation Board for storage.** Records that have been microfilmed may be retained, destroyed or otherwise disposed of as the municipal officers shall determine.'"

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

### **Passed to Be Engrossed Third Reader Amended**

Bill "An Act to Revise Laws Relating to Department of Mental Health and Corrections" (S. P. 282) (L. D. 883)

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

Thereupon, Mr. Knight of Rockland offered House Amendment "A" and moved its adoption.

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

**HOUSE 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 striking out in the 10th line of "**Sec. 25**" the word "arrest" and inserting in place thereof the following: '**arrest commitment, including proceedings under section 175,**'

Further amend said Bill by deleting all of section 31.

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

Mr. KNIGHT: Mr. Speaker and Members of the House: L. D. 883 in section 31 would allow the feeble-minded to contract marriage. This is not the intent of the department when the bill was presented, and the department asked the Judiciary Committee to correct this error. The committee amendment did this, but the amendment was killed in the other body. All that this amendment does is correct the error that was made and it also makes a change in the language substituting commitment for arrest. I hope that the amendment is adopted.

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

Bill "An Act Removing Hurricane Island from Territorial Limits of Town of Vinalhaven" (H. P. 410) (L. D. 585)

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

**Tabled and Assigned**

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

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

(On motion of Mr. Kennedy of Milbridge, on a viva voce vote the Bill was tabled pending passage to be engrossed and specially assigned for Tuesday, May 9.)

Bill "An Act Regulating the Taking of Alewives in East Machias" (H. P. 1130) (L. D. 1557)

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

**Tabled and Assigned**

Bill "An Act Revising the Laws Relating to Auctioneers" (H. P. 1147) (L. D. 1579)

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

(On motion of Mr. Waterman of Auburn, tabled pending passage to be engrossed and specially assigned for Wednesday, May 10.)

Bill "An Act relating to Recording of Conditional Sales" (H. P. 1148) (L. D. 1580)

Bill "An Act relating to Place for Recording Certain Chattel Mortgages" (H. P. 1149) (L. D. 1581)

Resolve Appropriating Moneys to Match Federal Funds Provided Under Title X of the National Defense Education Act (H. P. 724) (L. D. 1012)

Resolve in favor of Walter Lanoue of Limerick (H. P. 1134) (L. D. 1565)

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

**Amended Bills**

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)

Resolve Appropriating Funds for Advisory Committee on Education (H. P. 227) (L. D. 341)

Resolve in favor of School Administrative District No. 14, Danforth-Weston, for School Construction Aid (H. P. 573) (L. D. 793)

Were reported by the Committee on Bills in the Third Reading, Bill read the third time, Resolves 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 Compensation of Medical Examiners for View Without Autopsy" (H. P. 162) (L. D. 225)

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

**Amended Third Reader  
Amended****Tabled Until Later in the Day**

Bill "An Act Including Piers and Terminals in Maine Industrial Building Authority Act" (S. P. 418) (L. D. 1357)

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

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, in reference to item fourteen, an error has been discovered in the Senate Amendment, a typographical error in reference to a statute. Therefore, I move at this time that the House reconsider its action of yesterday whereby it adopted Senate Amendment "A" for the purpose of offering an amendment to correct this error.

Thereupon, the House reconsidered its action of yesterday whereby it adopted Senate Amendment "A," for the purpose of introducing an amendment.

Mr. Smith of Bar Harbor then offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

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

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

Maine Industrial Building Authority Act."

A m e n d said Amendment by striking out, in the last line, the underlined words "**private and special laws**" and inserting in place thereof the underlined word '**resolves**'

House Amendment "A" to Senate Amendment "A" was adopted.

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

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

Mr. HARDY: Mr. Speaker, yesterday I had House Amendment "A" and today I had to have it redone. Some of the language is offensive to certain parties. I request that this be tabled until later in the day until printed.

The SPEAKER: In reference to Legislative Document 1357, the gentleman from Hope, Mr. Hardy, moves that this be tabled until later in the day, pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Bill "An Act Governing Hospitalization of the Mentally Ill" (S. P. 497) (L. D. 1496)

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

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

SENATE AMENDMENT "A" to S. P. 497, L. D. 1496, Bill, "An Act Governing Hospitalization of the Mentally Ill."

Amend said Bill, in section 1, by striking out in the 3rd and 4th lines of the last paragraph of that part designated "**Sec. 173**" the underlined words "**judge of any court of record**" and inserting in place thereof the underlined words '**municipal court judge**'

Further amend said Bill in section 1, by striking out in the 6th line of the first paragraph of that part designated "**Sec. 175**" the underlined words "**or where he may be found**"; and by striking out in the 3rd paragraph the last underlined sentence which reads "**Said physician shall be compensated as authorized by the court and paid by the department.**"; and by in-

serting after the 2nd underlined sentence of the 6th paragraph, the following underlined sentence: '**The court may order a public hearing upon the request of the patient or any member of his family.**'; and by striking out all of the last underlined sentence of the 6th paragraph and inserting in place thereof the following underlined sentence: '**An opportunity to be represented by counsel shall be afforded to every proposed patient, and if neither he nor others provide counsel, the court shall appoint counsel.**'; and by striking out all of the last underlined sentence of the 9th paragraph which reads "**Said commissioner shall be compensated as authorized by the court and paid by the department.**"

Further amend said Bill, in section 1, by striking out in the 2nd line of that part designated "**Sec. 179**" the underlined figure "**176**" and inserting in place thereof the underlined figure '**175**'; and by inserting after the underlined word and punctuation "**shall,**" in the 3rd line the underlined words and punctuation '**on request,**'

Further amend said Bill, in section 1, by striking out in the 5th line of that part designated "**Sec. 182**" the underlined words "**parents and spouse**" and inserting in place thereof the underlined words '**parents or spouse**'; and by striking out in the 16th line the underlined words "**spouse and parents**" and inserting in place thereof the underlined words '**spouse or parents**'

Further amend said Bill, in section 1, by striking out in the 3rd and 4th lines of that part designated "**Sec. 183**" the underlined word "**involuntary**"; and by striking out in the 4th line the underlined word "**immediately**"

Further amend said Bill, in section 1, by striking out the underlined word "**or**" in the headnote of that part designated "**Sec. 186**" and inserting in place thereof the underlined word '**for**'

Further amend said Bill, in section 1, by striking out in the 3rd line of that part designated "**Sec. 190**" the underlined word "**court**" and inserting in place thereof the underlined word '**justice**'; and by striking out the underlined words "**he is detained**" in the 4th line



and inserting in place thereof the underlined words 'such individual is detained'

Further amend said Bill, in section 1, by striking out all of the next to the last paragraph of that part designated "Sec. 191" and inserting in place thereof the following underlined paragraph:

**'Nothing in this section shall preclude disclosure, upon proper inquiry, of information as to his current medical condition to any members of the family of a patient or to his relatives or friends, nor the disclosure of any information concerning the patient to other hospitals, accredited social agencies or for purposes of research; nor shall this section affect the public-record status of the court docket, so called.'**

Further amend said Bill, in section 1, by striking out in the 4th and 5th lines of that part designated "Sec. 192" the underlined words "Superior Court or a judge thereof" and inserting in place thereof the words 'probate court'; and by inserting after the underlined word "safety" in the 7th line the underlined punctuation and words ', or upon writ of habeas corpus under section 190'

Further amend said Bill by striking out all of section 10 and inserting in place thereof the following:

**'Sec. 10. R. S., c. 27, Sections 131, 132, 133, 134, 139, 140, 141 and 142, repealed. Sections 131, 132, 133, 134, 139, 140, 141 and 142 of chapter 27 of the Revised Statutes are repealed.'**

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

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

#### **Passed to Be Enacted Emergency Measure**

An Act relating to Taking of Alewives in Waters Leading to Winnegance Lake (H. P. 1129) (L. D. 1556)

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.

#### **Emergency Measure**

An Act relating to Additions to and Dissolution of School Administrative Districts (H. P. 1145) (L. D. 1577)

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 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and, on motion of Mrs. Hanson of Lebanon, sent forthwith to the Senate.

#### **Orders of the Day**

The Chair laid before the House the first 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 Creating a State Lottery for Old Age Assistance and Aid to Municipalities." (H. P. 895) (L. D. 1229)

Tabled — April 25, by Mr. Morrill of Harrison.

Pending — Acceptance of Either Report.

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

Mr. MORRILL: Mr. Speaker, Ladies and Gentlemen of the House: Here is a tax proposition that is optional. It is not a forced tax. There are several tremendous amount lotteries that sell tickets in the United States all the year around, and according to the New York Times, the English Sweepstakes took seven million dollars out of the State of Maine last year. Taking all of the lotteries into consideration, you will find that thirty million dollars left the State of

Maine last year. And as far as newspaper reports go, there were no payoffs in Maine. It's all going out, and none coming back.

Now we are looking for a tax base that has not been tapped, and here is one. Here is a base that will take care of our old age pensions.

Today, we are paying the lowest old age pension in New England, and here is a system that will make available to us enough to pay the highest pension in New England.

Now there is a lot of opposition to this bill, but let's look back a few years. There was opposition to liquor, but we found it was better to make it legal and control it, and it has brought in a good revenue. There was opposition to bookies and race track gambling, but we found it better to make it legal and control that. It has shown a good revenue. And think of the revenue that this lottery bill will bring in, it will be in the millions.

I am going to move at this time that we accept the Minority "Ought to pass" Report.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, want to concur with the remarks of my colleague from Harrison, Mr. Morrill. We have before us today a problem which the people evidently by their activities have been desiring for quite some time. And I just want to state from a few clippings that I have available here, of what has been done, what has been said in the activities of the public on behalf of a state lottery.

Now, as far as gambling in general goes, I am opposed to it; but as long as we keep the evils before us, which are now before us, it is only because we failed to take some legislative action to make something legal. And the only opposition I have heard up to this time is the evils or the morals of the problem.

There's one clipping in the paper which states a father told his son that betting was an evil, but that same father won \$449,229 and he said, how now do I break

this news to my son? So therefore now this man believes that as long as he has been a winner, enjoys privileges beyond his expectations in life, he no longer considers it an evil or immoral.

We have another problem which has been reported by Mr. Fino who has been convinced that the United States national lottery would bring in at least ten billion dollars a year to the U. S. treasury. And is based to believe that in the estimates of most experts in this subject, the gambling turnover in the United States adds up to about thirty billion dollars every year.

We have another clipping from the Miami Beach Sun of Saturday, April 8, 1961, whereby they are concerned with the gambling—legalized gambling in Havana, Cuba; which has great effect on the business and industry of Miami, and in one statement that is printed by Paul M. Bruun, the man who wrote the editorial, he states, "... we hold no particular brief for gambling of any kind, but we do not think that legalized, regulated gambling which protects the investor against dishonesty is a social evil. Gambling is a human hunger that will find appeasement illegally if it is not permitted by the government. . . ." So it shows the belief of those people that they certainly believe legalization of something within the realm of so-called lotteries, which we will have to admit is still based on gambling; but it puts those types of fellows who are now making fortunes out of business, and the people get some benefits in return.

But I think the most interesting editorial I have read on this article up to this time is October, 1960, from Sports Illustrated published by the Times Magazine "... gambling in the U. S. extends from the cellars of the underworld to the penthouses of the wealthy, touching on its way the tenement, the middle-class home, the police precinct, legislative halls and political clubs. It is operated by syndicates whose personnel include the same types that became millionaires when Americans thought they could legislate alcohol out of the appetite. . . ." It goes on to state that there is an estimated American public

spending now forty-seven billion a year on our illegal gambling alone a figure higher than the national defense budget. Organized crime takes out of this enormous handle a gross profit of nine billion", and it goes on to state that "police and politicians, four and one-half million for protection. All judicial authorities agree that this revenue not only finances good living for bad men but also provides the capital for a variety of crimes. . ."

And as you know we have before the Department of Justice, investigations into crimes, into gambling, and it states in another area where it says ". . . a good many public officials drink wet and vote dry on gambling, just as their predecessors quite literally did in the dark days of prohibition. . .". . . As long as gambling is outlawed it will remain in the control of criminals and we believe that some legal, honest and restrained gambling not only is possible but desirable. . . ."

Now there's so many million things that have been written on these articles, there is the desire of the public, for it, namely the State of Nevada which took in roughly two hundred and fifty-five million dollars last year in revenue without forced taxation. When they can do that, they have no problems as far as operation and control. I think it is time we looked this picture in the face and give it some thought of its passage of some nature for the State of Maine to gain revenue without forced taxation, which we will be forced to otherwise, if we do not absorb some means of revenue for the state to fulfill the needs and desires of people of the state.

And upon your desks was placed this morning so you will all note, and have a copy of, in olden days in regards to what lotteries were and they were considered respectable by the church, the public, and everybody in general; and there was a need for state government at that time to continue and operate and do the things they desired which they couldn't do otherwise.

There are so many things to be said, and I certainly hope that this House will give full consideration

to this measure, and when they do, to come out favorably and accept this motion as made by the gentleman from Harrison, Mr. Morrill.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In my remarks I will not go as far as the gentleman from Bridgton, Mr. Haughn, as to state that I am against gambling. I don't necessarily wear a white ribbon all the time, but the line must be drawn somewhere. I have before me this week's issue of the Saturday Evening Post, the article starts on page thirty-eight, it is headed "Nation of Gambling". . . . "For centuries the British have bet on their favorite games of chance—the sly. Now, amid a chorus of misgivings, they have made wagering legal." The article has three pictures on it, one is two gentlemen playing pool, terming it a deep-rooted human instinct; the second one is a picture of a gentleman operating a one-arm bandit; the third one is a picture of a gentleman with a glass in his hand, cigar in his mouth, holding a check that he won from a lottery.

I would like to read to the members of the House some of the excerpts of the article. Now I presume that if we picked up any periodical of a nation-wide distribution, such as the Saturday Evening Post, we people who love to boost Maine industrially and recreationally would love to see that kind of publicity, and read about the same thing.

". . . Since the act itself is a kind of daily double — its gambling provisions were in effect since the first of January, but its horse-parlor (off-track betting) provisions were not in effect until the first of May—it is much too early to run up the final results. But here, for the handicappers, are some of the more noteworthy developments since January first.

"Up and down London's West End chic afternoon drinking clubs have begun to post new signs: Baccarat, Chemin de Fer, Poker—For Members Only. Membership in these clubs runs from a pound (\$2.-

80) to around ten pounds a year, but depending on the decor and amenities provided, the table fees per gambling session will run from five to twenty-five guineas (About fifteen to seventy-five dollars).

"In country and neighborhood pubs, darts and shove-halfpenny have got a new hold on life, as players can now keep their eyes on the game instead of on the door to see if an officer of the law has chanced to drop in for a pint of mild and bitter.

"Scotland Yard has announced that by the end of 1961 more than 250,000 slot machines will have been imported into Britain, mostly from America. They have been ordered not only by private clubs but by union halls, athletic clubs, political and workmen's clubs, all very lawabiding. Still, at dawn on New Year's morning, only four hours after the act went into effect, the police force was called out to nab a gang of hoods who had high-jacked a Soho club called the Oberon, smashed its slot machines and wrecked the entire joint. Within two weeks fourteen more clubs had been broken into and their slot machines stolen, and a British factory assembling slot machines in Hornsey had been cleaned of \$17,000 worth of \$300-to-\$1,000 machines.

"The city of Manchester in one week approved the licensing of 111 betting shops and received applications for 400 more. Other cities recorded about the same number of requests for licenses, but couldn't process them that fast. London was swamped.

"The parliament of the Isle of Man passed a bill authorizing the opening of a municipal casino; and seaside resorts such as Eastbourne, Brighton, Blackpool and Southsea said they could do the same. A Mr. Richard Snaffer, bought the notorious Eel Pie Island in the Thames near Richmond and announced the opening of a gambling paradise, with every kind of wheel, table, slot machine and card game known to man. Even the Liberal Party, that defender of the national conscience, getting ready to throw a fund-raising ball in Hampshire, held out as a special feature a roulette table and wheel it had

bought in a London department store.

"The FBI informed Scotland Yard that within a period of six weeks forty convicted United States gamblers had entered Great Britain, business and means of livelihood unknown. Also prompt were two sun-tanned Miami and Havana "business associates" named Mike McLaney and Harry Brook. McLaney is a gambling professional who operated the casino of the Hotel National in Havana at one time. They breezed into London's swankiest hotel, ordered a copy of the new Betting and Gaming Act sent over from Her Majesty's stationary office and offered their services as "technical advisers" to London's wealthiest and most famous nightclub owner, Mr. John Mills.

"In Mayfair, in a dignified gray-stone mansion that once belonged to the Rothschild family, Polish-born Mr. John Mills disdained the offer and said he was doing very nicely as he was. 'I've ordered my baccarat and chemin de fer and poker tables from France' he said, carefully shooting his immaculate cuffs. 'And I've hired four croupiers from Monte Carlo. Most of my clients are used to gambling in Monte, and they like to have familiar faces across the tables.' And roulette? I asked. Mr. Mills, a balding six-footer who looks as if he should be his own bodyguard, waved his cigar and said he'd have roulette too, as soon as he could find some way to eliminate the zero to comply with the law. 'I've got a mathematical wizard working on it now,' he said casually. 'I think it'll be simple.' Meanwhile, he was all ready to go with his baccarat and 'Chemy.'

"Across town, in London's squalid Soho district, in a brilliantly lighted store labeled, The Las Vegas Coin Company, a short stocky American from the Bronx named Gabe—for Gabriel—Foreman said he was doing a \$1,000,000 business importing slot machines from America. Sitting in his office in shirt sleeves and silk trousers, Gabe looked out over dozens of tough-looking characters in trench coats, who were milling around the showroom, prying and buying slot machines and bringing up trucks to

cart them off. 'Im sellin' hundreds of 'em' he said 'And completely legal'

"According to Gabe, all that talk about gangsters' moving in was for the newspapers. Sure, some of the boys here had got together and divided London off into spheres of influence. Sure, there'd been a few thefts and axings around town, and a lot of the club owners were getting nervous. But what did that prove? 'Listen, sweetheart' he said, waving his cigar as Mills had waved his. 'I'm just a businessman tryin' to get along over here."

Now as I stated in my opening remarks, I am not accustomed to wearing a white ribbon. I don't think there's anything more enjoyable than an occasional little game of mild poker. I have been known to go to the races, but I say that this bill here in my opinion, and I've always felt the same way about lotteries, and now this vehicle is before us, I say this is one of the most vicious pieces of legislation that we could ever entertain.

I know that we have legalized gambling in Maine, I know that we can have our legalized drinking places; but you must go to these places. I know and I don't disapprove of some organizations, charitable and otherwise having small lotteries. I mean possibly not displayed on the books legally, but harmful to no one. But I know this here—this bill here and I know they tie it up with old age assistance and this and that and the other, I'm for old age assistance, I'm for aid to the blind, I'm for aid to the disabled; but not through a lottery ticket. And I know one thing here, that this is one piece of legislation here that will bring gambling into every home in the State of Maine. It is true that some say it will pay—the lottery bill would pay—some of the old age assistance, but believe me, there would be plenty of tickets bought out of the milk bill. And I could go on forever. To cut it short, in all complete and thorough sincerity I hope that the members will follow my motion—my motion is to indefinitely postpone both the bill and the reports.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the bill and reports be indefinitely postponed.

The Chair recognizes the gentleman from Albion, Mr. Cooper.

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add my two cents worth in favor of this bill. It's been very well presented by Mr. Morrill and to quite an extent by Mr. Haughn. I'm not going to take up all day here, and read articles from this Saturday Evening Post or the Ladies Home Journal. I see nothing immoral about this thing, and all over the State of Maine for years, people have bought these tickets and—more or less for a pastime. So far as any person depleting his pocketbook for doing that, he usually depletes his pocketbook anyhow. I think the bill here is not an immoral one, I think it is lucrative, and the only thing that sticks in my crop is that if we can get this thing through without creating another one of those parasitical things called bureaucracy and set up another commission, I would be very much in favor of it. I would like to see the thing go through, but I would like to see it handled in an economic way somehow. I'm not capable of doing it, but I think there are people here in this House and over at the other end of the building who could set up some way of handling this lottery so that it wouldn't be too expensive. And I'm very much in favor of the bill. Thank you.

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: This bill was heard before the Legal Affairs Committee, and received—I think I am correct on this, a nine to one—"Ought not to pass" Report. I think I can speak for the other members in the committee that voted as I did. We thought that we would listen to both sides, and give it a good hearing, and then make up our minds.

The only proponents that appeared for this bill was the spon-

sor and two others. The opponents, Reverend Brooks, pastor from Augusta; there was a Methodist minister, the minister that is in the House, you all know; one from the Riverside Congregational Church; representatives from the Maine Council of Churches; Senator Christie; Cooper from the Christian Civic League, the pastor of Seventh Day Adventist Church, all have appeared against this bill. There is a similar bill a good deal like this, and we asked the question did they want the state engaged in the lottery business? And the minister replied that he did not. We decided that the state was already in the liquor business, and they said that that was true. The chief objection to this seems to be deep and abiding love for the State of Maine. The opponents do not want the State of Maine engaged in the lottery business. They do not think it creates a good example for the children as they come along.

This bill, ladies and gentlemen, is not a local one. It is something that you all must face when you go home. It is a problem that is common to us all, I hope that you will consider this and I hope the motion of the sponsor does not prevail.

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

Mr. NOEL: Mr. Speaker, Ladies and Gentlemen of the House: I have worked in the mill for thirty-six years. Now the gentleman from Lewiston says that this would bring gambling into every home. Now in the mill you can buy an Irish Sweepstake ticket, and English Sweepstake; in fact, any sweepstake you want, where I work. I imagine it is the same thing in any other mill. Every week there's a pool run on checks, we have our checks with numbers, the ones are aces, the zeros are ten, and so forth. There's pools on baseball, there's pools on football, there's pools of any kind every week, and I'd say that about seventy percent of the employees in our mill buy one kind of a ticket. You can go in there, some of the boys are selling those sweepstakes tickets, they get so much out of it. On the baseball pool, they just do it

for the fun of it, and baseball, football, and fight pool. Every week there's some fights, there's a pool on all the rounds. Practically everybody buys a ticket, so I rise in support of this bill.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I simply cannot believe that this state steeped in the deep tradition of rugged individualism, men who have earned their money in the dirt, and by the sea, could even entertain such legislation as this. I sincerely trust that this House will go on record as indefinitely postponing this bill and all its accompanying papers, and I move the previous question.

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

An insufficient number arose.

The SPEAKER: Obviously less than one third having arisen, the Chair is not authorized to entertain the motion for the previous question.

The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: I didn't intend to say anything but my good friend here in front of me sort of put me on the spot. As far as I can see, the best way to defeat a bill is for ministers to come in favor of it. And I don't know if she's done anything good by making this remark or not.

However, I do want to go on record now that we are up here as being in opposition to this bill. As far as the money all going out of the state is concerned, I'm wondering if we did pass this bill if it would keep all of this money in the state, or if possibly this would just be another addition out of the pocketbook going into a legalized operation within the state,

and the other money still continue to go out.

As far as gambling being a human hunger, I'm glad now it is on the human level rather than on the divine level—it was once an act of God. It has become human hunger now.

Somebody says that people do it, so let's legalize it. As far as I am concerned, if that is true, then let's carry it all the way through and legalize prostitution, some of the other things. As far as I can see, folk are still in the business. Mr. Cooper wants to vote for this bill, but he doesn't want a commission set up for it, and under section 3 of the bill, you will find that there is such a thing as the commission, and we would have a commission if this bill goes through. The salary of each one would be \$6,500 a year. So every dollar that is paid in on this—\$6,500 for one and the other is \$6,000—for each dollar now paid in on this or received in from it under section 2 of this bill, twenty-five percent of the dollar would go back to the public as prizes, and ten percent of the dollar would go back to the municipalities from which the tickets originated in the first place. That's thirty-five percent. Of the other sixty-five percent, it would be credited to the general fund. And as far as hospitals and so forth are concerned, all they would ever get would be twenty-five percent of — all the old age assistance would get—would be twenty-five percent of the sixty-five percent under this bill, making something like eighteen percent, which is a very small return from a good investment if this is a good investment.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, I think we might do well to remember Dr. Sly's reply when asked about this question, he said that we were not yet ready to go on with sucker legislation for this purpose.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I

would like to point out that Dr. Sly was not a registered lobbyist at the time, and I understand that type of lobbying is not considered to be good. I would like to point out the support that this bill has got with the general person in the State of Maine. I have been contacted by professional men from all walks of life in support of this bill. We will have to realize that at the public hearing we had a strong opposition from a minority group of the citizens of the State of Maine, and when you vote on this issue, I wish you would just consider the thoughts and the wishes of the folks back home.

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

Mr. MORRILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make replies to one or two of the remarks that have been made. Now it's rather odd that England is having trouble with gambling, when according to the New York Times last year they took seven million dollars out of the State of Maine and they took fifty-four million dollars off the eastern seaboard of the United States. And another thing, this bill has been linked with slot machines, and this bill has nothing whatsoever to do with slot machines; they are not listed in this. I might say that this lottery is under the guidance of the Governor and Council at all times—it is written in the bill. And then it has been brought up that there was opposition to race tracks and legal gambling and liquor, the worst opposition to those bills — those bills have been legalized and we receive an income from them today. And it has been questioned as to whether the money that is being spent on gambling today will leave the state and still more go into the state lottery.

I am going to take a few remarks from a letter that I received from a seacoast town down here just about fifty miles from Augusta. And he tells about a man coming in there every other month or so and selling \$50,000 worth of lottery tickets, and he says how much better it would be to legalize it in Maine and keep the money here. And I think that's the attitude

of a lot of people, that that money that is going out of the country, we can keep it here.

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

Mr. JALBERT: Mr. Speaker, the gentleman from Harrison, Mr. Morrill, made a statement that the entire supervision is under the Governor and Council. It says tickets in said lottery so conducted shall be sold under the direction of the commission subject to such rules and regulations as may be made by the commission and approved by the Governor and Council. And further in the bill it says the commission may appoint a secretary and other assistants who shall not be subject to the Personnel Law and shall receive such salaries as are fixed by the commission, subject to the approval of the Governor and Council.

Now my question to the gentleman from Harrison, Mr. Morrill, is this, they are not subject to the Personnel Law. The Personnel Law is the agency that sets up specifications for jobs. Who is going to set up the specifications for the commissioner and his assistants to operate a gambling syndicate?

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

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

Mr. MORRILL: I believe that the Governor and Council are going to pick the right men for this job. It's a job that has got to be operated and done right, and I have faith that the Governor and Council will pick the right men to run a commission like this.

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

Mr. YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this bill, and I hope the motion of the gentleman from Lewiston, Mr. Jalbert, prevails. And I have to disagree with my seatmate here that Dr. Sly was not a paid lobbyist, I think he was paid well.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I'm going to agree with my good colleague from Lewiston, Mr. Jalbert, for just one moment. I'm probably no white ribbon man either, because I was able in this State House, not only this session but the last three sessions, to be able to purchase tickets which could be classified for the part of gambling for which he and I together participated. I purchased one from him.

Now, Mr. Speaker, ladies and gentlemen of this House, if we fail to pass legislation of this type, analyze what we will be doing. We would be just condoning the illegal traffic, the bookmaker, the track maker, the illegal racketeer, and any man that can get dollars for his own personal private self and not for the interest of the people of the State of Maine. And I would quote from a newspaper clipping "...but behind the scenes, sources in the state report, the lotteries are controlled by the same organization that manages bookie network football, basketball, pool operations and other illegal gambling operations. . . ." And who is trying to present this strong case to you people—the people of this legislation, nothing but the bookmaker again and the racketeer not only in the State of Maine, but all over the New England coast which are intruding upon the rights of you people. Taking the money out of the state, and giving nothing back, and you may be lucky if you win and if you do win, will you get paid off?

Now if that is what you want to condone and continue, you'll defeat this legislation; if you do not, then you will certainly support and vote for it to bring revenue — much needed revenue — to help the distressed and the poor people of the State of Maine, your institutions, your hospitals, your old age. If you are sincere in your thoughts to help these people, we would like to—I think everyone of us have the same thought that the approach to be taken cannot be taken as suggested by my good friend from Lewiston,



Mr. Jalbert, because the state does not have that kind of money ready and the bill would go through without heavy taxation upon the taxpayers of the State of Maine. I think we agree on that point, we want to help them all. This is certainly one approach and one way to do it, and to keep the racketeer and gambler from getting for his personal self, and spread the wealth amongst the people.

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

Mr. STORM: Mr. Speaker, Ladies and Gentlemen of the House: I have been somewhat intrigued by the sheet that was distributed on your desks here this morning. It seems according to this that gambling and professional lotteries were very respectable back in colonial days. If we are going to revert to colonial days and colonial customs, I think we should go all the way. As I recall my history book, there were several other quite interesting things that took place in those days, such as—and I am wondering if we should bring those back. I am thinking now of the public whipping posts, the pillories, the stocks, and the interesting little custom that they had of dousing their scolding wives in the pond.

The SPEAKER: Is the House ready for the question? The question before the House is on item one, on a Bill "An Act Creating a State Lottery for Old Age Assistance and Aid to Municipalities," House Paper 895, Legislative Document 1229. The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the Reports and Bill be indefinitely postponed. A division has been requested.

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.

Sixty having voted in the affirmative and seventy-five having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the

Bill read twice and assigned for third reading tomorrow.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of forty students from the Bar Harbor High School with their teacher in history, Mr. Charles Small.

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)

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 relating to Compensation of Chief Deputy Sheriff of York County." (H. P. 853) (L. D. 1167)

Tabled — April 28, by Mr. Rust of York.

Pending — Acceptance of Report.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: This particular piece of legislation had the vote of the county delegation at a county caucus, and that was the reason that I tabled this bill because of the "ought not to pass" report. Now I have been informed this morning that this particular bill may be covered by other legislation. However, I have not been able to catch up with the legislation or the amendments to that particular legislation; therefore I request your consideration to table this until Tuesday next, and if the bill is covered by other legislation—

The SPEAKER: The gentleman is debating the tabling motion.

In reference to item two, L. D. 1167, the gentleman from York, Mr. Rust, moves that this be tabled until Tuesday next pending acceptance of the Committee Report. Is this the pleasure of the House?

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

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

The SPEAKER: The Chair rec-

ognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker and Members of the House: As I have already indicated, this particular bill, a pay increase for the Chief Deputy Sheriff in York County, has received the support of the York County delegation. Now this salary bill comes out of the county, it has nothing to do with the state salary increase. At the present time they are paying the ordinary criminal deputies \$11 a day, \$77 a week, for the work that they do on an eight to four basis.

Now the Chief Deputy Sheriff, who also was in this same category, has a great deal more responsibility. He not only has to supervise the full time criminal deputies but he also has to work under the sheriff and supervise twenty-five to thirty civil deputies distributed throughout the state. He has basically all the headaches that go with the Department under the deputy sheriff. Now a man in that position and of that calibre, to carry out that type of a position, is certainly entitled to more than \$11 a day.

Now the County of Cumberland has created the position of Chief Deputy Sheriff at a salary of \$5200 a year. I understand that the County of Androscoggin has also done the same thing. Now we in York County are seeking to do the same thing, because we feel—and as I said the delegation has voted to support this measure—that the position of Chief Deputy Sheriff is worth a fee of \$100 a week. Now on that basis, as I don't have the consideration of the House this morning to table this until Tuesday, I will move to substitute the bill for the report and when the vote is taken I request a division.

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

Mr. PLANTE: Mr. Speaker, now to give the gentleman from York time to follow the other legislative document which he mentioned, I move that this be tabled only until later in today's session.

The SPEAKER: The question now before the House is the motion of the gentleman from Old Orchard

Beach, Mr. Plante, that item two be tabled until later in the day pending the motion of the gentleman from York, Mr. Rust, to substitute the bill for the report. Is this the pleasure of the House?

(Cry of "No")

All those in favor of tabling until later in the day say aye; those opposed no.

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

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

HOUSE DIVIDED REPORT — Report "A" Ought Not to Pass— Report "B" Ought to Pass with Committee Amendment "A" (Filing H-202) — Report "C" Ought to Pass with Committee Amendment "B" (Filing H-203) — Committee on Claims on Resolve, in Favor of Jim Adams, Inc. of Bangor. (H. P. 464) (L. D. 664)

Tabled — April 28, by Mr. Wellman of Bangor.

Pending — Acceptance of Either Report.

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

Mr. MINSKY: Mr. Speaker and Ladies and Gentlemen of the House: When I tabled this matter last Thursday, I briefly reviewed the history of this bill; but would like to do so again today. Most of the members of this House have heard this Jim Adams story many times. For that reason I will attempt to be brief in my remarks.

A bill was introduced in the 98th Legislature which would grant permission to Jim Adams to sue the State for certain damage done to him. Pursuant to this piece of legislation, suit was commenced by Mr. Adams; however, it never reached the court on its merits. It was defeated on a technicality, the error allegedly being made by this body in its 98th session, where it did not quite correctly frame the questions or frame the permission. Therefore the Highway Department never attempted to follow the will of this Legislature and allowed the matter to be fought on the merits on a technical basis only, and succeeded on this technical basis. I would point out, therefore, that

despite the desire of this Legislature to have the matter heard in court, it has never been done.

A bill similar to the one introduced in this Legislature was introduced in the 99th Legislature. This bill was killed in the other body. It was done so after the Attorney General evidently had rendered an opinion that he thought this might in some fashion violate the Constitution. Therefore a bill was introduced in this Legislature similar to the one introduced in the 99th, but the Claims Committee by the will of this House propounded certain questions to the Supreme Court of the State of Maine. And some months ago you found in your daily calendar the response of the Supreme Court of the State of Maine.

Now there is now before you on your desks an amendment, which I will offer after the second reading of this bill, which would conform the present resolve to the wishes—what the State of Maine Supreme Court says is proper. So I think the Constitutional question has now been answered, so we are now here for the third time finally to discuss the merits of this situation.

I would further point out that pursuant to the response of the Supreme Court, the funds involved here would not come from the Highway Department; they would come from the general unappropriated surplus of the State of Maine and would come in a fashion similar to any other claim against the State. This claim by Jim Adams is one that is being made on moral grounds; that is, it is our belief that there is a moral obligation on the part of the State of Maine to compensate Mr. Adams.

This case arises out of the construction of the new Bangor-Brewer bridge. Mr. Adams owned property adjacent to that and was an automobile dealer in Bangor. His property was located directly at the entrance of the bridge. During the construction of this bridge, part of his land was taken; but, over the weekends and so forth, contractors under the supervision of the State Highway Department left their equipment blocking his drive-

way, making it impossible for his customers to go in or come out of his garage.

Now, Mr. Adams was paid \$50,000 for the taking of land, but I want you to understand that the \$50,000 figure was based entirely upon the value of the land taken by the State of Maine that belonged to Mr. Adams. No part of that \$50,000 was intended or did in fact compensate him for loss of business or inconvenience. As a matter of fact, the \$50,000 figure was the exact appraisal of the Highway Department, while independent appraisers indicated that the value of the land taken was \$75,000. Because of the hardship rendered upon Mr. Adams by the Highway Department in the placing of equipment, he was not in a financial position to take this matter to court. I think many of you who have had experience with the Highway Department realize that their appraisals sometimes can be considered rather low. However, as I said, Mr. Adams accepted this.

There was also a ramp built because the access to Mr. Adams' property was blocked. It was very generous on the part of the Highway Department to build the ramp so he could get into his buildings, it was generous but it was also necessary. I now understand that the wonderful construction job done by the State is in such condition that it is going to cost Mr. Adams \$5,000 if he is to continue to use this ramp, because it is badly in need of repairs only a few years after it was constructed.

The will of the damage done to Mr. Adams, it is basically simple. The State Highway Department posted signs incorrectly, toll roads signs, one-way signs, and so forth, which they later took down but waited nine months to take down. Secondly, contractors under their direction left equipment in front of his premises, on the highway in such a manner as to block entrance to his garage. It became necessary, as a matter of fact, if you were parked in front of the Bangor House, which some of you may know, fifty yards away from Mr. Adams' place of business, in order to get to Mr. Adams' place

of business you could not use the street that was then available, but you had to travel through the City of Bangor, across the old Bangor-Brewer Bridge, come back up the river to the new bridge, pay a toll and come across the bridge in order to get to Mr. Adams' place of business; this from a starting point perhaps fifty yards away from his place of business and with a street available that could be used if it had not been blocked by equipment.

When the construction began and when the blocking began by the equipment and machinery, Mr. Adams had twenty-seven employees. Two months later Mr. Adams had ten employees. Mr. Adams submitted to the committee auditors' statements showing the severe effect on his business, the dollar loss to himself and to seventeen of his employees.

We now come to the State and say that we believe there is a moral obligation on behalf of the State to reimburse Mr. Adams for a portion of the loss which he sustained, due to this grave inconvenience and what I think was a very unnecessary inconvenience, certainly one that could have been corrected by more careful management.

The Committee which heard this matter has come out with three reports, Report "A," Report "B," Report "C." Mr. Adams merely felt that his claim against the State, based upon the information prepared for him by his auditors, should be \$40,400. Report "B," signed by four members of this committee, has suggested a figure of \$9,000. Report "C" has a smaller figure, signed by one member; but five members of the committee do believe that it is a moral obligation on behalf of the State of Maine.

It is therefore my intention to move that Report "B" be accepted by this House, which in effect will pay to Mr. Adams the sum of \$9,000 in payment of a moral obligation which I believe exists on behalf of the State to Mr. Adams.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I arise in opposition to the motion before the House and will express my views on this particular piece of legislation.

This resolve is for additional funds to be paid to Jim Adams, Inc., of Bangor. I say additional because he has already been paid \$50,000 in cash and some over \$9,000 in repairs, building of a ramp, etc. The \$50,000 was paid for change of grade and the taking of a small piece of land consisting of one hundred and sixty-two square feet, about the size of a small kitchen. I might add that the land that was taken was a long narrow strip that did not reduce the value of the property at all. This leaves the figure stated above of \$50,000 for damages other than the taking of land. I have personally viewed this property and it is my belief that Mr. Adams has been justly paid. He had the opportunity to appeal the joint board decision to the Superior Court but did not do so.

There was a new angle presented this term of Legislature that had not been mentioned before in any of the other three and that was damage claimed for the cracking of walls because of block-busting. This was explained as being done by using heavy equipment to break up the concrete road on the section near the garage that had to be rebuilt because of the approach to the new bridge. As I stated, this damage we had not heard of before until this session. If there was damage because of this, Mr. Adams had the right of recovery from the contractor or his insurance company. No action was taken to recover. There were damages sought for business lost because of machinery and equipment being left near or on the Adams property and claimed to block business from entering the place on weekends. This also, if it was needless, could have been a claim against the contractor.

One other claim is for signs that were erected after the bridge was built. It is claimed that the signs directed the traffic away from the business or made it very difficult to enter if the signs were obeyed. A complaint from this was

never received by the Highway Department directly from Mr. Adams. The next June, after the bridge was opened in November and the signs were erected in November, the Highway Department received a letter from Robert Haskell, who at that time was President of the Senate, asking them if they couldn't give some relief to Mr. Adams because of the signs. As a result of that complaint, Ralph Sawyer, a traffic engineer, was sent to Bangor to re-survey the traffic in that area. As a result of that survey, the signs were changed to the satisfaction of Mr. Adams. Bear in mind that no mention or complaint was made for about seven months after the bridge was in use. I might make a point here that I believe if this problem was as bad as has been stated, complaint would have been made much earlier.

The \$9,000 was spent for the ramp and for repairs for the garage to make it possible to enter the top part of the garage from the bridge approach. Another interesting thing is that the two appraisers for Mr. Adams appraised the value before taking of land, etc., at \$150,000. Tax relief from the City of Bangor was 37.06. By taking that percentage of \$150,000, you will arrive at a figure of \$55,590. Taking the two appraisals of the Highway Department of \$125,000, and 37.06 per cent of that, you will arrive at a figure of \$46,325. \$50,000 is about as near as you could come to the happy medium of those two figures. This, to me, helps bear out the fact that Mr. Adams has been paid about the right amount. I do not believe Mr. Adams would have received any more if he had appealed to the Superior Court or sued the State.

It has been decided by the Supreme Court that an award could be made from the General Fund if a moral obligation did exist. I maintain that there is no such obligation in this particular matter, and I move that the bill and all reports be indefinitely postponed.

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

Mr. WELLMAN: Mr. Speaker, I wish to join my colleague from

Bangor, Mr. Minsky, in urging that the motion now before the House does not prevail. I would like to say that I firmly believe there is an obligation here, I think that by acting favorably on this report that we are now discussing that we will provide relief for a situation that has existed for some years, and perhaps we might also be attempting to establish a standard under which such difficulties may be handled in the future.

I hope that the motion of the gentleman from St. Albans, Mr. Hughes, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Gallant.

Mr. GALLANT: Mr. Speaker and Ladies and Gentlemen of the House: This resolve in favor of Jim Adams, Inc. of Bangor: According to records Jim Adams, Inc. has been paid for land damages but has never been paid for loss of business on account of heavy equipment being left on his property on week-ends, while construction of this bridge. You must bear in mind that whenever a bridge or road is built in a business section it is very detrimental to a business. You can't stop the flow of traffic. It must move on if the work must go on. In my opinion, this resolve needs your careful consideration.

The SPEAKER: The question before the House is the motion of the gentleman from St. Albans, Mr. Hughes, that the reports and the bill should be indefinitely postponed.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I was a member of the Claims Committee last session and I signed the minority report in favor of Jim Adams, Incorporated. I didn't have an opportunity last session, but I would like to justify my position in doing so here this morning.

I feel that this man was abused. Now I would point out to you that this was previous to the administration of the present Commissioner of Highways, Dave Stevens. It is true that it was a contract job. It is also true and evidence proves to me that there were abuses in

every day of operation to this property. My feeling on the matter as I signed the minority report was this. The whole property should have been claimed and Jim Adams paid in full. I would not want the Highway Department to come up to my front doorstep and pay for my lawn and leave me just sitting on the porch. This often happens. There are more claims before the Claims Committee against the Highway Department than any other department in the State and I think it is high time that something should be done to correct these situations.

I would point out to you also, ladies and gentlemen, this morning, that the State of Maine paid probably three times what this property was worth, engaging the best legal talent in the State of Maine to defend itself against the claims of Jim Adams. I think this is abusive, I think it could have been settled out of court. I feel that this man should be remunerated for his losses, I don't mean business losses, but I mean to the damage to his property. And that is the stand that I took last session, and even though there is a different approach here in this session, I still feel that something should be done. One of our citizens has been abused by an agency of the State of Maine and I don't feel that we can allow this to continue. It continues every year, every session.

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

Mr. WHITMAN: Mr. Speaker, I would like to address a question through the Chair to the gentleman from Bangor, Mr. Minsky, if I may. I have been reading the amendment he has proposed and in the amendment it said the sum of \$9,500 to compensate in part said Jim Adams. I am wondering if this is intended to be a partial settlement, or will this be final? It would appear to me that we are only paying him in part, perhaps we would have to go all through this all over again.

The SPEAKER: The gentleman from Woodstock, Mr. Whitman, has asked a question through the Chair of the gentleman from Bangor, Mr.

Minsky, who may answer if he chooses.

Mr. MINSKY: Mr. Speaker, in answer to the question of Mr. Whitman, I would say this, that I think the word "in part" in there is actually there because I do not feel that this is adequate compensation; but I can say for my part, personally and to the best of my knowledge, Mr. Adams has absolutely no intention of coming to this Legislature to ask for any additional funds if the sum of \$9,500 is granted to him.

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

Mr. WHITMAN: Mr. Speaker, I would like to address another question to the gentleman from Bangor. Being a lawyer, would you say that with the bill written as it is, in this amendment would he not perhaps have a legal right to again apply for reimbursement?

The SPEAKER: The gentleman from Woodstock, Mr. Whitman, has asked a second question through the Chair of the gentleman from Bangor, Mr. Minsky, who may answer if he chooses.

Mr. MINSKY: Mr. Speaker, in answer to that question, I would say that this probably is so and if it would make the gentleman from Woodstock a little happier I would be very happy to have this matter redrafted and the words "in part" taken out. This would not come up until tomorrow anyway, so there would be time to redraft this amendment.

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

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: I had not planned on making any remarks on this matter. However, I feel it necessary that I should because of some of the impressions that may have been given. As I have listened I got the impression from two speakers that the entire amount paid Mr. Adams was for land damage only. If that is true, then \$50,000 for one hundred and sixty-two square feet is, in my opinion, quite excessive. And I do not believe the joint board based their figure on land damage alone.

It is true that most claims that are heard before the Claims Committee are as a result of actions, or lack of actions, by the State Highway Commission or their agents; and I emphasize "or their agents." I think the gentleman from St. Albans, Mr. Hughes, has told you, and I concur with his thinking, that the conflict as it existed was not between the State Highway Commission nor did Mr. Adams even attempt to convey that impression before the committee. His conflict was with the contractor. It is true that the contractor was working for the State, but no action was taken by Mr. Adams against the contractor, which I believe he could have done had he so desired.

While I am here I might as well confess that I was on the Claims Committee in 1955, at which time the original bill was introduced. I have a copy of it here with me and it is almost identical in substance as the one that is introduced in this session. There are a few notes that I have made on this and I might say that there were two appraisals made—and that is not in this year's bill—but two appraisals were made, and these are from statements presented by the proponents of the measure in 1955; and they were made by the State, and the appraisals were as follows—and I proposed these questions to the proponents of it and asked for an answer, which has not been relayed to the committee, if there were two appraisals made and if the figures \$20,000 and \$30,500 were the appraisals; and to date we do not have the answer.

There is one statement that I think should be corrected, the statement to the effect that this bridge was not constructed during that period which Mr. Stevens was chairman of the Highway Commission. As I recall it, the Legislature in 1953 created the seven-year term, and if I recall correctly, and I believe I do, it created it in that session; and if I further recall, in the same year when that became effective Governor Cross appointed Mr. Stevens as chairman of the Commission, and seven years, lacking sixty, would be almost correct, because as I recall

Governor Reed has just reappointed him and this bridge was constructed in the year 1954.

**THE SPEAKER:** The Chair recognizes the gentleman from Stockholm, Mr. Johnson.

**MR. JOHNSON:** Mr. Speaker, I am one of the signers of the minority "ought to pass" report for the \$9,000 for Mr. Adams, because I think it was coming to him. I think the first time that this same money was mentioned that the Commission — when he asked for the \$50,000, would have taken it in receipt of the whole thing and this wouldn't have been coming up here now, every session as it has. And I think the Highway Commission is to blame in that respect. So I hope that this man here will get paid and it is pretty near time the Highway was paying for some of the damage which they have done.

**THE SPEAKER:** The Chair recognizes the gentleman from Berwick, Mr. Mathews.

**MR. MATHEWS:** Mr. Speaker, I too was a member of the Claims Committee two years ago and heard this bill. It appears to me this is a case of get all you can and then ask for some more. Jim Adams, Incorporated got \$50,000 and then the Highway Department felt that they had settled the claim. The next thing they knew he came back with another claim asking for \$40,000. He found out he couldn't get the \$40,000, so now he has knocked it down to \$9,000. He sure is going to get something it seems. I viewed the property two years ago with the Claims Committee, and it appears to me that he has been adequately compensated. I hope that this bill does not receive passage.

Mr. Hughes of St. Albans requested a division.

**THE SPEAKER:** The question before the House, in reference to a Resolve in Favor of Jim Adams, Inc. of Bangor, House Paper 464, Legislative Document 664, is the motion of the gentleman from St. Albans, Mr. Hughes, that the Reports and the Bill 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 mon-

itors have made and returned the count.

A division of the House was had. Ninety-one having voted in the affirmative and twenty-eight having voted in the negative, the Reports and Bill were indefinitely postponed and sent up for concurrence.

At this time, the Chair would like to recognize the presence in the gallery of a group of eighth grade students from the Turner Center School, Turner, Maine, accompanied by David H. Nason.

Also in the balcony is a group of students from the St. Augustine School, Augusta, accompanied by their teachers, Sister Mary des Septs Douleurs and Sister Mary St. Narcisse. There are seventy-one pupils in grade eight in this group.

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

Bill "An Act relating to Open Season on Deer in Zone 2." (H. P. 594) (L. D. 815) In House Read the Third Time.

Tabled — April 28, by Mr. Wheaton of Princeton.

Pending — Passage to be Engrossed.

Mr. Wheaton of Princeton offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 594, L. D. 815, Bill, "An Act relating to Open Season on Deer in Zone 2."

Amend said Bill in the title by striking out the word and figure "Zone 2" and inserting in place thereof the words and figures 'Zone 2 and 3'

Further amend said Bill in the 7th line by striking out the underlined word and figure "December 5th" and inserting in place thereof the underlined word and figure 'November 30th'

Further amend said Bill by striking out all of the 8th line and in-

serting in place thereof the following:

"Zone 3. October 15th **Fourth Monday of October** to November 30th."

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Wheaton.

Mr. WHEATON: Mr. Speaker and Members of the House: L. D. 815, An Act relating to Open Season on Deer in Zone 2, is nothing different than the original deer-zoning bill that was offered before the 99th Legislature. This bill came out with a minority report ought to pass and was kicked around the House here for quite some time. I, being Chairman of the House Committee in the 99th Legislature, I opposed the bill, but I did not make any remarks on the House Floor, and I let the thing slide along. The bill was amended so that in zone 2 instead of having the five days on the last end of the season, the five days was put on the first of the season.

Now this zoning bill in theory was a good bill, but the theory of it, it just couldn't work. A man will go back into the woods just about as far as a jeep or automobile will take him. There was some hope that it would open up the northwestern section of the state and that people would go in and hunt in these areas that aren't reached very often. There is also a district down in zone 2 between the St. Croix River and the Penobscot, where the woods are quite dense, and I represent a lot of that territory. The hunters travel back, as I say, about as far as their jeep will take them and that is just about as far as they go.

Another thing that the bill did produce that was good, it established a northern line between zone 3 and zone 2 and 1. This line commenced at the railroad track in Vanceboro and continued on across the state to the Penobscot River and then we come down the river a little ways and it continued on west by the Piscataquis River until it hit the Appalachian Trail. At the Appalachian Trail this was a defined line, but not the best. Now other things in this amendment — I did not feel that the deer zone bill did the job that it was really



intended to do. You can tell a man where to hunt and perhaps he will and perhaps he won't. They just didn't hunt the areas any heavier. Our deer kill was much lighter this last year than it was before. We had more hunters but still we aren't getting more deer.

As we extend our season into December we must not forget that the rutting season or mating season begins in the middle of November. A deer is like any other animal, when it begins to shrink or lose flesh it begins to get tough and it isn't good eating. I don't feel that this December 5 — to December 5 would be a good thing to offer. It is true that perhaps it would work fine within fifteen or twenty miles of the seacoast. The climate on the coast is perhaps a little later due to the warm air from the ocean, and this line that has been established on the southern part of the northern zone, in my opinion, is a fair thing, and it extends down through the state. We cannot offer legislation here that would be sectional to any particular group. So with that in mind, I hope that you will consider this amendment.

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

Mr. NOEL: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Princeton, Mr. Wheaton. Would that cut off November 1st to December 5th? It will omit December 5? They will not be able to hunt until December 5th?

Mr. WHEATON: That's right.

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

Mr. NOEL: Mr. Speaker and Members of the House: Now over in the mill where we work we have to schedule our vacations for hunting or whatever we want, so naturally they came out with a sheet of paper indicating what week we want. Now some of the boys read that in the papers and they wanted to know whether it was going to change the date of hunting. Now maybe there are some of our boys that have that particular week to hunt to December 5. Now if that should go through

and after you have made your choice for a week of hunting, you cannot go back and change it because there is only so much time, four weeks, and they let out so many men per week. In other words, once you have indicated a certain week to go hunting, that's it. And if that is omitted they lose their week of hunting. In other words they can't hunt until December 5th and they have already made plans to do so, because they come out in January or February with those lists and you have to indicate which week you want at that time. So what are those fellows going to do if they lose their week of hunting?

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

Mr. ANDERSON: Mr. Speaker and Members of the House: This bill, L. D. 815 came out of the committee unanimous ought to pass. Every category of the Fish and Game Department favored this document. It simply takes five days from the beginning of the season and puts it on the other end. It satisfies all sportsmen; bird hunters, eliminating the days in October, when bird hunters are working their dogs, deer hunters who like to hunt early while the weather is warm, and those who like hunting when the weather is colder with a possibility of snow for tracking.

The contention of my good friend and colleague, Mr. Wheaton, is that there would be a congestion of hunters in zone 2. We had Mr. DiGarmo of the Fish and Game Department down to an executive meeting of our Fish and Game Committee to get his opinion on this. He stated that he did not think there would be a congestion of hunters in zone 2 as most hunters would have already bagged their deer and out-of-state hunters are afraid of big storms and would not stay late. He said there undoubtedly would be a few from other counties that would take advantage of this, and he added and I quote: "That is the idea of the extra five days, a bigger harvest." I have in my hand ten telegrams urging passage of this document. Six of these are from fish and

game clubs in zone two. Union River Valley Club representing Hancock County and eastern Penobscot; Frenchman's Bay Conservation Club; Bar Harbor, Ellsworth, Blue Hill and Bucksport clubs. I also have a letter from the state biologist in our section urging passage of this document.

On February 28, Roland Cobb, Fish and Game Commissioner, placed before each member of the executive committee a letter. It has mostly to do in regard to the three bills. I am not going to read the body of the letter, I won't impose upon you good people by doing that, the body of the letter is simply in regard to statistics from 1950 up to the present time. The three bills, L. D. 16, An Act establishing a Uniform Open Deer Season; L. D. 815, An Act relating to open season on Deer in Zone 2 which this one is what we are now debating, and L. D. 1078, an Act relating to Open Season on Deer in Somerset County, and Mr. Cobb's comments on these. L. D. 16, a uniform thirty day season would take needed hunting time away from northern Maine and would concentrate pressure in southern Maine, where it is now adequate. A state-wide uniform length season would be contrary to all biological needs of management. And he says of L. D. 1078, we still very much desire to see the three zone seasons given a more thorough trial. This bill would make this part of Somerset County south of the Appalachian Trail the only part of what is now zone 1 open between October 15 and November 1. It goes back to using county lines for describing seasons. There is a danger of it being amended to include other northern counties, hence, would wreck the three-zone concept. We ask that with the exception of the change in zone 2, I repeat that, we ask that with the exception of the change in zone 2, deer seasons for 1961 and 1962 remain unchanged and be given an opportunity to demonstrate their effectiveness toward a better distributed deer kill. And he says of L. D. 815, which we are now debating, two years ago when we outlined the three-zone proposals, we pointed out that timing the ex-

tra five days in zone 2 is not a biological problem, it is optional as to whether these days are in October or December. We take no issue with this bill.

Amendment "A" eliminates the five days of the original bill and further amends it by inserting zone 3, fourth Monday of October to November 30. I have no quarrel with zone 3. There are many sporting camps in that area and the proprietors like to have their hunting week start on Monday, which is right. If I am favored with indefinite postponement of Amendment "A" I will offer Amendment "B", which if accepted, will give them that privilege. If you have confidence in the department heads of the Inland Fisheries and Game; if you have confidence in your Fish and Game Committee who voted this unanimous ought to pass. I sincerely hope you will assure its passage as it was first written. I now move for indefinite postponement of Amendment "A" and ask a division.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, this subject has been discussed to great extent and it is a very vital matter in the area where I live. I think that we feel in that area that this Amendment "A" is the best solution to the problem. It is apparently impossible to satisfy everyone, but this seems to be a compromise that will give a large measure of satisfaction. I thank you.

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

Mr. DENNISON: Mr. Speaker, I rise in support of Mr. Wheaton's amendment. Now at the Washington County Chamber of Commerce meeting here a couple of years ago, you have already mentioned the Inland Fisheries and Game Department, we had one evening two biologists and one game warden and they dwelled all the evening on what we must do in Washington County, and they said we must kill more deer to have more deer. That's what they said. And they recited about the feed for the deer in Washington County, how deer

were starving and all that foolishness, that's what I call it.

Now in Washington County we that live there know this, that for six or eight years they have been cutting a great deal of white birch, you can see it at any siding in Washington County, and everyone that goes into the woods knows that when you cut down a white birch tree there is probably twenty to fifty suckers come up, there is more feed there than ever although there is much less deer, and you will find on the records that we get less deer in Washington County year by year. So these statements by these biologists of which we have countless numbers, had nothing to do with the facts in Washington County.

Now Mr. Wheaton has already mentioned by delaying this season in November there is no practical use in doing it. You know what a buck is in November just as well as I do, anyone that hunts, so I don't think that there is any question but what most of the people in Washington County would like to see this amendment adopted, and I motion we do adopt this amendment.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker and Members of the House: I am not opposing this amendment for this reason, that we can pass all the zoning laws we want to but until we can forecast the weather so we know what time the snow is coming and what kind of hunting we are going to have, our zoning laws may be good for one year and not good for another. So this amendment might be fine for this year or it might not. You can't tell, and that is why I oppose most zoning laws is because of the fact that we never know when our snow is coming, it may come the first of November and stay on in my territory, it may wait until Christmas time. It makes all the difference in your hunting, your weather, and until you can forecast your weather it would be impossible to make zoning laws that will always get good deer hunting.

The SPEAKER: The Chair recognizes the gentleman from Stetson, Mr. Merrill.

Mr. MERRILL: Mr. Speaker and Members of the House: I rise in opposition to this amendment. I think the bill as it was originally written up, we had no opposition in the hearing and I hope the motion of my friend Mr. Anderson prevails.

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

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rise in support of my colleague, Mr. Anderson, because I have talked with the guides back in the country which is greatly affected in section 2. They tell me that they find many less wounded deer that have not been traced when there is snow on the ground than when there is not snow on the ground. We have all generally known that, but they are the ones who talk about it and who live with it. If on the chance that we can get more snow for that first week in December for hunting, I believe that is the time that we should have a chance to do that hunting and trace down the deer that we wound and cannot trace on dry ground. So I would like to support Mr. Anderson's motion.

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

Mr. WADE: Mr. Speaker and Members of the House: I am neither a proponent or an opponent to the House Amendment "A," but I think some clarification of facts might be in order.

In the 99th Legislature the Fish and Game Department presented to the then Fish and Game Committee two distinct zoning bills, one which would have divided the state into two sections, and the second which divided it into three sections. As I recall the discussion with the game management people, they were in hopes of getting a zoning bill, but they did not in their greatest enthusiasm anticipate the Legislative Committee of Fish and Game nor the 99th Legislature of passing the three zone bill. In other words, the Committee of the 99th Legislature selected by

their own choice the three zone system which was adopted and put into effect last year.

Now insofar as biological training is concerned and the adoption of the findings, of course that is a moot point. I am not going to debate the merits of a trained man in any field, I think they can stand on their own records.

In regard to the poor hunting season of last year, I would ask the question of any hunter in the House, what kind of weather, as my good friend the gentleman from Guilford, Mr. Dodge has pointed out, what kind of hunting weather did we have in the last season? I think back, if we are going to spend approximately a quarter of a million dollars of state and federal funds in the investigation in the various game fields, then we should pay some attention to their findings. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Ellsworth, Mr. Anderson, that House Amendment "A" to Bill "An Act relating to Open Season on Deer in Zone 2" be indefinitely postponed. A division has been requested.

All those who favor the motion to indefinitely postpone House Amendment "A" please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty-six having voted in the affirmative and thirty-eight having voted in the negative, the motion did prevail.

Mr. Anderson of Ellsworth offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 594, L. D. 815, Bill, "An Act Relating to Open Season on Deer in Zone 2."

Amend said Bill in the title by striking out the word and figure "Zone 2" and inserting in place thereof the words and figures "Zones 2 and 3"

Further amend said Bill by striking out all of the 8th line and inserting in place thereof the following:

"Zone 3. October 15th **Fourth Monday of October** to November 30th."

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

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

SENATE REPORT — Ought to Pass in New Draft (S. P. 533) (L. D. 1571)—Committee on Towns and Counties on Bill "An Act Establishing Fees to be Collected by Registers of Probate." (S. P. 447) (L. D. 1399)—In Senate Passed to be Engrossed.

Tabled—May 2, by Mr. Kellam of Portland.

Pending—Acceptance of Report.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I'm somewhat apprehensive about this bill, but in order to have time to talk to the Chairman of the Towns and Counties Committee, I would like to table it again until next Tuesday.

The SPEAKER: The gentleman from Portland, Mr. Kellam, in reference to item 5, L. D. 1399, moves that it be tabled until Tuesday, May 9, pending acceptance of the committee report. Is this the pleasure of the House?

(Cries of "No")

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

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

Forty having voted in the affirmative and fifty-nine having voted in the negative, the motion did not prevail.

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

Mr. KELLAM: Mr. Speaker and Members of the House: There seems to be a move among some of the county officers to turn our probate courts and registries of deeds into profit-making branches. It has been my belief that these officers function to serve the people of the State of Maine and are not

are expected to turn in a profit. The registry of probate is the means by which the State of Maine determines what the value of the estates are in the state, and the taxes against these estates turn in a very good profit to the State of Maine. I believe that the registries or the probate courts should be used as a means of determining the heirs and all the kindred matters that come before it, and not as a road to taxation.

This bill substantially increases the fees charged in the probate of estates and therefore, I now move that the bill and any accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Kellam, now moves that the reports and the bill be indefinitely postponed.

The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I rise in support of the remarks made by the gentleman from Portland, Mr. Kellam, and point out particularly the second paragraph of section forty of this bill. The bill is L. D. 1399, that second paragraph calls for payment of a fee of ten dollars merely to file a petition in the probate court covering any matter of a value of over \$1,000. Now there are many, many matters which come into the probate court simply for the purpose of clearing the records such as the widow of a man who has died owning a small property, may be worth two or three thousand dollars, maybe five thousand. My point is that this is a hardship on those small cases appearing in probate court, ten dollars is an excessive fee for this purpose. It seems that the probate court should be a matter—should be a place where the public may go without being taxed. This should not be a revenue measure. I support and urge the indefinite postponement.

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

Mrs. BAKER: Mr. Speaker, this bill had a hearing before our committee, and while we do not expect that these increases in fees will compensate for the increase in cost, it was pointed out the

counties are having to increase their clerk hire and county salaries are going up all the time, and these increases in these fees would only partly compensate the county for the additional expense. This was reported out of our committee as a unanimous "Ought to pass."

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

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I believe the gentleman, Mr. Smith, was speaking of L. D. 1399, this bill has come out in new draft and the fees have been adjusted downward from the original draft. I think that he'll find that instead of the ten dollars fee this has been cut to five dollars, if that will make the bill more acceptable to him.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, that makes it much more acceptable, to my point of view.

The SPEAKER: Is the House ready for the question?

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen: May I ask a question of either my colleague, Mr. Kellam, or Mr. Smith, through the Chair?

The SPEAKER: The gentleman may do so.

Mr. WADE: In Somerset County, the register of probate's salary in 1962 is going to be based on the fees that are collected by the register of probate. Now my question is, if this bill receives passage or if it is defeated, what effect would it have in that instance?

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

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

Mr. KELLAM: Mr. Speaker, in answer to the question, the increase in salaries that is proposed for the registers has no bearing upon these particular fees. There is a bill in to prevent registers from getting what is now called private fees, they are

fees that are received for work in addition to these items that are in the bill. Therefore, whatever increase in salary that might be given to the register of probate would come out of those private fees and make up the fees he is now losing; therefore, I would expect there would be no net change in the raise to the register of probate.

While I am on my feet, I would like to make —

The SPEAKER: The Chair would remind the gentleman from Portland, Mr. Kellam, that he has already spoken twice and must get permission from the House to speak a third time.

Mr. KELLAM: I don't believe I've spoken twice on this motion, Mr. Speaker.

The SPEAKER: I have recorded before me that you have spoken twice.

Mr. KELLAM: I would ask permission to say a few more words.

The SPEAKER: Does the gentleman ask permission to speak a third time? The gentleman from Portland, Mr. Kellam, requests permission to speak a third time. Is this the pleasure of the House?

The motion prevailed.

Mr. KELLAM: Mr. Speaker, Members of the House: I merely want to point out that the increase in the fees; for instance, in the first section, the fee is now \$2.50 to record an abstract of a will in the registry of deeds, and this bill would jump that to five dollars. Now that is a hundred percent increase, and to my mind that is a substantial increase.

The great majority of all the wills probated are simply two or three paragraphs on a single sheet of paper, and the register of probate now gets \$1.00 for typing those out onto an abstract form. I feel that \$1.00 is sufficient to cover this particular service. Even in the amended bill, there would be almost a hundred percent increase in the petition of probate, and the charge for the copies—the wording on that is quite vague, the present law calls for twelve cents a page for taxable records. And this particular bill here makes it \$1.00 minimum and covers apparently a wider area than the present law does. There-

fore, I feel that it's a substantial change in the present law and I believe it should be indefinitely postponed.

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

Mr. DANES: Mr. Speaker, perhaps I had better try to clarify the intent of our committee on this. It was not the intent of the committee at all to increase the fee to a point where it would be a taxation or a profit to the respective counties, but rather as sort of an adjustment — a sense of an adjustment so that the counties might break even on these rather than have it cost them money.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Portland, Mr. Kellam, that the Report and Bill, "An Act Establishing Fees to be Collected by Registers of Probate," Senate Paper 147, Legislative Document 1399, be indefinitely postponed.

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

Mrs. BAKER: May I request a division.

The SPEAKER: 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 their count.

A division of the House was had.

Sixty-seven having voted in the affirmative and forty-eight having voted in the negative, the motion prevailed, the Report and Bill were indefinitely postponed and sent up for concurrence.

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

Bill "An Act to Include the Town of Winslow in the Kennebec Water District." (H. P. 416) (L. D. 591) — In House Read the Third Time.

Tabled — May 2, by Mr. Dostie of Winslow.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Dostie.

Mr. DOSTIE: After talking with Mr. Slosberg, I found out that there was an error in the bill, so I would like to move for the adoption of House Amendment "A" to L. D. 591.

The SPEAKER: The gentleman from Winslow, Mr. Dostie, offers House Amendment "A," and moves its adoption.

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

HOUSE AMENDMENT "A" to H. P. 416, L. D. 591, Bill, "An Act to Include the Town of Winslow in the Kennebec Water District."

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

"Sec. 1. P. & S. L., 1899, c. 200, Sec. 1 amended. Section 1 of chapter 200 of the private and special laws of 1899, as last repealed and replaced by chapter 38 of the private and special laws of 1945, is amended to read as follows:

'Sec. 1. Incorporation. The territory and people formerly constituting the Kennebec Water District and the Town of Winslow shall continue constitute a body politic and corporate for the purpose of supplying the inhabitants of said district and of the Towns of Fairfield, Benton, Winslow and Vassalboro and all said municipalities with pure water for domestic and for all other lawful purposes. The records of the Kennebec Water District are public and meetings of the trustees shall be open.'"

House Amendment "A" was adopted.

On motion of Mr. Dostie of Winslow, the House voted to suspend the rules and to reconsider its action of April 28, whereby Committee Amendment "A" was adopted.

Thereupon, Mr. Dostie of Winslow offered House Amendment "A" to Committee Amendment "A," and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 416, L. D. 591 Bill, "An Act to Include the Town of Winslow in the Kennebec Water District.

Amend said Amendment by striking out the 3rd, 4th and 5th lines of the 6th paragraph and inserting in place thereof the following: 'town meetings or city election; provided that the total number of votes cast for and against'

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

Mr. BROWN: Mr. Speaker, I rise in opposition to this amendment. This bill has been referred in and out of committee twice, and under the system of our democracy it is one of the principles to protect minority groups, and I feel as though the Town of Fairfield comes under this category. I therefore move that the amendment — House Amendment "A" to Committee Amendment "A" be indefinitely postponed, and that we accept Committee Amendment "A."

The SPEAKER: The question before the House is the motion of the gentleman from Fairfield, Mr. Brown, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: As House chairman of the Public Utilities Committee, I will have to defend the last amendment that has been presented by the gentleman from Winslow, Mr. Dostie in opposition to my good friend Mr. Brown from Fairfield. This bill has been recommitted back to us because of a misunderstanding, and after due consideration of this bill and the meaning and application of this amendment, the committee felt it was justified and right. Under the proposed thought of the gentleman from Fairfield it will allow his area to be the only ones to vote upon this, which does bring into Winslow, one new additional trustee in the water district. But it was felt by the committee evidently that the joint towns' combined vote should determine whether or not Winslow should have it. I believe that's what this amendment does. And I think it's only fair that all people

in the district of combined towns which are in one district should have the right to determine who shall be trustees, not one town. And I hope that the motion of the gentleman from Fairfield, does not prevail.

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

Mr. BROWN: Mr. Speaker, I think that each party participating in an organization should have the right to say whether or not a third party should enter into any agreement with them. I also note with interest today that we passed a document number 1537, which requires a two-thirds vote of a district. Now if a simple majority of the three towns can determine what the procedure is going to be, then certainly the smaller towns involved are going to be absolutely overshadowed. I would also call to the attention of the House my belief that the next session of the Legislature will see a document requesting additional trustees from the City of Waterville, in relation to the number of users. This is a continuing problem, and I feel that the rights of the minority should be respected particularly in a growing concern which has had an enviable record over the years.

The SPEAKER: The Chair recognizes the gentleman from Smithfield, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker, the Town of Fairfield and the City of Waterville went into this Water District, I believe, fifty some odd years ago. The water is now supplied to the Town of Winslow, the problem I think is that the Town of Winslow would now like to join this Water District. And it's a quasi-public corporation, and they do accept a great deal of water, pay their bills and so forth and provide for the upkeep and the going of this water district. However, I would almost feel that if I had a business and I had been running it for fifty years, and someone wanted to buy in we'll say or get in, I think that I should have consideration as to whether I should accept that other group or not. I realize the problem, and I would

go along with the gentleman from Fairfield's statement to accept Committee Amendment "A."

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, I have to make a personal confession here. As that bill originally came in, it only asked for a referendum in the Town of Winslow. Well, that was objected to, and I think properly objected to, because it left the people already running and in the district without any say in the matter. Then here's where my confession comes in, an amendment was brought in, putting the vote up to the three communities involved, and in a hasty reading I missed the point that any one of the three communities voting against it could stop the whole thing. I'm not sure what the feeling is between Winslow and Fairfield, but there is apparently some difference of opinion; and when that was brought to my attention, I'll not try to speak for the other members of the committee, it seemed to us that that was as unfair on one side as the voting only by the Town of Winslow would have been on the other side. Therefore, it seemed to us that all of them together, Waterville, Fairfield, and Winslow should vote and add them all up and see how the total came out without either one, particularly the smaller towns, having the full power either of coming in as it would have been in the first place, or being shut out as it is without this amendment. I hope the motion does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Fairfield, Mr. Brown, that House Amendment "A" to Committee Amendment "A" on Bill "An Act to Include the Town of Winslow in the Kennebec Water District," House Paper 416, Legislative Document 591, be indefinitely postponed.

Mr. DOSTIE of Winslow: Mr. Speaker, I would ask for a division.

The SPEAKER: A division has been requested. All those in



favor of the indefinite postponement of House Amendment "A" to Committee Amendment "A", please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Thirty-five having voted in the affirmative and seventy-five having voted in the negative, the motion to indefinitely postpone did not prevail.

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

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

Mr. WHITMAN: Mr. Speaker, I now move that we recess until one thirty this afternoon.

Thereupon, the House voted to recess until one thirty this afternoon.

#### After Recess 1:30 P.M.

The House was called to order by the Speaker.

Mr. Anderson of Greenville presented the following Order out of order by unanimous consent and moved its passage:

WHEREAS, the House of Representatives has learned this morning of the accidental death of Wilbur "Gus" Harris of Greenville, who served his District and the State as a member of the 98th and 99th Legislatures in a highly commendable manner; and

WHEREAS, his loss to his community and State will be great, and will be felt by all with whom he had contact;

NOW, THEREFORE, BE IT ORDERED, that the members of the House of Representatives extend their deepest sympathy to Mrs. Harris and their two children;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to Mrs. Harris.

The Order received unanimous passage.

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

Mr. HAUGHN: Mr. Speaker, may I ask if the House is in possession of Senate Paper 377, L. D. 1188, "An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy"?

The SPEAKER: The Chair will advise the gentleman from Bridgton, Mr. Haughn, that the House is in possession of L. D. 1188 to which the gentleman refers.

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

Mr. HAUGHN: Mr. Speaker, the purpose for which I shall move for is to reconsider our action whereby we passed this bill to be engrossed yesterday for the purpose of offering an amendment. I would like to speak on the amendment.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the House reconsider its action of yesterday whereby it voted to recede and concur and passed this bill to be engrossed as amended by House Amendment "C". Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor say aye; those opposed, no. A viva voce vote was taken.

Mr. HAUGHN: Mr. Speaker?

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

Mr. HAUGHN: I would request a roll call when the vote is so taken to determine the right vote.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, has requested a roll call on the motion to reconsider. For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one fifth of the members present. Will those who desire a roll call please rise and remain standing until the mon-

itors have made and returned the count.

A sufficient number arose.

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

The Chair will restate the question. The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House reconsider its action of yesterday whereby it voted to recede and concur in the passage of this bill to be engrossed as amended by House Amendment "C". If you favor the motion to reconsider you will answer "yes" when your name is called; if you oppose the motion to reconsider, you will answer "no" when your name is called. The Clerk will call the roll.

#### ROLL CALL

YEA—Anderson, Ellsworth; Anderson, Greenville; Baker, Berry, Cape Elizabeth; Boothby, Brown, Fairfield; Brown, Vassalboro; Buckley, Carter, Chapman, Gardiner; Chapman, Norway; Cooper, Coulthard, Crockett, Curtis, Danes, Dennett, Dennison, Dunn, Durgin, Edgerly, Edwards, Estey, Finley, Hague, Hancock, Hanson, Bradford; Hanson, Lebanon; Haughn, Hichborn, Hughes, Humphrey, Hutchins, Jones, Kennedy, Knapp, Linnekin, Littlefield, Maddox, Merrill, Morrill, Morse, Perry, Philbrick, Augusta; Prince, Shaw, Shepard, Smith, Falmouth; Smith, Strong; Sproul, Swett, Tweedie, Vaughn, Walker, Waltz, Waterman, Wellman, Westerfield, Wheaton, Whitman, Williams, Winchenpaw, Wood, Young.

NAY — Albair, Baxter, Beane, Augusta; Beane, Moscow; Bearce, Bedard, Berman, Auburn; Berman, Houlton; Bernard, Binnette, Boissonneau, Bradeen, Brewer, Brown, South Portland; Burns, Bussiere, Cyr, Davis, Dostie, Lewiston; Dostie, Winslow; Drake, Fogg, Gallant, Gardner, Gill, Ham, Harrington, Hendricks, Hinds, Hopkinson, Jalberty, Jameson, Jobin, Johnson, Smithfield; Johnson, Stockholm; Karkos, Kellam, Kilroy, Kimball, Knight, Lacharite, Lane, Lantagne,

Letourneau, Levesque, Lincoln, Lowery, MacGregor, Matheson, Mathews, Maxwell, Moore, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Pike, Plante, Poirier, Rust, Schulten, Sevigny, Sirois, Smith, Bar Harbor; Stewart, Storm, Tardiff, Thaanum, Tyndale, Wade, Walls.

ABSENT — Berry, Portland; Bragdon, Briggs, Choate, Dodge, Hardy, Hartshorn, Malenfant, Minsky, Philbrick, Bangor; Prue, Roberts, Stevens, Thornton, Turner, Whitney.

Yes, 64, No, 70, Absent, 16.

The SPEAKER: Sixty-four having voted in the affirmative, seventy having voted in the negative, with sixteen absent, the motion to reconsider does not prevail.

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

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

Mr. JALBERT: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. JALBERT: To ask to approach the rostrum for a second?

The SPEAKER pro tem: The gentleman may approach the rostrum.

(Conference at rostrum)

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

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

Tabled—May 2, by Mrs. Baker of Orrington.

Pending—Acceptance of Report.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I move the

acceptance of the "Ought to pass" Report.

The SPEAKER pro tem: The question now before the House is the motion of the gentlewoman from Orrington, Mrs. Baker, that the "Ought to Pass" in New Draft Report be accepted. Is this the pleasure of the House?

The motion prevailed and the Bill was read twice.

Mrs. Baker of Orrington offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1140, L. D. 1569, Bill, "An Act Increasing Certain Fees to Registers of Deeds."

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

"Sec. 1. R. S., c. 89, §216, amended. The 2nd paragraph of section 216 of chapter 89, of the Revised Statutes is amended to read as follows:

'Recording a deed or mortgage that fits the printed form currently in use in the registry, \$1.50 \$2.50.' "

Further amend said Bill in section 2 by striking out the first, 2nd, 3rd and 4th lines of the 4th paragraph and inserting in place thereof the following:

'Receiving, recording and indexing of any deed or mortgage, that will not fit the printed form, any assignment or discharge in long form or any other instrument by law entitled to record, the sum of \$2 \$2.50 for the first 500 words and the sum of 25c for each'

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

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

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass—Committee on Appropriations and Financial Affairs on "Resolve, Providing Funds for Public Landing at Islesford, Hancock County." (H. P. 571) (L. D. 791)

Tabled—May 2, by Mr. Kimball of Mt. Desert.

Pending—Acceptance of Either Report.

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

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move the acceptance of the Minority "Ought to pass" Report, and I would like to give a few details about this bill.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, that with regards to item eight, the that House accept the Minority "Ought to pass" report.

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

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: Islesford is a small town of the Cranberry Isles directly off Mount Desert Island. It has a year round population of approximately two hundred people. This island has no public access to the water. In order for people to land there at the island today, they have to land through the goodness of the heart of a Captain Stanley who owns a lobster business. They land on his lobster cars, walk up the rickety edge of a dock beside his lobster building in order to get to the town road which is a state aid road. The people there on the island now have an opportunity to get a public landing which they so badly need to allow them entrance and exit from this island.

The Acadia National Park maintains a Sawtelle Museum there on the island, has a piece of property where they have allowed the — or they are willing to allow the people to put a dock overlapping in front of this property. The dock would be a continuation of their town road on the island. The park has also offered to let them have ground from some of the park work over at Winter Harbor, which could be used in the filling in of this dock situation. They could also utilize old piers from an original dock that went off from that particular property. They have saved up their state aid road money, they have clearance from

the Highway Department to utilize this in the construction of the dock. They have also raised as much money as they feel they can personally, so that they now have a total of \$15,000 on hand to try to build this dock with.

They are asking the state if they will meet that fund with and additional \$15,000 in order to complete this landing. It is as vital to them as it would be in some small inland town that had only one road out from that town. If somebody should suddenly buy and cross that road, and they were allowed only passage over a narrow dirt road or something at the whim of a property owner, with the possibility of something happening to that owner closing them off entirely with no exit out from their town. You have the same situation by water here. If something happens to Captain Stanley or if he should not allow the people to land at his dock, the people on this island would have no way to get to the water through any public facility. I believe it is a very fair bill, I do think they need it very badly.

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

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

Mr. DRAKE: Mr. Speaker, Ladies and Gentlemen of the House: I wish to assure the gentleman from Mount Desert, Mr. Kimball, that the Appropriations Committee has given very sympathetic consideration to the plight of the people of Islesford. However, in view of the fact that there are approximately one hundred fifty other inhabited islands along the Maine coast with a similar problem, it is the opinion of the committee that passage of this Resolve would establish a very expensive precedent. Therefore, I now move that the Resolve and both reports be indefinitely postponed.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Bath, Mr. Drake, that the Reports

and Resolve, Providing Funds for Public Landing at Islesford, Hancock County, House Paper 571, Legislative Document 791, be indefinitely postponed. Is the House ready for the question?

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

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

Seventy-five having voted in the affirmative and forty-seven having voted in the negative, the motion prevailed.

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

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

HOUSE REPORT—Ought to Pass With Committee Amendment "A"—(Filing H-249)—Committee on Appropriations and Financial Affairs on Bill "An Act Reactivating the State Committee on Children and Youth." (H.P. 452) (L. D. 652).

Tabled—May 3, by Mr. Kennedy of Milbridge.

Pending—Acceptance of Report.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I tabled this item yesterday because I was quite disturbed by the report out of the Appropriations Committee with a committee amendment. The committee amendment reduced the amount asked for in the bill down to \$2,500 per year. I am not a spender as you all well know in this House; however if we are to reactivate these citizens' committees, I feel that we should reactivate them on their merits. I noticed on the same day on the calendar the Committee on the Aging was reported out with the full amount of \$30,000 per biennium. Now that's wonderful, ladies and gentlemen, in my professional capacity I am as interested in geriatrics as I am in pediatrics. I know that we have a problem with our elderly citizens. We

have more old people in the State of Maine than we have ever had, and we are going to have more of them. We are also going to have more children and youth, and I am concerned too with the children and youth.

This has been a very important committee, and I would like to project for your interest some of the people who have been interested in this committee and have served on it. When I read these names to you, I am sure you will agree with me that they would not be devoting a day of their time from their professions to be interested in the youth in the State of Maine if they didn't think there was a vital need for interest. We know that our Boys' Schools for youth are filling up, our reformatories for men and girls are filling up. We don't want this to happen. These people are highly trained and are interested and are studying the behavior trends of our youth in the State of Maine, and coming up with recommendations which will be carried back to our various communities teaching them how to better serve the youth in the State of Maine.

Here are just a few of those people who are interested and are serving on these committees. Rabbi Morris Bekritsky, Portland; Dr. Edmund Ervin of Waterville, a very renowned physician in the State of Maine; Dr. Nancy Helfrich of Presque Isle, a pediatrician; a doctor of philosophy, Arthur M. Kaplan; John Romanyszyn of Orono; John Snell of Augusta; Mrs. George W. R. Zethren of Bangor, who is the wife of the commanding officer of Dow Air Force Base; Brigadier General John W. Baggs, Portland; James A. Baker, M. D., of Togus; John G. Chantiny, Dr. of Education at Orono; Judge James A. Mooney of Bangor; Dr. Ella Langer of Augusta who is with the Department of Health and Institutions. There are a number of names here that are imposing names in the State. They are very interested in this program. I think they are doing a splendid job, and do you realize how much they are sacrificing

when they take the hours that they put into this away from their office and their profession?

Because of this feeling and talking with members of the Appropriations Committee, Mr. Speaker, if I am in order, I would move now that we substitute the bill for the report that I may offer an amendment.

The SPEAKER pro tem: Will the gentleman please approach the rostrum?

(Conference at rostrum)

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Milbridge, Mr. Kennedy, that with regard to item nine, the Bill be substituted for the report. Is this the pleasure of the House?

A viva voce vote being taken, the motion prevailed.

The Bill was then given its two several readings.

Thereupon, Mr. Kennedy of Milbridge offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 452, L. D. 652, Bill, "An Act Reactivating the State Committee on Children and Youth."

Amend said Bill in section 6 by striking out the figure "\$15,000" in the 2nd and 3rd lines and inserting in place thereof the figure "\$5,000"; and by striking out all of the last sentence.

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

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

Mr. JALBERT: Mr. Speaker, and Members of the House: The House Chairman of the Appropriations Committee is not here, he has however told me he is wholeheartedly in favor of this amendment and the gentleman, Mr. Kennedy, is correct in saying that he has cleared with the members of the Appropriations Committee who are also in favor of the adoption of this amendment.

Thereupon, House Amendment "A" was adopted, and the Bill

assigned for third reading tomorrow.

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

**HOUSE DIVIDED REPORT** — Majority Ought to Pass in New Draft under New Title of "An Act relating to Qualifications of Directors of Trust Companies and Eligibility of Directors of Banks." (H. P. 1150) (L. D. 1582) — Minority Report Ought to Pass — Committee on Judiciary on Bill "An Act relating to Qualifications of Directors of Trust Companies." (H. P. 883) (L. D. 1218)

Tabled — May 3, by Mr. Rust of York.

Pending — Acceptance of Either Report.

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

Mr. **KNIGHT**: Mr. Speaker and Members of the House: The redraft does not do what it intended to do, and therefore I at this time move that this bill be recommitted to the Judiciary Committee for minor surgery.

The **SPEAKER** pro tem: The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that this Bill and the Reports be recommitted to the Committee on Judiciary.

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

Mr. **RUST**: Mr. Speaker and Members of the House: This bill was originally presented to the Committee on Judiciary in one form; it had a hearing, it was later redrafted at the suggestion of the proponents of the bill, and that is the document which is here before us today. I for myself as the signer of the minority ought not to pass report as it should be on the calendar which it is not, object to the recommitting of this to the Committee on Judiciary.

The **SPEAKER** pro tem: The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that this Bill and the Reports be recommitted to the Committee on Judiciary. Is this the pleasure of the House?

(Cries of "No")

The **SPEAKER** pro tem: All those who favor the motion to recommit this item to the Committee on Judiciary please say aye; those opposed, no.

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

Forty-three having voted in the affirmative and seventy having voted in the negative, the motion did not prevail.

The **SPEAKER** pro tem: The question now before the House is on the acceptance of the Majority Report.

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

Mr. **MINSKY**: Mr. Speaker and Members of the House: This Report had an eight to one majority report. The bill has also been discussed with the Deputy Attorney General and the Banking Commissioner, and it met their approval. It would be my intention to prepare an amendment and offer the amendment tomorrow after second reading. I would at this time move, however, that the Majority "Ought to pass" Report be accepted.

The **SPEAKER** pro tem: The question now before the House is the motion of the gentleman from Bangor, Mr. Minsky that the Majority Report "Ought to pass" in New Draft be accepted. Is this the pleasure of the House?

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

Mr. **RUST**: Mr. Speaker, Ladies and Gentlemen of the House: To me this is one of the most important pieces of legislation that has come before the Committee on Judiciary, especially since it affects so radically and so substantially the subject matter of bank directors in the banks throughout the State of Maine. As you can see, my feelings against this bill are very strong. I just could not in good conscience go along with the majority committee report.

The original bill had a prime proponent. The redraft L. D. 1582 which is before us today was also supported only by this prime proponent. Now all of you ladies and gentlemen of the House who have interests or associations with your

local banks, this bill in my opinion is a very bad bill for those banks. Our present bank law requires that a director of a trust company must own outright and in his own name \$1,000 worth of bank stocks. This is also the law in our neighboring State of New Hampshire and also in the State of Massachusetts, which is a fairly liberal jurisdiction. Also our federal bank law in relation to national banks requires this same proposition. Why is this? Because it is the fundamental banking principle that a bank director should be his own boss. He should have no strings attached to him. A bank director's prime and basic moral and legal responsibility is to the bank's depositors, not the bank's stockholders. Also, by having a small share in bank ownership, a bank director will be interested in the good management and the efficient affairs of a bank.

This bill, L. D. 1582, what will it do to change this situation and where will this bill lead us in bank directorship? It will do three things in my opinion which today are not generally accepted banking principles, neither here in the State of Maine nor in banking circles in general. First, it will allow any business corporation who owns \$1,000 or more of stock in a bank to qualify one of its corporation officers to serve as a director in a bank. This director presumably, and in all likelihood, would be the representative of this corporation, not the bank's depositors. This is the beginning of the merging of business corporations and banking corporations throughout the State of Maine. It puts the business corporation in a preferred banking position, something directly contrary to generally accepted banking principles.

Second, it will allow any person or corporation who is a trustee of any trust fund which owns stock to the value of \$1,000 or more in a bank, to qualify the trustee to become a bank director. As you all know, a trustee of a trust fund has a special care not to expose the funds in his charge to any unnecessary or unreasonable chances of loss, yet a bank director can be held accountable to the bank's

depositors for loss caused by the board of bank director's malfeasance, misfeasance or nonfeasance in the performance of their duties. This throws an uncalled for burden upon the funds in a particular trust fund.

Third, and this to me is one of the most important functions of this bill, it will allow a bank which owns \$1,000 or more of stock in another bank to qualify one of its bank officers to become a director in this second bank. This is the beginning of enforced bank merger and bank consolidations. The larger banks getting a director on the board of the smaller banks, then exercising their financial weight and their business weight in the communities to obtain an economic if not an actual control over the small banks. And lastly, a direct enforced merger and consolidation. Mr. Speaker, Ladies and Gentlemen of the House, I now move the indefinite postponement of this bill and all its accompanying papers and reports.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from York, Mr. Rust, that this bill and all accompanying papers be indefinitely postponed.

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

Mr. KNIGHT: Mr. Speaker and Members of the House: I had the same fears in the beginning that the gentleman from York, Mr. Rust has. I voted against the bill earlier in committee and as a result of considerable debate within committee, we recalled the Bank Commissioner, Deputy Commissioner, into the committee room, we recalled other witnesses into the committee room, and my fears were allayed because it was explained that this cannot just happen per se. You must further have permission from the federal government and you must have the Bank Commissioner's. And this applies to holding companies. At the present time there is only one holding company and that is a bank in Penobscot County. They own outright stock in a smaller company as an investment, yet they cannot have a director on the

board because the corporation cannot set on the board, and all this was meant to do was to allow them to create a trusteeship whereby they could watch out for their own investment in the smaller bank, and the Deputy Commissioner of Banking assured us that they were in favor of the bill and there was no hanky-pank going on here; and for that reason I voted for it. It was brought to my attention earlier this afternoon that there were some adjustments that needed to be made in the bill and for that reason I made my earlier motion for recommitment. I do hope that this House will allow Representative Minsky to argue his amendment later, and the only way that this can be done is by holding onto the bill at least for another day.

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

Mr. RUST: Mr. Speaker, some of the things which Representative Knight from Rockland has said are of fact. However, the intent of this particular piece of legislation to affect the prime proponent will also still adversely affect the general banking philosophy of bank directorship in the State of Maine, and I hope this motion to indefinitely postpone prevails and I request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I think it only proper that some further thinking of the majority of the members of the Judiciary Committee on this bill be outlined to you. The fears which the gentleman from York has concerning bank consolidation, bank control, if justified, should be treated through other legislation. There is legislation on the books covering the question of bank consolidations, all of which come under the Bank Department in any event.

This statute which is sought to be amended by this bill, is simply a proposal to permit a bank, bank number one, which in the case of the only holding company bank in Maine owns the majority of the stock already in several other

banks, is to permit bank number one to have one of its directors serve on bank number two without requiring that director to purchase in his own name, free from encumbrance of par value stock in the amount of \$1,000. Now you should recall that par value does not mean market value. This statute requires for a person to be — in its present form before amendment, for a person to be a director of a bank he must own in the words of the statute \$1,000 par value free from encumbrance. Well now at least in one bank the majority stock of which is owned by another in this state, the par value is \$1,000 but the market value is \$7,000, so for the director of bank number one to become a director of bank number two, the director of bank number one must purchase in his own name \$7,000 market value of that stock. Now this bill is aimed at permitting bank number one, which already owns a majority of the stock in bank number two, to place in the name of one of its directors the necessary amount of stock; that director then is a trustee of that stock and he qualifies under the statute as now proposed to serve on bank number two. Now if there is fear of too much consolidation, this is not the way to prevent it, it is to get at it through the banking laws in general. The banks involved in this matter are already controlled by bank number one. Bank number one owns over fifty percent of the stocks in several of the banks, and could through that majority ownership close out those banks and set up branches under the supervision of the Bank Commissioner.

There is a federal bank holding company act. Any bank, whether or not a member of the federal reserve system, is in the first place subject to the federal holding company banking act, and must obtain the approval of the federal reserve bank as well as the bank commissioner to be a holding company bank and own the majority and control bank number two or the small bank. Thus, there is supervision and control by federal authorities as well as state authorities.



The majority of the committee believed that this was a simple and appropriate means of permitting a majority holder of stock in number two bank, a smaller bank, a simple appropriate means for the larger bank to have one of its directors serve on the smaller bank and have a part in the management of the smaller bank, particularly because number one bank is actually the owner of the smaller bank. I believe the gentleman from York has unfounded fears about the effects of this bill.

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

Mr. SCHULTEN: Mr. Speaker and Members of the House: I rather hesitate to rise and speak in such august company who speak from judicial experience in a matter like this. However, I do have the privilege of being a director of a small-town bank. In addition to that, I am old enough to remember a little bit of the history of this country, the history of when consolidation, bank mergers and higher finance culminated in the collapse practically of our banking system.

Now the duties as I understand it of the bank director, are very personal, and when he becomes a director of a bank, he not only has to buy stock as was mentioned here, and usually it is a nominal amount, but he also agrees and very definitely agrees that he will be responsible for the liabilities of that bank should anything happen due to his negligence. In other words, we have tied these individual directors down to a tremendous responsibility.

Now I don't say that all directors are fully cognizant of the responsibility they accept when they become bank directors, but it is there, and I honestly believe that is one of the bulwarks of our banking system, not only in this state but all states, and I certainly feel that the motion of the gentleman from York, Representative Rust, to indefinitely postpone a bill that would change such a sound system is well worth our consideration, and I move that

we support the motion to indefinitely postpone.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from York, Mr. Rust, that Bill "An Act relating to Qualifications of Directors of Trust Companies and Eligibility of Directors of Banks," a New Draft, L. D. 1582, be indefinitely postponed. A division has been requested. Will all those favoring the motion to indefinitely postpone this Bill and the Report 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 twenty having voted in the negative, the motion did prevail. Sent up for concurrence.

(Off Record)

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

SENATE REPORT—Ought Not to Pass—Committee on Judiciary on Bill "An Act to Further Regulate the Sale of Malt Liquor Between Manufacturers and Wholesalers." (S. P. 438) (L. D. 1359) — In Senate Bill Indefinitely Postponed.

Tabled—May 3, by Mr. Knight of Rockland.

Pending—Motion of Mr. Dennett of Kittery to Substitute the Bill for the ONTP Report.

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

Mr. DENNETT: Mr. Speaker, Members of the House: Frankly and honestly I hate to have to rehash this bill. I spoke on it at some length yesterday morning, and due, of course, to the fact that it was tabled it again seems necessary to explain to you what this bill is all about. First, I'll start off by saying as you probably all know that I have never before seen a bill before this House which was so heavily lobbied, and in all fairness by both factions.

I believe that this bill is a simple appeal for justice. I wish that we could forget all that we

have heard in the corridors and judge this upon its merits. Now I know with many of you there is a feeling even against the business of this type whether it be the brewers or the distributors, and this as I told you yesterday is frankly a battle between the two of them. But we must remember that this business of distributing malt beverages is a controlled business. It is not free enterprise. The Liquor Commission of the State of Maine tells the distributor to whom he can sell, how he can sell, and when he can sell; yet a chaotic situation has arisen in the State of Maine where these brewers — these beer barons if you want to put it in that term, because they certainly are a mighty outfit, to promote their business or as they feel they are promoting it, snatch away franchises at their will and pleasure without giving any notice whatsoever to those who are really under their thumb.

Now you might say, what difference does that make? We are not interested. I think we should be interested. These people who are being harmed are Maine people, there are no breweries in the State of Maine, they all come from outside. The people that the harm is being done to are the people of the State of Maine. And again you may say, what makes the difference whether they are harmed or not? I assure you that in any business, no matter what it is, whether it is free enterprise or a controlled interest, if a chaotic situation exists in that business, then the public interest suffers. Again, you might say, what difference does it make if they snatch their franchise away from them? And I will tell you this, because each and every person here is a holder of an insurance policy. Now what does that insurance policy set forth? For your protection, it says that the company can under no circumstances cancel that policy until you have been given due notice. That is all that these distributors of malt beverages in the State of Maine seek, is due notice that their franchise is to be cancelled by the brewers.

Now, again, this is not a one-way street. It also provides that should the distributor set forth to cancel his franchise on his own, he must give due notice to the brewer. In many states—or not many states, but in one state, I believe, this sort of thing is statutory under the law. In many states it is the same as we seek to have it in the State of Maine, under the control of that body which is again entrusted with the control of alcoholic beverages namely, the State Liquor Commission.

Now, in the amendment and of course as you know as was explained yesterday morning, I am speaking to a proposed amendment because the bill has not yet been substituted. But this would set forth that they must give ninety day's notice or this—this is at the discretion of the commission. They may fix it in any manner which they see fit. It seems again only fitting and proper that we should remember that these are the people of the State of Maine that are suffering. This is not contrary to free enterprise, because this is a controlled business, and I think that we should first think of our own before we try to think of those outside the state. Again, I hope that you will support my previous motion to substitute the bill for the report that this amendment might be offered.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, to substitute the bill for the report, and the Chair recognizes the gentleman from Hogdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members: I'm somewhat concerned with this bill. This had a unanimous "Ought not to pass" Report. And I can see no reason why we should buy this amendment. It does nothing to control liquor, it's a contract bill. Now these contracts are in essence no different than potato contracts, we have a lot of these up our way, or any other contract as far as that goes. If a guy won't pay you, you should be able to quit him without having to wait ninety days, you might go broke before ninety days were

over. Now there are plenty of laws on the book to make him pay up if he can, or else you have to charge it up to experience. I ask you why these people need special consideration? I'll admit these people are hard to control, it's hard to keep these birds honest, but that's just a hazard of the business. The next thing someone will want to apply this to all contracts, and I hope this motion fails.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I believe that this bill and the amendment gives us a golden opportunity to protect an industry which we now have, and I think that it is our duty to do so by voting for the bill and the amendment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to use an old Washington County expression right about now that I feel I would like to dip my oar into this particular problem. I stand before you as a small retailer, grocery outlet in a residential area, and I have been forced, if you like, by competition to be now a dealer in malt beverages. Now this retailer as you see before you now is basically under law supposedly protected and regulated by the Liquor Commission here in the State.

However, it's been my experience to date by investigation on my own part, to find that there are definitely irregularities across this state of ours, in which the theory of uniform regulation is fine but does not prevail. Now all we have to do is think back a few years to the fact that we had a liquor scandal here in our state, and I don't think all of it has been buried yet. I find that the enforcement of our liquor controls in the state is not entirely desirable; namely, that there are instances where strict and stringent control is very evident in certain outlets; but does not prevail in others. Namely the smaller boys

such as myself find themselves under the strict and stringent control and investigation of the enforcement division of our Liquor Commission whereas larger outlets are not. Now that doesn't create a happy atmosphere.

Now this particular document before us is spelling out the provisions and privileges of the changing of wholesalers which is based on good business practice. The change can be based on territorial coverage and point of sales technique that any wholesaler might use. And let us take for example the fact that a given wholesaler here within the State might be carrying three name brands of malt beverages, and for one reason or another, deems it advisable to push two of those brands. The third brand suffers. Now if I were a brewer, I sincerely would be searching for the outlet that would provide me with the best income, and if I do not find that I am receiving that proper outlet, from this particular wholesaler in the State of Maine, then I sincerely and certainly would be searching for true and proper outlet, that's good cold business approach.

Now, there is a possibility that there is just a bit too much authority in the hands of your commission as it exists today, and I wonder the advisability of us setting up legislation for a select business enterprise, and establishing a very dangerous precedent here in the state. A wholesaler who does not provide proper service to the retailer, such as myself, in other words he has a stipulated day of the week that he would make delivery and I find suddenly that he postpones his delivery for perhaps two or three days and my stock depletes itself to the point of zilch. How can I fairly and justly sell the brand that is desirable to me as an outlet? I can't; unless I have the product at hand, I certainly cannot sell it. So the wholesaler is not providing me with true service, sincerely and certainly is not a good businessman, and is not giving the brewery a fair shake.

Now also I've been up against the problem of the calibre of individual that might be hired by the wholesaler; some delivery men, it's a pleasure to have association with, they are fine people. Others leave a lot to be wanted. Now if I am trying to trade with a concern that is definitely not giving me contact with proper personnel, I'm interested in one thing and that is a change of wholesaler. That is obvious and evident again. If I'm not dealing with people that I like, I'm sincerely and certainly going to search it out until I find the true and proper person. So I don't care for the offensive character coming into my place of business. There again it is an improper business attitude.

Now it isn't beyond the realm of possibility with this bill and the amendment that is presented before us, for a given wholesaler to be a bit on the friendly side with certain commission members; and if he were, it isn't beyond the realm of possibility for him to appeal to the commission member to give him a break, if and when he gets a notification from the brewery that his franchise is to be lifted. I don't feel that that is a fair and proper approach. Why should one have preference and precedence over another? This is still free enterprise, and if I should decide that I should care to be a wholesaler in this state, is it pending upon the fact that I must be friendly and on good terms with a member of the commission in order for me to acquire the franchise for a particular brand? I don't think that is true. Therefore, I sincerely feel that we, as a House, should sincerely consider the report of your committee "Ought not to pass", and I feel at this time that the motion of the gentleman from Kittery, Mr. Dennett, for substitution of the bill should not prevail. Thank you.

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

Mr. KENNEDY: Mr. Speaker and Members of the House: I am sure, Mr. Speaker, I find myself as surprised as you may be to see

me standing here defending liquor of any kind. (laughter)

The SPEAKER pro tem: The Chair has no comment.

Mr. KENNEDY: Thank you Ladies and Gentlemen of the House. A good laugh is always good for us anyway under strained conditions and situations.

I felt last night that the Third House was about seven to three. This morning it was about three to seven. When we recessed this noon I told the proponents and the opponents it was just about five to five and I wondered what the wager was at that time. I am sure we have all been thoroughly lobbied on this by both parties, God bless them both. We all have a job to do. They have theirs and we have ours and we'll make the decision here, and as I regretfully stand here opposing a good colleague of mine from my county and concurring with the gentleman from Kittery, Mr. Dennett, I would like to make a few brief remarks about this having been in the franchise business myself and not being controlled by a liquor commission.

I would be very, very disturbed if one of my distributors or wholesalers came to me and said "Your franchise for Candy Cupboard or Whitman's Chocolates is all over this coming week." I feel that I should have something to say about that if I had been a customer for a period of time. Now I think this is good business practice in the State of Maine whether they are independent people or independent individuals. A ninety day notice to me doesn't seem too long for a big company to notify the wholesaler or the wholesaler to notify them, ninety days, that they wish to terminate their contract. The brewer I am sure has investigated his distributor thoroughly as to his financial ability to pay for his product. He has investigated him thoroughly as to his business practices before he allows him to have a franchise. Now I firmly believe that. I don't know whether you do or do not ladies and gentlemen. Three months is only ninety days, and I would think that would be a fair

length of time to break a contract by either party.

I am interested in the people of the State of Maine. I am not interested in the wealthy beer barons of Milwaukee, Wisconsin, the State of New Jersey or California, and I personally hope that the motion of the gentleman from Kittery, Mr. Dennett will get some support.

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

Mr. BROWN: Mr. Speaker and Members of the House: As one side of the small retailers has been given to you, I think that you should hear another side in regard to this matter.

We in the retail field find it very difficult at times to deal with the delivery people in concept of retaining our product that we purchase. These deliveries are made sometimes by people that have to work on a small marginal profit and therefore do not seem to pay their employees enough for their desires. We find it quite difficult to keep up with the habits of the different deliveries of the different individuals. When these concerns are reputable and are able to maintain or afford a reputable group, we find that we do not have to check and recheck our stock, and therefore, I believe that this bill and the amendment will help the wholesaler to maintain a proper personnel.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LACHARITE: Mr. Speaker and Members of the House: I also have been lobbied on this bill as almost all of you have and by both sides. However, I am in favor of this bill for reasons of my own. For many years I was a licensee myself and I know of one distributor who I had done business with for many years who had handled one well-known product for a great many years. At a given point he spent several thousands of dollars in expanding his warehouse and was doing a very fine business and then one day he received a telegram from the brewer of this particular product and

was informed that his distributorship was terminated.

Now this is the kind of thing that we are trying to do away with over here. This is what we are trying to legislate against. Somebody mentioned something about too much authority by the Liquor Commission. This is a type of business that should be controlled. It is controlled and it should be controlled, and for those reasons I am happy to go along with this bill.

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

Mr. DENNETT: Mr. Speaker, I merely rise to ask for a division.

The SPEAKER pro tem: A division has been requested.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I am neither a store owner or a distributor or a beer baron as was called here in this Hall this afternoon. I would only like to say this in regards to this bill, I don't think that the beer distributors or the wholesalers by any means are in any poor man's class or category, and I think the committee that has studied this bill and has seen fit to give us an ought not to pass report of a unanimous vote, and if the distributors and wholesalers in the State of Maine cannot agree with the beer barons as they were so-called, I don't see how the State of Maine meeting in the House of Representatives can tell the beer barons or the beer distributors or the wholesalers how to handle their business. I don't think the State of Maine needs to go into that any more than to accept the ought not to pass report.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that with regard to Bill "An Act to Further Regulate the Sale of Malt Liquor Between Manufacturers and Wholesalers," Senate Paper 438, Legislative Document 1359, that the Bill be substituted for the "Ought not to pass" Committee Report, and a

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

A division of the House was had.

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

Thereupon, the Committee "Ought not to pass" Report was accepted.

At this point, Speaker Good returned to the rostrum and resumed the Chair.

The SPEAKER: The Chair wishes to congratulate the gentleman from Pittsfield, Mr. Baxter, for his usual excellent job as Speaker pro tem.

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

Bill "An Act relating to County Appropriations for Industrial Development." (S. P. 531) (L. D. 1570)—In House Read the Third Time.

Tabled—May 3, by Mr. Davis of Calais.

Pending—Motion of Mr. Berry of Cape Elizabeth to Indefinitely Postpone.

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

Mr. BERRY: Mr. Speaker, I wish to withdraw my motion for indefinite postponement.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry withdraws his motion.

Mr. Davis of Calais offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 531, L. D. 1570, Bill, "An Act Relating to County Appropriations for Industrial Development."

Amend said Bill, in the title, by adding after the word "Development" the words "in Washington County"

Further amend said Bill, in the 5th line, by striking out the underlined words "**any county**" and inserting in place thereof the underlined words "**Washington County**";

and by striking out in the 6th line the underlined words "**such county**" and inserting in place thereof the underlined words "**the county**"

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

The Chair laid before the House the thirteenth 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—May 5, by Mr. Crockett of Freeport.

Pending—Acceptance of Report.

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

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen of the House: This bill L. D. 1292, was introduced to try and place on a more equitable basis the present method of apportioning the moneys received by the State from the annual excise tax on Maine railroads. At the present time the State apportions part of this money to the cities and towns on the basis of 1% of the capital stock as is held in said cities and towns.

First, let me state that this bill should be considered at the same time as L. D. 987, which is the bill giving tax relief to the Maine railroads.

I therefore ask your indulgence to give me the privilege to have this bill heard the same time that the relief to the railroads bill is heard.

The SPEAKER: Does the gentleman wish to make a tabling motion?

Mr. CROCKETT: I do so.

The SPEAKER: And what is the motion?

Mr. CROCKETT: The motion is for L. D. 1292 be heard at the same time as L. D. 887 is heard.

The SPEAKER: The Chair understands that the gentleman from Freeport, Mr. Crockett, moves that

this bill be tabled and unassigned, pending acceptance of the report.

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

Mr. BAXTER: Mr. Speaker, as House chairman of taxation, I request a division.

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

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

A division of the House was had.

Sixteen having voted in the affirmative and fifty-two having voted in the negative, the motion to table did not prevail.

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

Mr. CROCKETT: Mr. Speaker, I now ask the privilege to substitute the bill for the report, and I would like to speak on it briefly.

The SPEAKER: The question now before the House is the motion of the gentleman from Freeport, Mr. Crockett, to substitute the bill for the Committee "Ought not to pass" Report.

And the gentleman may proceed.

Mr. CROCKETT: This bill L. D. 1292, was introduced to try and place on a more equitable basis the present method of apportioning the moneys received by the State from the annual excise tax on Maine railroads. At the present time the State apportions part of this money to the cities and towns on the basis of 1% of the capital stock as is held in said cities and towns.

Governor John H. Reed in his budget message for a "program of measured advancement" stated that he was recommending to grant a reasonable measure of tax relief to the Maine railroads and had made allowance in his budget message to provide such relief. We can then assume that the State of Maine does not need this \$1,500,000 which it is currently receiving, to balance the budget. If this assumption is correct, then I believe that the cities and towns of Maine, being financially in need of new sources of tax revenues,

should receive some of this money from the railroads.

I further believe that taxes should be spread across and over all personal and real estate property in the state on a fair and equitable basis. No segment or part of the economy of Maine or any industry or even a public utility should be tax exempt. There are several types of public utilities in Maine that are not receiving all the earnings they may be entitled to under the law, but principally these utilities cannot receive a higher rate of earnings because they are faced with strong competition from other carriers or other forms of heating and communication.

Maybe there would be some logic and reasonableness to the argument of giving a tax benefit or saving to a public utility if it truly were performing a public service. The largest railroad in the State of Maine, according to its President, is not a public utility because it is not earning a large enough return on its investment. If these railroads were doing a public service, such as carrying passengers on its trains, I might be in favor of some type of tax relief to compensate them for the possible loss in this type of public service.

As to the basis of the present reapportionment on the railroads' gross receipts tax being apportioned on 1% of the stock held by the residents in the various towns and cities in Maine, let me state that this might have been fair and reasonable when the railroads were first constructed in this State, as the line railroads were local ventures and a large portion of the stock was held by Maine residents, but now this has changed and the major portion of the stockholders are no longer living in the State of Maine.

For example, for the year 1959, the Bangor and Aroostook Railroad has approximately 180,000 shares of capital stock outstanding of which over 130,000 are held by 30 principal stockholders, only 3 of which live in Maine and hold only about 2,500 shares as compared with 27 stockholders being

outside the State and holding about 128,000 shares.

The Maine Central Railroad for the year 1959 had about 129,000 shares of capital stock outstanding of which approximately 85,000 shares were held by the 30 principal stockholders, six of whom lived in Maine and held about 38,000 shares as compared with 24 stockholders living outside the state, and holding 46,853 shares. Of the 30 principal stockholders on the Boston and Maine Railroad holding 699,680 shares of the total of 812,318 shares outstanding, not one of the principal stockholders lived in this State. This method of apportionment produced this result — for the year 1960 from over \$1,500,000 in taxes received by the State of Maine only approximately \$20,000 was apportioned to the cities and towns. I believe that if the cities and towns are going to be deprived of tax revenues by the loss of taxable real estate, inconvenienced and burdened by traffic problems and congestion and safety hazards at railroad grade crossings, then the cities and towns should be compensated for these inconveniences.

Presently in Maine we have over 1,300 railroad grade crossings. Of these 1,300, there are over 500 unprotected for vehicular or pedestrian traffic. In the past seven years, the State of Maine has spent well over \$1,000,000 for the correcting and making these crossings safer for highway and pedestrian traffic. With the ever increasing highway traffic, the State, cities and towns will be faced with more and more expenditures to either protect or eliminate these railroad crossings.

In the attached schedule you will see that some towns received a very small contribution from the railroads for the inconveniences which they suffer under the present method of apportionment. Some towns even receive money from this tax source, even though the railroad is not operating anywhere near them, just because somebody in that town owns some shares of railroad stock.

Under this bill, a town would receive a percentage of the total

money received by the State under the present tax structure, that is, in proportion to the amount of land that is used by the railroad in this town, as compared to the total amount of land used by the railroad in the State of Maine. I believe that this is a fairer way to apportion this tax.

In summary, if the State does not need this revenue and can balance its budget without any money from the railroads, then the cities and towns could well use it for any of their needs. Everyone has to pay taxes in the State of Maine and nobody should be free from taxes. I urge you to support the passage of L. D. 1292.

I will tell you now, under my bill the Maine Central Railroad in Augusta in 1960 received \$591.25; under my bill they will receive \$3,363.51. Bangor in 1960 the present law, received \$1,201.89; under my bill here they will receive \$10,048.67. Brunswick received \$138.99; under my bill here they will receive \$5,537.74. The little town I belong in, Freeport, received .84; under my bill they will receive \$3,947.69. Greene received under the present law .28; they will receive \$2,800.27. Lewiston, \$955.34; under this bill they will receive \$5,582.10. I could go on and on and on and tell you how these things go on. These are not the only towns. Skowhegan received \$1,139.53; under this L. D. 1292 they will receive \$3,385.94. The remaining towns will receive \$454,424.75, that is on the Maine Central Railroad. I could go on and on and tell you but I don't want to take up your time. This is an opportunity for you, ladies and gentlemen, to take some money home to your town — but God knows we need it in these towns. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker and Members of the House: It seems to me that it is a reasonable question to ask, where is all this money that the towns are going to get under this bill coming from? Well you know where it is coming from, it is coming right out of the State



treasury; and during the next month or so we are going to have our noses rubbed in the question of how to get enough money into the State treasury to pay for what we should do and what we want to do.

In addition to that, of course this particular tax is one that has been up for modification or reduction. It really isn't a very good tax, I think two Legislatures have recognized that it isn't a very good tax; and the only reason that it didn't get removed two years ago was because we couldn't get along without the money. If that reason was any good then or is any good now, it doesn't seem as though we ought to take it out of the State treasury either by letting the railroads off or turning it over to the towns. I am really troubled to take the other side from my good friend from Freeport, but I do.

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

Mr. CROCKETT: Mr. Speaker, I would like to ask a question through the Chair of my good friend from Lubec, Mr. Pike. I think he heard it said that if we took off the passenger trains they would save five million dollars. Now they have taken the passenger trains off and I would like to know what became of the five million dollars they saved.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, has asked a question through the Chair of the gentleman from Lubec, Mr. Pike, who may answer if he chooses.

Mr. PIKE: I have to answer that those estimates of saving were like Mark Twain's death, grossly exaggerated. Under an old worn out formula which allocated—it's too tough to go into, it would seem that they lost a lot of money on passenger traffic. The money they saved was really just the actual running cost of the trains and it wasn't very much, a few hundred thousand dollars. And of course in addition to that, they proceeded to lose some traffic to the trucks on these good roads that we provide for them, so they are still in a—I wouldn't say a shaky financial position, but my memory is that

this particular tax on the Maine Central is considerably more than twice as big as the total net revenue of the road a year. So I think that with the five million we started with was just a little high by about six times.

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

Mr. BAXTER: Mr. Speaker, I would first like to make it clear that this afternoon we are discussing a bill to rebate money to the towns and we are not discussing the railroad tax relief measure, or tax adjustment measure, which is still in the Taxation Committee. I don't think that this particular bill before us now actually has any relationship to that bill. It is related to the bill that we discussed yesterday regarding the telephone companies, and that is why the Taxation Committee brought these two bills out together, and did not bring this bill out necessarily with relationship to the other tax bill that is in the Legislature and having to do with the railroads.

Now the first thing that I would like to point out is that the Taxation Committee does not recognize this tax as a tax in lieu of local property taxes. This tax is, and it always has been, a source of general fund revenue for the operations of the State. When it was initiated there was returned rather moderate amounts of money to the towns based on the amount of stock held within the towns, that stock being an intangible and being at that time subject to taxation as an intangible.

As the gentleman from Freeport, Mr. Crockett, has pointed out, over the years the ownership of stock has become diffused and therefore the rebate on the stock basis has declined perceptively to a very low level, I believe it is about \$20,000 per year now—yes—\$20,000 in 1960. However, that is in line with a general trend not to tax intangibles and, as has been mentioned before and as you know as of this session of the Legislature, we have formerly exempted intangibles from taxation.

Now, there is one thing that I would like to call to your attention with regard to local property

taxes on the railroad and that is that not all of the property is exempt, it is the right-of-way and the tracks, signals and so forth within the right-of-way and the rolling stock. Other property is taxable at the local level and the railroad companies operating in Maine are now paying a local property tax of some \$600,000 a year, or \$1,200,000 in the biennium.

Now we do, of course, recognize that there is property within the towns which has been exempt since I believe 1874, from taxation by legislative authority of the State. This is rather specialized property, the tracks, right-of-ways and signals. Whether it should be taxed or not we are not sure. If it should be taxed, to what extent it should be taxed is a problem. If it should be taxed, whether or not it should be taxed on the town level or the state level is a question; and if it should be taxed on the state level, the question arises where should the money come from to pay the rebate. From an increase in the railroad tax, which doesn't seem very feasible at this time, or from taxing something else to pay the exemption on railroad tax within the towns and rebate it. That doesn't seem very sensible either.

We therefore feel that this question, along with the question of the taxation of our other public service companies, should be a matter of study by the Legislative Research Committee; and we will introduce an order accordingly. Now we did of course, yesterday, approve a bill whose principle is the same as the principle involved here; and we did appropriate to all intents and purposes \$490,000 which must be raised by new taxes in the next biennium to pay for this principle. In this case the bill is a bit larger, in fact it is \$1,508,000 a year or \$3,000,000 in the biennium; at least that is what the general fund receipts were this year and this biennium from the railroad tax.

So if you vote for this bill as it stands, or for the motion of the gentleman from Freeport, Mr. Crockett, you should keep in mind that there is a matter of \$3,000,000

involved in the next biennium. The Taxation Committee does not feel at this time that a basic change in this law — either this law or the telephone law, is warranted in view of the history of the use of the money in these laws over the years. And for that reason, at this time I will move that the House accept the unanimous "ought not to pass" committee report and request a division.

The SPEAKER: The Chair understands that the gentleman from Pittsfield, Mr. Baxter, moves that the Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Freeport, Mr. Crockett, who has already spoken twice.

Mr. CROCKETT: One was a question.

The SPEAKER: The Chair understands that the gentleman from Freeport, Mr. Crockett, requests permission to speak a third time. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. CROCKETT: I want to say, ladies and gentlemen, the State of Maine will receive under this bill \$375,000. These are not my figures. You will recall the trouble I went through to get these figures and have them comply through the courtesy of the Public Utilities Commission. I believe they know what they are talking about.

There are a hundred and twenty-eight towns that I haven't mentioned, you will take home some money to them under this bill. It is a question of whether you want to say, I refused some money or, here it is. There are a couple of towns in Aroostook County on the Bangor and Aroostook Railroad. They will receive under this bill in Bangor from the Bangor and Aroostook \$1,537.75. The town of Caribou was getting \$165.50 and under this bill they will get \$8,664. Oakfield up north was receiving \$27.50 and under this bill they will receive \$15,180.37. Who's going to refuse that? Presque Isle was receiving \$275.70 and under this bill they will receive \$8,236.63. Van Buren received \$37.13. Who can refuse \$8,795.35 in Van Buren?

All along the line your towns are going to benefit. Support this bill and you will be hugged when you get home.

The SPEAKER: The question now before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the Report and Bill "An Act relating to Apportionment of Railroad Excise Taxes to the State, Cities and Towns," House Paper 944, Legislative Document 1292, be indefinitely postponed.

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

A division of the House was had.

Ninety-eight having voted in the affirmative and eleven having voted in the negative, the Report and Bill were indefinitely postponed and sent up for concurrence.

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(Off Record Remarks)

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The Chair laid before the House the fourteenth tabled and today assigned 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 — May 3, by Mr. Whitman of Woodstock.

Pending — Acceptance of Report.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: First I would like to thank my good friend, Mr. Whitman, for allowing this bill to be tabled for a day. As the sponsor of L. D. 1238 I fully realize that this is the last so-called department head salary bill, all others having received nominal consideration as to their respective merits.

I do not stand on the principle of across-the-board salary increases, but I do believe that those pay bills which have merit should receive favorable consideration. As you all realize, the Attorney

General is one of my constituents. But I do not stand here today to support this bill on that basis alone. At the present time the Attorney General is receiving a salary of \$10,000 a year. As a department head he is the State's highest law enforcement official. He supervises a department of twenty people in various capacities. He also has direct supervision over the sixteen county attorneys and their assistant county attorneys. This is a great deal of responsibility and one of our most important departments. Yet the Attorney General as the chief of this department receives a smaller salary than his deputy. The Attorney General as the head of one of the most important departments receives a smaller salary than many other department heads and even officials within those other departments.

For instance, the Controller of Accounts and Controls receives a salary of \$10,608 a year, the Deputy Commissioner of the Department of Economic Development receives a salary of \$10,192 a year, the Deputy Commissioner of Education receives a salary of \$12,740 a year, and the Director of Social Welfare within the Department of Health and Welfare receives a salary of \$11,024, and the Director of Public Improvements receives a salary of \$10,608. These are but a few and represent departments or positions of lesser importance than that of the Attorney General. And on these comparisons alone the salary set for the Attorney General is far less than those and considerably out of line.

How does our Attorney General's salary compare with those of states of approximately the same size as our own? New Hampshire, our adjoining state, which is half our size and has half our population, pays \$12,220 a year. This present bill calls for a lesser sum than even this. The State of Rhode Island, little old Rhode Island, they pay \$11,000 a year. The State of Connecticut pays \$12,500 a year, but the Attorney General has no responsibility for criminal matters. The little State of West Virginia, as poor as she is, pays \$12,000 a

year. North Carolina, down in the poor South, pays \$13,500 a year. Maryland pays \$15,000 a year. On the basis of these comparisons, it would appear to me that the \$12,000 salary which this bill calls for is most reasonable.

This brings me to my last and most important consideration. Two years from now this Legislature will be electing presumably a new Attorney General. With two more years of creeping inflation, this \$10,000 salary which we now pay will be less in value than it is today. What kind of a candidate from amongst the legal profession are we going to attract? This \$2,000 increase as called for in this bill represents a modest increase, yet will I believe maintain the real value of the today's \$10,000 salary. It will help us to attract some good candidates and faced by the loss of several good officials within the present Attorney General's department, we are going to need a good man for Attorney General.

Mr. Speaker, ladies and gentlemen of the House, I now move that the bill be substituted for the report, and when the vote is taken I request a division.

The SPEAKER: The question before the House is the motion of the gentleman from York, Mr. Rust, that the House substitute the Bill for the Committee "Ought not to pass" Report, and a division has been requested.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I am going to make this very brief. First, I would congratulate my colleague, my neighbor, my roommate, on an excellent presentation, but I feel that I must oppose this very strongly. I'm not going into a lot of detail except I am going to merely mention one point that he attempted to make and that was

he was quite concerned that we might have difficulty in having a candidate for Attorney General. I have been around here for several terms, and there are others who have been here longer, and I don't think that any of us were ever here when there were any dearth of candidates for the office of Attorney General, there always seem to be plenty. However, that is not the point, and that is not the thing that we have to contend with today. You know what action we have taken previously on these bills concerning department heads. I should hate to think what would happen if we made an exception. I sincerely trust that the motion made by the gentleman from York, Mr. Rust, does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from York, Mr. Rust, to substitute the Bill, "An Act Increasing Salary of Attorney General," House Paper 904, Legislative Document 1238, for the Committee "Ought not to pass" Report. A division has been requested.

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

A division of the House was had.

Nine having voted in the affirmative and one hundred ten having voted in the negative, the motion did not prevail.

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

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On motion of Mr. Baxter of Pittsfield.

Adjourned until nine o'clock tomorrow morning.