

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 12 - JUNE 17, 1961

and

SPECIAL SESSION

NOV. 27 - DEC. 2, 1961

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

## HOUSE

Wednesday, May 17, 1961

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

Prayer by the Rev. Mr. Raymond Chisholm of Gardiner.

The journal of yesterday was read and approved.

### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Inspection of County Jails" (S. P. 504) (L. D. 1518) reporting that the Senate recede and concur with the House in passing the Bill to be engrossed as amended by House Amendment "A".

(Signed)

BERRY of Cape Elizabeth  
CHOATE of Hallowell  
WHEATON of Princeton

— Committee on part of House  
LORD of Cumberland  
CARPENTER of Somerset  
MARDEN of Kennebec

— Committee on part of Senate

Report was read and accepted and sent up for concurrence.

The SPEAKER: In reference to L. D. 1000, Senate Paper 325, Bill "An Act relating to Chiropractic Treatment Under Workmen's Compensation Law," and the action of the House on May 16 whereby it insisted and asked for a Committee of Conference, the Chair appoints the following members of the House as Conferees:

Messrs. HINDS of South Portland  
JAMESON of Bangor  
Mrs. HENDRICKS of Portland

In reference to L. D. 1268, House Paper 920, Bill "An Act relating to Specifying Insurance and Other Benefits in Contracts for Sales Financing of Motor Vehicles," and the action of the House on May 16 whereby it insisted and asked for a Committee of Conference, the Chair appoints on the part of the House the following Conferees:

Messrs. JONES of Farmington  
HUGHES of St. Albans  
MORSE of Oakland

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

Report of the Committee on State Government reporting "Ought not to pass" on Senate Joint Order relative to Joint Rule 23, and Amendments Thereto (S. P. 52)

Came from the Senate read and accepted.

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

### Covered by Other Legislation

Report of the Committee on Judiciary on Bill "An Act Creating District Courts" (S. P. 427) (L. D. 1458) 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.

### Non-Concurrent Matter

Bill "An Act Requiring Persons Seventy-five Years of Age to Take Examination for Motor Vehicle Driver's License" (S. P. 387) (L. D. 1197) which was indefinitely postponed in the House on May 11.

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

Messrs. COLE of Waldo  
GILBERT of Kennebec  
STILPHEN of Knox

In the House: On motion of Mr. Philbrick of Bangor, the House voted to insist and join in the Committee of Conference.

### Non-Concurrent Matter Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Officers of the Legislature" (H. P. 208) (L. D. 303) and Minority Report reporting "Ought to pass" which Reports and Bill were indefinitely postponed in the House on May 10.

Came from the Senate recommit-  
ted to the Committee on State Gov-  
ernment in non-concurrence.

In the House:

The Chair recognizes the gentle-  
man from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, for  
the purpose of clarification on this  
particular bill, I would request the  
House to give me time until tomor-  
row to meet with our leadership  
to talk about this, and would  
request that it be tabled and spe-  
cially assigned until tomorrow.

Thereupon, the Reports and Bill  
were tabled pending further con-  
sideration and specially assigned  
for tomorrow.

#### Non-Concurrent Matter

Report of the Committee on Ap-  
propriations and Financial Affairs  
reporting "Ought not to pass" on  
Bill "An Act relating to Ferry  
Service for Long Island Plantation"  
(H. P. 304) (L. D. 456) which was  
accepted in the House on May 2.

Came from the Senate with the  
Report and Bill recommitment to the  
Committee on Appropriations and  
Financial Affairs in non-concur-  
rence.

In the House: On motion of Mr.  
Kimball of Mount Desert, the House  
voted to recede and concur with  
the Senate.

#### Non-Concurrent Matter

Majority Report of the Commit-  
tee on Legal Affairs on Bill "An  
Act Amending Charter of City of  
Saco" (H. P. 679) (L. D. 957)  
reporting "Ought to pass" as  
amended by Committee A m e n d -  
ment "A", and Minority Report re-  
porting "Ought not to pass" which  
Reports and Bill were indefinitely  
postponed in the House on May 9.

Came from the Senate with the  
Majority Report accepted and the  
Bill passed to be engrossed as  
amended by Committee A m e n d -  
ment "A" in non-concurrence.

In the House:

The SPEAKER: The Chair rec-  
ognizes the gentleman from York,  
Mr. Rust.

Mr. RUST: Mr. Speaker, on item  
six I now move that the House  
recede and concur.

The SPEAKER: The question  
now before the House is the motion  
of the gentleman from York, Mr.

Rust, that the House recede and  
concur with the Senate in accept-  
ing the "Ought to pass" Report. Is  
this the pleasure of the House?

The Chair recognizes the gentle-  
man from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker, I  
move that we insist and request  
a Committee of Conference.

The SPEAKER: The motion to  
recede and concur will be enter-  
tained first since this has the high-  
er rank. All those in favor of re-  
ceding and concurring say aye;  
those opposed, no.

A viva voce vote being taken, the  
motion prevailed.

Thereupon, the Bill was given  
its two several readings.

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

COMMITTEE AMENDMENT "A"  
to H. P. 679, L. D. 957, Bill, "An  
Act Amending Charter of City of  
Saco".

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

"If, before any ordinance, order  
or resolve becomes effective as  
hereinbefore provided, at least 200  
qualified voters of Saco shall sign  
the said petition, the ordinance, or-  
der or resolve shall immediately  
be suspended and the city council,  
upon their warrants for the next  
general or special election, shall  
provide for said ordinance, order  
or resolve to go to referendum. Up-  
on a majority of the votes cast in  
the affirmative for any ordinance,  
order or resolve, it shall take ef-  
fect immediately."

Further amend said Bill by strik-  
ing out the 3rd question in the  
Referendum, and inserting in place  
thereof the following:

"3. Shall the act passed by the  
100th Legislature amending article  
V, which pertains to ordinances, or-  
ders and resolves be accepted?"

Further amend said Bill by strik-  
ing out the 6th question in the Ref-  
erendum, and inserting in place  
thereof the following questions:

"6. Shall the act passed by the  
100th Legislature eliminating equal  
serial instalments as to principal  
payment upon bonds or notes be  
approved?"

"7. Shall the act passed by the  
100th Legislature eliminating the  
necessity for an annual tax levy

to meet instalment payments on bonds or notes be approved?"

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

#### Non-Concurrent Matter

Bill "An Act relating to Compensation of Chief Deputy Sheriff of York County" (H. P. 853) (L. D. 1167) which was passed to be engrossed in the House on May 9.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mrs. BAKER: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Orrington, Mrs. Baker, that the House recede and concur.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: This particular legislative document is a matter which the York County delegation, both Republicans and Democrats, voted on in caucus to support. Now for some reason the Senate — the other body I should say — has not seen fit to go along with it. Therefore, I move that this House insist and request a Committee of Conference.

The SPEAKER: The motion to recede and concur, being of higher rank, will be entertained first.

Mrs. Baker of Orrington then requested a division.

The SPEAKER: A division has been requested on the motion to recede and concur. All those in favor of receding and concurring, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty-five having voted in the affirmative and fifty-four having voted in the negative, the motion to recede and concur prevailed.

#### Non-Concurrent Matter

Bill "An Act Classifying Certain Surface Waters in Lincoln County" (H. P. 1015) (L. D. 1416) which was passed to be engrossed as

amended by House Amendment "B" in the House on May 11.

Came from the Senate with House Amendment "B" indefinitely postponed and the Bill passed to be engrossed without Amendment in non-concurrence.

In the House:

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

Mrs. SPROUL: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Bristol, Mrs. Sproul, that the House insist and ask for a Committee of Conference.

The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: I move that the House recede and concur.

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

Mrs. Sproul of Bristol then requested a division.

The SPEAKER: A division on the motion has been requested. All those in favor of the motion to recede and concur, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Seventy-three having voted in the affirmative and thirty-nine having voted in the negative, the motion to recede and concur prevailed.

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

May 12, 1961

Hon. Harvey R. Pease  
Clerk of the  
House of Representatives  
100th Legislature  
Sir:

The President of the Senate, on May 12th, appointed the following Conferees on the part of the Senate to join the House on the disagreeing action of the two branches of the Legislature on:

Resolve Appropriating Funds for Capital Improvements at East Corinth Academy (H. P. 648) (L. D. 926)

Senators:

DAVIS of Cumberland  
STANLEY of Penobscot  
BATES of Penobscot

Respectfully,

(Signed)

CHESTER T. WINSLOW  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Messages and Documents

The following Communication:  
(H. P. 1164)

Augusta, Maine  
May 16, 1961

To the Honorable Senate  
and House of Representatives:

Pursuant to House Joint Order (H. P. 127), I herewith submit the Report of the Joint Select Committee to Study the Disposition of Facilities at Hebron.

Respectfully,

(Signed)

GILMAN B. WHITMAN  
Gilman B. Whitman  
House Chairman

The Communication was read and with accompanying papers ordered placed on file and sent up for concurrence.

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

The SPEAKER: At this time the Chair will request that the Sergeant-at-Arms escort the gentleman from Kennebunkport, Mr. Tyndale, to the rostrum for the purpose of serving as Speaker pro tem.

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

#### House Reports of Committees Ought Not to Pass

Mr. Wellman from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Providing for Promotion

of Maine's Recreational Industry (H. P. 456) (L. D. 656)

Report was read and accepted and sent up for concurrence.

#### Covered by Other Legislation

Mr. Noel from the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (H. P. 72) (L. D. 114) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

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

Mr. Davis from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963" (H. P. 451) (L. D. 651) reported same in a new draft (H. P. 1165) (L. D. 1606) under same title and that it "Ought to pass"

Report was read.

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

Mr. BAXTER: Mr. Speaker, this bill has been revised to a considerable extent and has just hit our desks this morning; and I therefore move, so that it can be studied further, that it be tabled until Friday.

Thereupon, the Bill and accompanying papers were tabled pending acceptance of the Committee Report and specially assigned for Friday, May 19.

#### Ought to Pass Printed Bill

Mr. Danes from the Committee on Towns and Counties reported "Ought to pass" on Bill "An Act Increasing Certain Sheriff Fees" (H. P. 887) (L. D. 1267)

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

**Ought to Pass with  
Committee Amendment  
Tabled and Assigned**

Mr. Wellman from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to Effectuate Compensation for State Employees" (H. P. 565) (L. D. 785) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. BAXTER: Mr. Speaker, this piece of legislation is enabling legislation for an item in the supplemental budget. It originally carried an appropriation and the appropriation has now been amended off it, so it is merely enabling legislation and should go along with the supplemental budget and be considered at the same time. Therefore, I move that this also be tabled until Friday.

Thereupon, the Bill and accompanying papers were tabled pending acceptance of the Committee Report and specially assigned for Friday, May 19.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (H. P. 209) (L. D. 304) reporting same in a new draft (H. P. 1163) (L. D. 1604) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. NOYES of Franklin  
LOVELL of York  
— of the Senate.  
Messrs. KIMBALL of Mount Desert  
HAUGHN of Bridgton  
DOSTIE of Lewiston  
NOEL of Waterville  
— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook  
— of the Senate.

Messrs. DENNETT of Kittery  
WHITMAN of Woodstock  
BEARCE of Bucksport  
— of the House.

Reports were read.

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

Mr. WHITMAN: Mr. Speaker, this bill has come out in a new draft and for the purpose of giving it a little more study I would move that this be tabled until tomorrow.

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

**Passed to Be Engrossed**

Bill "An Act to Exempt Industrial Disposal Systems from Property Tax" (S. P. 550) (L. D. 1596)

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

Bill "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium" (S. P. 311) (L. D. 899)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

**Amended Bill**

Bill "An Act relating to Interest Rate for Licensed Small Loan Agencies" (S. P. 392) (L. D. 1258)

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

At this point, Speaker Good returned to the rostrum.

SPEAKER GOOD: The Chair wishes to congratulate the gentleman from Kennebunkport, Mr. Tynedale for the excellent performance of his duties as Speaker pro tem.

**Emergency Measure  
Tabled**

An Act to Reactivate a Maine Committee on Problems of the

Mentally Retarded (S. P. 77) (L. D. 177)

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

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

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

An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1962 and June 30, 1963 (S. P. 542) (L. D. 1589)

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. 126 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 Increasing the Authorized Indebtedness of the Lincoln Water District and Clarifying its Power to Borrow (H. P. 1139) (L. D. 1572)

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. 112 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.

#### **Enactor Tabled and Assigned**

An Act relating to Form of Standard Fire Insurance Policy (S. P. 405) (L. D. 1346)

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

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

Mr. JONES: Mr. Speaker, in order that I may check item number four a little more closely, I would like to table that until next Tuesday.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for Tuesday, May 22.

#### **Enactor Tabled and Assigned**

An Act Regulating Mechanical Rides by Insurance Department (S. P. 408) (L. D. 1350)

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

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

Mr. BERRY: Mr. Speaker, in reference to item five, there is some other legislation which has been going through the works in this connection. This was passed previously to not impede progress; however, in the interests of good legislation I would move that this be tabled until Friday.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for Friday, May 19.

#### **Passed to be Enacted**

An Act relating to the Pine Tree State Forest Products Council (S. P. 546) (L. D. 1590)

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

An Act relating to Maintenance of Cemeteries in Unorganized Territory (H. P. 1008) (L. D. 1409)

An Act Classifying Certain Waters in Salmon Falls-Piscataqua River Watershed (H. P. 1013) (L. D. 1414)

An Act Establishing Educational Requirements for Insurance Agents and Brokers (H. P. 1080) (L. D. 1488)

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

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

#### **Enactor Amended**

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



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

On motion of Mr. Berry of Cape Elizabeth, the House voted to suspend the rules and to reconsider its action on May 10 whereby this bill was passed to be engrossed.

Thereupon, Mr. Berry of Cape Elizabeth offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1147, L. D. 1579, Bill, "An Act Revising the Laws Relating to Auctioneers."

Amend said Bill in section 2, by inserting after the underlined figure and punctuation "\$2,000." in the 19th line the following underlined sentences: **"The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the penal sum of such bond. The surety on any such bond may cancel such bond upon giving 30 days' notice to the Secretary of State and thereafter shall be relieved of liability for any breach of conditions occurring after the effective date of said cancellation."**

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

An Act relating to Inventory of Tax Exempt Property by Assessors (H. P. 1152) (L. D. 1586)

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

#### **Enactors Tabled**

Resolve in favor of the Town of Minot (H. P. 58) (L. D. 99)

Resolve to Reimburse the Town of Woodland for Aid Extended to Ronald Tirrell (H. P. 294) (L. D. 446)

Resolve to Reimburse the Town of New Sweden for Aid Extended Ronald Tirrell (H. P. 295) (L. D. 447)

Resolve in favor of Levite Pelletier of St. David (H. P. 463) (L. D. 663)

Resolve Reimbursing Bay Ferry Corporation for Loss of Its Business (H. P. 579) (L. D. 799)

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

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

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

Mr. Tweedie of Mars Hill was granted unanimous consent to briefly address the House.

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: A couple of weeks ago, one of our members read a lengthy charge and asked for an investigation of some activities of the Maine Citizens for Right to Work and their people. The Attorney General has, I understand, returned his answer to these charges, and I would like to yield to the gentleman from Rumford, Mr. Jobin, if he might read that letter to this House.

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

Mr. JOBIN: Mr. Speaker, Ladies and Gentlemen of the House: I merely wish to answer Mr. Tweedie in saying that I spoke with the Attorney General of late, and at this time he has a little bit more information that he wants to work on. So I have nothing to say at this point. However, when it is over with, I would be happy to deliver whatever message he has. Thank you.

Mr. Tweedie of Mars Hill was granted unanimous consent to briefly address the House a second time.

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: I have here a note from the Attorney General saying he has completed his investigation, made his report to Mr. Curtis and Mr. Jobin.

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

HOUSE DIVIDED REPORT—Majority Ought to Pass — Minority Ought to Pass as Amended by Committee Amendment "A" (Filing H-282) — Committee on Education on Bill "An Act relating to Teachers' Salaries and Foundation

Program Allowance." (H. P. 871) (L. D. 1206)

Tabled — May 11, by Mr. Baxter of Pittsfield.

Pending — Motion of Mr. Hichborn of Medford to Accept Majority Ought to Pass Report. (Roll Call Requested by Mr. Haughn of Bridgton.)

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

Mr. BAXTER: Mr. Speaker, to allow further investigation into the significance of this bill, I would now move that this bill be tabled until Wednesday next.

Thereupon, the Reports and Bill were tabled pending the motion of Mr. Hichborn of Medford to accept the Majority "Ought to pass" Report and specially assigned for Wednesday, May 24.

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

JOINT ORDER Relative to printing the Legislative Record in Pamphlet form. (H. P. 1160)

Tabled — May 12 by Mr. Wellman of Bangor.

Pending — Passage.

Thereupon, the Joint Order received passage and was sent up for concurrence.

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

SENATE REPORT — Ought Not to Pass — Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for Thayer Hospital, Waterville, to Aid its Rehabilitation Program. (S. P. 223) (L. D. 628) — In Senate Resolve substituted for Report and Engrossed.

Tabled — May 16, by Mr. Bragdon of Perham.

Pending — Acceptance of Report.

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

Mr. DRAKE: Mr. Speaker, Ladies and Gentlemen of the House: This matter received a unanimous "ought not to pass" Report from the Committee on Appropriations, because it was the feeling of the committee that we would be establishing a precedent if we grant-

ed \$20,000 to the Thayer Hospital for this particular project in view of the fact that if we granted it to Thayer, we would be leaving ourselves open to having requests from other private institutions. We understand the Thayer is doing rehabilitation work for insurance companies, we also understand that they are very anxious to have this money to get their program started. Evidently they are unaware of the fact that there is a rehabilitation center in another city in the state, and I move that this matter be indefinitely postponed.

The SPEAKER: The gentleman from Bath, Mr. Drake, moves that the Report and Bill be indefinitely postponed.

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

Mr. JONES: Mr. Speaker, I believe if the facts were known the statement that the Thayer Hospital is anxious to get this money, that statement might be questionable. They are extending the Thayer Hospital there at Waterville to further them in aiding in their rehabilitation work. They are centrally located within the state, and have been doing a good job in the past. They are expanding and extending their facilities in order to take care of more individuals, the handicapped. Therefore, I think we should give them consideration, and I move that we recede and concur.

The SPEAKER: The question before the House is the motion of the gentleman from Bath, Mr. Drake, that the Report and the Bill be indefinitely postponed.

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

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

Seventy-seven having voted in the affirmative and fifty-one having voted in the negative, the Report and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1157) (L. D. 1594) — Committee on Judiciary on Bill "An Act Creating a

District Court to Integrate Activities of Municipal Courts and Trial Justices" (H. P. 397) (L. D. 572)

Tabled — May 16, by Mr. Baxter of Pittsfield.

Pending — Acceptance of Report.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: This legislation establishing the district court provides the means for up-grading our lower court system, to dispense justice worthy of the people of this state. It combines the best elements agreed upon by all interested parties, full time justice in dignified surroundings available to all in the selfsame supporting framework as our present system. I now move the acceptance of the unanimous "ought to pass" report.

The SPEAKER: The question now before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House accept the "Ought to pass" in New Draft Report.

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

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

The SPEAKER: A division has been requested. Is the House ready for the question?

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly on the background of this District Court bill which now appears before you in a new draft, L. D. 1594, and point out that the proposal is not a new one. I would further point out briefly to you the present system, some of you may not be entirely familiar with it, the proposed system, the effect of the bill if it were passed, advantages and some comment on the support it has throughout the state.

Now in my opinion this legislation is sound legislation. It is a proposal to bring up to date a system which started in 1825 with the establishment of a police court, what we now call municipal courts, in the City of Portland. That system or aggregate of courts, it's really not a system, has grown

from 1825 until the present time, when we now have fifty separate—completely separate municipal courts in the State of Maine. That means fifty judges, forty-one recorders or assistant judges attached to those courts, and twenty-four trial justices. Trial justices are persons who may or may not have legal training, usually in the smaller towns; their jurisdiction largely extends over minor traffic violations although those violations may not be necessarily minor ones. There is a rather extensive authority in trial justices in connection with traffic matters.

Now the Executive Department of course has grown over the years and has been kept up to date, the Legislature has passed laws and kept itself modern, the Judicial system insofar as it pertains to municipal courts is very much the same as it was over a hundred years ago. This bill proposes to make more effective and modernize our municipal court system which reaches the vast majority of citizens who find themselves in court, in this manner. Thirty-three divisions or thirty-three places are provided in the bill where court would be held in the State of Maine. Those thirty-three places all already have a court. In fact, two of those thirty-three places now have only trial justice courts, so those two certainly would have an improved condition in that respect.

Trial justices of which there are twenty-four, who now are serving their terms and their terms incidentally are seven years, would fill out the term according to the appointment, receiving their stipulated salary. Judges of the present courts would also fill out their term, a municipal court judge's term is four years, as is also that of a recorder. There would be under the bill fifteen full-time district court judges appointed by the Governor. They would not be appointed all at once. There is no time limit in the new draft within which the proposed system must be set up. The Governor in his discretion would set up one district consisting of three or four of these division points I have mentioned, and I am sure use that as pilot program to

see how the district court system might work.

Then as experience proves wise, or unwise, he would set up other districts throughout the state. There are thirteen districts under the bill, two judges at large including the chief judge. I note a proposed amendment has been circulated to add one judge in the Portland district and the Judiciary Committee, which gave unanimous ought to pass approval to this bill, has no objection to such an addition.

The salary of these full-time judges under the bill is \$12,000, with the chief judge receiving additional compensation for his duties as administrative head. Now what is the jurisdiction of the new district court as compared with our present municipal courts? The only added jurisdiction would be that of divorce and other family matters connected with divorce plus increased civil jurisdiction up to \$1,200. It is the thought of those interested in this bill that the Superior Court would be relieved of much of its work certainly in divorce and we would hope in the smaller civil matters up to \$1,200 by this provision. Juvenile delinquency, a growing problem here as elsewhere, would come within the jurisdiction of the district court. And of course traffic violations. The Maine State Highway Safety Committee is strongly in back of this proposal with the thought that more uniform treatment of traffic violations would result, and an improved safety record as the dignity, and the prestige—and this is important, the dignity and the prestige of our municipal court system, our lower court system is elevated.

Several amendments are in preparation. You already have from members of the House, two circulated. Another amendment to meet suggestions made by members of the House in the last few days. Another amendment as I say having the support of the Judiciary Committee is in preparation. It meets many of the local problems which arise out of the fact that some isolated communities would eventually lose their trail justice courts, or that — some towns which would lose their municipal

court would have in place of it, a clerk or a so-called complaint justice to take care of issuance of warrants.

A matter of concern to representatives and their counties is of course the financial aspect of the proposed bill, of the proposed system. It was a matter of considerable interest and surprise to me to find that the total salaries presently paid and this is without the many increases requested from this legislature, the total salaries paid to municipal court judges and recorders at the present time, that is 1959 figures, is \$220,408, clerk hire in those courts, \$50,538, making a total cost in salaries alone of the present municipal court system, \$270,946. Now under the proposal, the salaries of the judges would be paid by the state. All fines, fees, forfeitures, collected in the courts would be turned over to the State Treasurer, the expense of the court system would be deducted and the balance distributed to the counties where their balance now goes in accordance with the population of the particular counties involved.

You may be interested in the financial aspect in its total figures of the municipal court system, and these figures were surprising to me. The total receipts presently are \$987,000, I won't give you the odd hundreds, and the total expenditures, \$621,000. The counties do if you want to use the word profit, do net a figure depending on the particular county of course from the operation of these courts as they now exist. Under the proposal, using the figures which necessarily are estimates, I have come up with the figure of \$181,000 in salaries to the judges as opposed to the present \$220,000. This is after it is in full operation which may be after a period of four, five or six years depending to a great extent on the actions of the Governor and the actions possibly of legislatures to come. \$60,000 estimated clerks and complaint justices as against the present \$50,000; an estimated \$25,000 travel and expenses of the judges. Those of course are estimates, but those figures total \$266,000 as opposed to the present

\$270,000 in the municipal court system for the same item.

The point I wish to make is that there is not a financial problem recognizing these figures are estimates, it is not a matter which requires any substantial appropriation, certainly at this time.

I mentioned the fact that this proposal is not new, and I want to point out to you as evidence of that fact that as early as 1927 a research committee made a study of the Superior Court system and incidentally at that time remarked in its report that a reform was then due in the municipal court system. In 1932, a committee made a more extensive study aimed at the municipal court system only, and I would like to quote from that because it is so forward looking and significant at this time some twenty-five to thirty years later. That committee was made up of former Justice of the Supreme Court Thaxter, former Judge Arthur Chapman and Judge Wilfred Chapman of Portland

" . . . . we are of the opinion that the present municipal court system in this date is archaic, wasteful and inefficient, and that a change is imperatively demanded. We recommend the establishment of a system under which there shall be in each county a district court presided over by a judge with a sufficient number of associate judges possibly resident in different parts of the county to dispose of causes in an orderly and expeditious manner. The general control of each court and the assignment of cases among the different associate judges should be in the hands of the judge. . . ."

" . . . the chief justice of the Supreme Judicial Court should have general supervision of the work of the district courts with the power to call the judges together from time to time for an exchange of ideas and to formulate definite rules governing procedure. The jurisdiction, the practice and the procedure in every court should be uniform. . . ." This is 1932. Under the redraft, which you have before you, the Chief Justice of our Supreme Judicial Court would be the top responsible official to whom the chief judge would be responsible.

I would like to emphasize three aspects of the judicial, the municipal judicial system which come close to all of us and close to the citizens of the State of Maine. One, domestic relations, juvenile delinquency; two, the traffic violations, the appalling toll of life even in the State of Maine from this source calling for a uniform and intelligent attack upon the whole problem which includes a court and integrated court system and; three, the divorce problem of the Superior Court which calls for relief by an added court system.

In conclusion, I urge this body at this time to go along with the unanimous "ought to pass" report, permit at the appropriate time amendments which have already been suggested, and give this legislature the opportunity to make a lasting contribution to the administration of justice in this state, in that part of our system which reaches the largest number of people. A proper degree of ceremony and dignity should accompany the exercise of judicial power, and if any of you have had occasion to be in some of our courts, you know that that is impossible at the present time. The district court has had an exhaustive study by the Research Committee of the 99th Legislature, and has had the benefit of consideration by the bench, bar and others interested over a period of years; and incidentally, the Maine Bar Association at its January 19, 1961 meeting endorsed the principle of full-time judges in this area. Adoption of this system is recommended by those having this matter at heart as a step which will permanently elevate our inferior courts to the position they deserve. Such legislation unquestioningly in my mind will bring credit to the legislation for one of the most important forward steps in the judicial history of the state.

The SPEAKER: At this time the Chair would like to note the presence in the gallery of thirty-two students of a class in Maine history and government from the Lisbon Elementary School in Lisbon, Maine. They are accompanied by their principal, Mr. John L. Weldon and also some of the parents of

the students are present. Their visit here is sponsored by the gentleman from Lisbon, Representative Karkos.

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

The SPEAKER: Also in the gallery is a group of seventeen students from the Carmel High School, a class in Problems of Democracy. They are accompanied by their teacher, Miss Wallace and a parent, Mrs. Fogg.

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: As a member of the research committee who made a study of this bill, I was much concerned with a few of the things that has been brought out, and I still am much concerned. I did not sign a minority report, finally agreed to it with the rest of them, but still I'm not too much influenced one way or the other, but I would just like to let you know what concerned me very much at that time, and still does.

First, the court system as it's now practiced brings in a million dollars of money from fines. This goes into each county where the fines are taken from their people. Secondly, what concerns me a great deal, is it does not give the service, I do not see how it can, that the present court system can. I could point out several places—point out in our own county where it has been a great help to the police force in enforcing the law of safety driving to have a court nearer than Bath in Sagadahoc County where they can have one in the upper part of the state. Thirdly, of concern, it removes the court farther away from the people the ordinary people. Now I think anything that brings that

about—after all our system of government is set up to serve the people, and this seems to bring it farther away. And I think the cost is going to be much more than what it is already costing. The gentleman from Bar Harbor said the cost would be \$266,000, where it is costing \$270,000 now. Now I don't know where he got that \$270,000, I've never seen that before, and I am just wondering how such a figure could be gotten at that of what the courts are costing now, because most of these judges are practicing law and doing something else and I don't see where he gets that sort of figure, although it may be so.

Another thing that concerned me much was this money was being paid into the state and after they've taken out what they wanted, that is, what all the costs were, then it will be returned to the counties per capita according to, rather than what was taken of that county. Those things just concern me, and I don't know if they concern me enough that I would like to see the bill defeated, but I just want to bring that to your attention, that's the way — after making an exhaustive study and the Legislative Research Committee — those things do concern me now.

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

Mr. TYNDALE: Mr. Speaker, it is illogical for a man not in the judiciary standing to get mixed up in this bill, it seems also to me that this is quite a complicated bill. I don't think it's one that you can make a snap decision on in the course of a few minutes' debate. I think there should be given a great deal of study to it by all of us, and I was wondering under the circumstances and I do this very reluctantly and I don't know whether it should be tabled or whether you would be willing to go on to much more discourse on it, but I want to inject this one single thought, that I hope that this bill will be given very serious consideration. It has a lot of merit.

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

Mr. SMITH: Mr. Speaker, to clear up one point raised by the gentleman from Bowdoinham, the figures which he says he has not seen before, \$270,000, are on page fifty-four, Appendix I of the Legislative Research Committee Report which you all have.

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

Mr. BRAGDON: Mr. Speaker, like the gentleman from Bowdoinham, Mr. Curtis, I sat through several sessions of the research committee in the study of this district court bill. I even at the request of some of the attorneys who were on the sub-committee sat in and listened to their discussions. Out of it, I have become convinced that this is definitely a forward step for the people of the State of Maine to take, and I certainly go along with the motion of the gentleman from Bar Harbor, Mr. Smith, in acceptance of the ought to pass report.

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

Mr. JAMESON: Mr. Speaker, there's a part of this bill that isn't quite clear to me, and I would like to ask the gentleman from Bar Harbor, if he would explain it. Is there a regular session of court every day under this bill? And relative to domestic troubles if there isn't a court every day, there's some of these troubles get pretty rough you know, and by the time the district judge gets around a man or his wife may shoot each other.

The SPEAKER: The gentleman from Bangor, Mr. Jameson, has asked a question through the Chair of the gentleman from Bar Harbor, Mr. Smith, who may answer if he chooses.

Mr. SMITH: Mr. Speaker, Members of the House: The best way to answer a question of that kind I think is to locate it in the place which concerns the question the most. In Bangor, there would be a session every day.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I agree with the gentleman from Kenne-

bunkport, Mr. Tyndale, in his remarks that this bill should be studied thoroughly. I would like to assure him that it has been studied. Sometimes we may lose our identity through a measure, but in the 98th session of the Legislature, I presented a district court bill, which bill was withdrawn by me, and subsequently I submitted to the Legislative Research Committee an order to make a study of the measure and finally you have the vehicle before you. I thought it was an excellent program then and I do now.

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I think the Judiciary Committee has given this a lot of thought, they have made this an honest attempt to work out a bill which many consider a forward step. I cannot sit here and go along with something that our own Lincoln County Bar Association is against. They have sent us a telegram, they say they are against it. This bill provides for fifteen full-time district court judges. Within a few years, they will probably be back here asking for a few more. This bill would provide in reference to our own district for one district court judge. Our lawyers are afraid that the next thing that will happen will be that the office of the judge of probate, the register of deeds, the county attorney will also be combined, and it will mean a breakdown of county government. I would commend Senator Erwin for answering my questions as to our own problem in Lincoln County. He said that it was one of the best run courts in the state. We have a dignified court, it's well run, we're thoroughly satisfied with it. This is a forward step, maybe it's too forward. I loathe to disagree with the Maine Bar Association of which I am a member, to disagree with its president, an old long time friend, but I can do nothing else than vote against this bill.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Knowing that I was not qualified to speak in any way on this bill, I set out to gain some information by going around the state, asking different people that I felt were qualified. I have come up with a few things here that I just want to hand out to you for what they are worth. I would like to say that I am opposed to this district court bill for the following reasons:

1. There is a great need in our tourist state for trial justices to care for minor motor vehicle and fishing violations expeditiously. I do feel that when we have these small matters come up especially to the tourists, that they do not want to be detained anywhere until such times as the judge might visit that local municipality or someone nearby. No serious crimes can be disposed of by such courts. They are well distributed, these trial courts. If it is felt that the men who are trial justices on the average are not well enough educated, then a law can be passed whereby in the future trial justices can be college graduates and that they can take certain examinations as prescribed by their chief justice. This and certain geographical redistribution, if necessary, would remove any faults with the trial justice system.

2. Our Municipal Courts are doing a good job as police courts throughout the state. Through the years many new responsibilities have been placed upon the courts, but if competent attorneys are appointed and salaries are increased when necessary along with necessary increases for clerk hire, the Municipal Court judges can do the duties they are supposed to inclusive of civil matters. It is not necessary to have full-time judges handling these municipal court matters, so long as the municipal court judges properly distributed geographically have enough increase in their salaries, so that they can spend more time than they are now spending.

3. It would be wrong to have full time district court judges because they would be moving all over the place and the law enforcement officials would have dif-

ficulty setting up hearings and the defense attorneys would have trouble arranging hearing dates. We will be worse off if we have one district judge moving around than is our situation now. If we get the right municipal court judges and pay them the right salaries, we will get better service under our present system than we will under any new system.

4. Divorce matters and welfare matters should not fall under the district court judges. A district court judge in a city would handle so many divorces and welfare cases, that he wouldn't have time to handle the police court work. The district judges in the more rural areas would be paid for more than they were producing. The best way to handle the welfare and divorce cases crowded dockets, in my opinion, would be to have two or three Superior Court judges under our present Superior Court system. These men travel from area to area in the State and by doing this they gain valuable experience concerning the living habits, the economic situation and the legal situations throughout the State. By travelling all over the State these men become acquainted with attorneys and so forth and know how the different courts are run.

There are other reasons today, too numerous to mention, why we should not change our system. I do believe that one of them is the extra expense regardless of what has been said. Seldom if ever do we change any system without it costing us more in the long run. Further, I feel it is a move to do away with county government. We do not want to lose our county government; as the states population increases, county government will become more necessary. There has not been sufficient need disclosed as to why there should be a change in our present court system to warrant the enactment of this district court bill at this present time.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read in part from the following letter. It is headed, American Bar Association, State



Delegate for the State of Maine, 57 Exchange Street, Portland, Maine. It is addressed to Senator James S. Erwin, State House, Augusta, Maine.

"Dear Senator Erwin:

Having read your statement to the joint conference in favor of the adoption of a new district court system, I want to write in support of your position. I understand the bill in amended form is now Legislative Document No. 1594. The American Bar Association has been interested in similar measures to improve the efficiency of our courts and the administration of justice all over the country.

In considering the adoption of a system of district courts, Maine is doing only what several other states already have done, and are making such plans. The proposed bill appeals to me as a modern, progressive step in the right direction.

Sincerely yours,  
ROBINSON VERRILL  
State Delegate"

Also, ladies and gentlemen of the House, I would call to your attention that municipal courts and trial justice courts are infrequently referred to as inferior courts. This term, however, has reference solely to the magnitude of the cases under their jurisdiction, and not to the importance of the cases that come before them.

The remarks have been made in this House today that this would do away with county government. This would not do away with county government whatsoever; we have not taken away the county line, the county attorney would be the one who would be the prosecutor and the funds are turned over to the county, and if more funds are turned over to the county then the county officers are enriched that much more.

If the man in the street receives from his treatment in a traffic case an impression of inefficiency, injustice or favoritism, he will be inclined to regard the entire court system, and indeed the entire state government as inefficient, unjust, or dominated by favoritism. I would also say to you ladies and gentlemen of this House that it

should be pointed out that our existing municipal and trial justice courts represent a marked exception to the principle on which most other state institutions including our Superior Court are operated; the principle that the public is best served by public servants who devote the whole of their working time and energy to the public responsibilities. The plan in which local justice is administered as a side line by public servants whose chief source of income is elsewhere and indeed to a certain extent in an area inconsistent with their public responsibilities, is a gross exception to this rule. I hope that this House supports the unanimous "ought to pass" report.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Judiciary Committee, I rise in support of this bill. However, I am not supporting the bill simply because I am a member of the committee and signed the report, nor am I supporting this bill because I happen to be a lawyer. I am supporting this bill on the principle of good, honest American fair play, and if you people here in the Legislature believe in fair play for yourself and fair play for the citizens of the State of Maine, you will support this bill.

Under our present system of municipal courts and trial justices, if you happen to be so unfortunate to be arrested and called into court, the traffic officer goes to the trial justice or the judge and tells his side of the story. The court issues a warrant to have you arrested. Now you can't tell me that human nature being what it is, that when you come into court to have your say that the court itself having already determined that you should be brought in for a trial, is not going to be quite a bit in favor of the police officer's story and against you, and that's quite a burden to overcome. Under this new bill this will be done away with, because the police officer will be telling his story to the judge at the same time you are in court and not beforehand. The judge will be hearing both stories on the same

day, and will not have the opportunity to pre-judge the police case.

Now I myself have been in a court several times, and I have paid my pound of flesh to some of these places, and I am sure that I would like to get a fair break just the same as you people would. Now the second part of this bill which is favorable is that if you should happen to get arrested down in the County of York or up in the County of Washington or up in the County of Aroostook, there will be uniform fines which will be established through regulations through this court, so that you won't be subject to the whim of a particular judge in a municipal court or a particular trial justice as to what is his sense of good justice.

Now the third thing that will do something for the people in regard to this bill. If you are arrested and want to go and pay your fine and not request a hearing, under procedures which will be established under the bill, you will be able to call the clerk of the court and find out what the fine is for the offense of which you have been charged, send your money order in and that will be the end of it. You won't have to take a day's time to go to court, sit around all afternoon or all morning, or in some cases all night, unless you particularly feel that you want a trial. Now for those cases where somebody does want a trial they can get one within a reasonable period of time. Now this bill is a bill for fair play for the citizens of the State of Maine, and I urge you to support this bill. Thank you.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I don't want to take up any more of your time this morning, but I only want to say that I have studied this bill very carefully. I studied the prognosis put forth the last couple of years and the Research Committee Report and the bill itself, and I want to say that I wholeheartedly support this particular bill, and I think it will be one of the most

important bills that we can pass this session of the Legislature.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I have discussed this bill with many lawyers and citizens outside this profession in my section of Hancock County, and have not heard one dissenting voice. I have carefully read the bill and I believe it will be good for the people of the State of Maine. I urge its passage.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: There is merit to this bill and I will admit, I think it should be kept alive, but I would rather not act in haste like we did on a similar bill, the Sinclair Law which has brought up real controversy now, indirectly is concerned, for expenditures. There were a few questions, at least in my area, which concern the people. On page 3, item 19, the next county to mine, Oxford County, next to Cumberland County, it was stated here at the hearing which I attended which was open to all of us members, to express how far you might have to travel to a court. They said twenty-eight miles was the longest distance that would have to be traveled. I have since checked in my area, people in Oxford County go directly by the court which would be established under this bill in my own town, which I am very pleased to know, but it does require they would have to travel a distance of forty to fifty miles, and pass right by the front doorsteps of the court which would be held in Bridgton. That's number one question.

And the reason as I understand why they cannot attend the Bridgton court would be because of jurisdiction of the county attorney. Now I am wondering, does this lead up to a future approach whereby instead of county attorneys we are going to have to elect district attorneys so we can use the court nearest to a county regardless of where it is located? That is one

of the questions I would like answered.

Another question was brought out in regard to fines; there would be established minimum fines as expressed by Mr. Rust from York. I do not see this in the bill; I think it should be spelled out so we clearly understand and know what traffic violation fines are.

Secondly, we have no court rooms established, but knowing the procedure in Massachusetts they have built brand new court rooms for district courts when they went into that system. Are we going to do the same in Maine? As I say, this bill has merits. I am concerned deeply with it and interested in it, but I don't want to act in haste to make waste later, and I would like a few of these questions if it is available to be answered.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, has addressed a question through the Chair of anyone who may choose to answer.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen: In answer to the questions proposed by the gentleman from Bridgton, Mr. Haughn, I would make these answers. In regard to the circumstances that would involve the area of Fryeburg in the County of Oxford, it is true that under the present organization of this bill, they presumably would have to go to South Paris. However, there are provisions in this bill under Section 5 that would permit a person who was arrested to be summoned into the district court which would be situated in the town of Bridgton. Now if they wanted to go into that court they would have a right to do so. However, that would be for the purpose of paying a fine or pleading guilty and paying a fine. Now if they wish to have a trial, which might involve the county attorney in the County of Oxford, then that case and that circumstance would have to be transferred to the South Paris Court. Now under those circumstances, no one would be inconvenienced because if a person wants a trial, he certainly wants the time to delay to prepare his case, to consult an at-

torney and to obtain whatever witnesses there are, and he would certainly be glad to drive the extra twenty miles it might be necessary to go from Bridgton to South Paris under those particular circumstances.

The second part, as far as the court establishing these uniform fines so to speak, there are provisions in here that the Chief Justice of the Supreme Judicial Court, if I recall correctly, has a right to make uniform rules and proceedings throughout the whole district system once it is fully established. So that would take care of that.

Now the third point, as far as the district court setup going out and building new buildings for district courts, I think that question has its own answer, that the people of the State of Maine being what they are, and the people of the bar who are going to operate this system being very conservative by nature, and by the type of profession they are in, they are not going out and build new modern buildings. They are going to use whatever facilities are available which will serve the purposes, and in most cases they will be using facilities which are already in existence, and there will be very, very few cases where they will need to provide new facilities. Thank you.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: Our court system exists primarily to insure justice and fair play to everyone who appears in legal proceedings, both civil and criminal, and also to take care of the case load in an expeditious manner. The chief objection that has been raised to this bill is that there would be an added expense to the court setup. The tendency apparently has been in recent years to place more emphasis on the money making aspects of our courts, and at the same time to resist spending any of the so-called profit on improving our court system. The figures that have been cited here this morning show that the courts take in about a million and pay out six hundred

thousand, therefore having a net profit of some four hundred thousand dollars.

In the County of Washington, where I am familiar with the situation and where I practice law, our municipal courts have a county-wide jurisdiction and at the same time we have three trial justices. Now, there is nothing under the present system that prevents you from being taken to a trial justice in preference to a municipal court with a legally trained judge. Our three trial justices are all laymen. So it is the arresting officer and not the person who is accused of crime who selects the court that may be used. Now the court facilities in our area vary quite widely. We have municipal court rooms; at the same time our trial justices may hold court in the kitchen or out in the woodshed, and they may hold them at 9:00 o'clock in the evening or 6:00 o'clock in the morning.

Now I find that a great many of our citizens are quite critical of having laymen with no legal training sit in judgment. These people have no knowledge of court procedure; they don't know the rules of evidence. They can't interpret the statutes. They don't even know the, for instance, constitutional rights. We recently had a case where a man was taken before a trial justice, or in this case it was a recorder, who is a layman, and after hearing the case the recorder pronounced the sentence "guilty." He then informed the attorney and those present that the reason for his decision was that the respondent did not take the stand in his own defense, so there goes about five hundred years of common law and the Constitutions of the United States and the State of Maine.

Now I think that our people deserve better than that, and they will get much better than that under this new system. Because under our proposed district court system we will get a respect for the courts, and if we succeed in obtaining this respect, it will be good for general law enforcement. In other respects, a layman on the bench is at a disadvantage. Sometimes he is overly impressed by the erudi-

tion of the attorneys. On the other hand, sometimes he takes a rather antagonistic attitude, he thinks that the attorneys are just trying to argue through the point of a pen. And in our area, in any event, in many cases the trial justice or the recorder has to act as the prosecutor. The only other person present is the defense attorney. The defense attorney is in the position of arguing points of law with a person who is not learned in the law and is not qualified to judge.

Now Mr. Rust, the gentleman from York, has already pointed out the fact that a very bad feature in our present system is where the officers come in and they tell the judge the whole story or the recorder the whole story and on the basis of it he makes out a warrant, then he goes into court and hears the case; but he has already heard not only what went into the warrant, but as most of us attorneys know, probably a few other assides and certain other information or hearsay which would not be admissible in court but which can easily be thrown into the conversation in the back room.

Then with reference to fines, he has already covered that. Today you can be fined on a speeding charge in one area of the state and pay \$10.00 and in another area of the state you pay \$35.00. I find in my experience that officers will sometimes bypass courts which they feel result in their losing cases. They like to go to a court where they can get convictions. This isn't a good situation for law enforcement, and it certainly is not justice and fair play to the citizens.

Now our Washington County Bar Association has gone on record in favor of this bill. We have distances in our county which are considerable to travel, but we all feel that what we get out of this is going to be well worth whatever little extra travel we may have to put in. We think this will improve the quality of the justice in our courts, and therefore it is going to be worthwhile even if the profit, so-called, is not as great as it is now. After all, we should remember that these so-called lower courts are the ones with which most of the citizens come in contact. If

we are to have better law enforcement and respect for the law and faith in our scheme of government, we can scarcely continue to neglect this important segment of our judicial body. For that reason, I very strongly recommend that we go along with the ought to pass report of the Judiciary Committee.

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

Mr. WHITMAN: Mr. Speaker and Members of the House: I appreciate the concern of the gentleman from Bridgton, Mr. Haughn, as to some of the people in Oxford County, and I would say that with the original bill we did have some very serious reservations. However, I think the Judiciary Committee has done a tremendous job; they invited the entire Oxford County delegation to come in in a special session and iron out the problems that we found within the bill. They have removed the major obstacles and the major objections, and I think the bill at this time is entirely worthy of a trial.

It is my understanding that the bill as it is written now will be just that, we will establish the court system only to the extent that it may be instituted and probably will result in an immediate pilot setup which can be studied, and if it works out entirely well, then the entire system can be established. However, I think that is the intention at this time to go ahead gradually and institute the entire thing over a period of years. I think this is one of the portions of the Governor's program that we should give very serious and favorable consideration to.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: The Maine Highway Safety Committee has studied this matter for several years now, and is very much in favor of this bill.

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

Mr. PIKE: Mr. Speaker and Members of the House: I recognize that it doesn't usually pay, as a matter of fact it is usually ex-

pensive to get mixed up in a dispute among a bunch of lawyers, and I have to plead a complete lack of experience before these various courts as now constituted, a record which I hope to keep clear. But I have been going over this bill and hearing the people, and seeing the whole picture as I think I see it, it makes general good sense to me, and it seems to me that this report ought to be accepted without any too much nit picking at the start. I hope we accept the unanimous ought to pass report of the Committee.

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

Mr. HAUGHN: Mr. Speaker, I know in my particular area we had a problem in regard to distance that's been corrected, but for the information of the gentleman from Woodstock, Mr. Whitman, he represents over in Oxford County, that is true, but in the South Paris area. Now it is true I am in Cumberland County and in Bridgton, but I am so close to that area a lot of their problems do come over to me as well. Now I wish he would check with these people over here because I have had numerous people complain the only fault they found with the bill, and they say the bill has merit and should be adopted, but with these minor corrections, and that one was the distance travelled from Hiram, Brownfield, Fryeburg to the South Paris court, so I hope he will check with those people because they have been in numerous numbers to me and I am not in his county, but I am interested in their problems.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: Anytime we need money, we usually go to a bank, I don't mean a small finance company; anytime we are sick, who do we go see, a doctor? Anytime we are in trouble, we go see a lawyer. We all know how hard it is to get even two lawyers to agree, and this time ten lawyers agreed, and I think it must be a pretty good bill. (Applause)

The SPEAKER: At this time, the Chair would like to recognize the presence in the gallery of students from the St. Rose of Lima School in Chisholm, Maine, accompanied by Sisters of St. Joseph.

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

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House accept the "Ought to pass" in New Draft Report on Bill "An Act Creating a District Court to Integrate Activities of Municipal Courts and Trial Justices," House Paper 397, Legislative Document 572. A division has been requested. Will all those in favor of accepting the ought to pass report please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

One hundred ten having voted in the affirmative and twenty-nine having voted in the negative, the motion did prevail.

Thereupon, the New Draft was read twice.

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

Mr. JONES: Mr. Speaker, Honorable gentlewomen and gentlemen of the House: On this bill, I didn't speak in opposition to it. In Franklin County we are very happy with the present setup. We have trial justices and we have dignity in the court. If there is any question or any doubt might I suggest any one of you who are in doubt proceed to Franklin County, catch a few short fish or more fish than you should have, or break some law and go before the trial justice, and there you'll see the dignity of our court.

Here now within the last few weeks on checking the record, we find that one of our justices, trial justices has been holding court in the evening at his home and taking care of anywhere from seven to twelve or fourteen cases an evening, three

and four nights a week. That is I think expediting our problems.

Now we are not too much concerned, we feel that the bill probably has good merits but we aren't ready for it in Franklin County, and therefore, in order to remove Franklin County from the concepts of the bill, I would like to offer House Amendment "B," filing H-301 and move its adoption.

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

Mr. KNIGHT: Mr. Speaker and Members of the House: I am sorry to see this attempt of Franklin County to secede from the proposed judicial system of the lower court of Maine. I had hoped that any amendments would be brought forth at the third reading, and I will not labor this question at this time, but would move that this matter be tabled until tomorrow.

The SPEAKER: Will the gentleman from Farmington, Mr. Jones, please approach the rostrum.

(Conference at rostrum)

The SPEAKER: The Chair understands the gentleman from Farmington, Mr. Jones, withdraws his amendment at this time. The bill will be up for third reading tomorrow.

Thereupon, the Bill was assigned for third reading tomorrow.

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

Mr. STORM: Mr. Speaker, I would inquire if L. D. 1459, the so-called Right to Work bill, is in the possession of the House?

The SPEAKER: The Chair will inform the gentleman from Sherman, Mr. Storm, that L. D. 1459, Bill "An Act Providing that Employment Shall not be Conditioned Upon Membership or Nonmembership in a Labor Organization" is in the possession of the House.

Mr. STORM: Mr. Speaker and Members of the House: Having voted on the prevailing side for the indefinite postponement of this bill yesterday, I would now move that the House reconsider its action whereby it indefinitely postponed this bill; and I would ask for a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Sherman, Mr. Storm, that the House reconsider its action yesterday whereby it indefinitely postponed the Reports and the Bill. A division has been requested.

Mr. Baxter of Pittsfield requested a roll call.

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

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth 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 Sherman, Mr. Storm, that the House reconsider its action of yesterday whereby it indefinitely postponed the Bill and the Reports. If you are in favor of reconsidering that action, you will answer "yes" when your name is called; if you are opposed to reconsidering, you will answer "no" when your name is called.

The Clerk will call the roll.

### ROLL CALL

YEA — Anderson, Ellsworth; Baker, Berry, Portland; Brown, Vassalboro; Chapman, Norway; Cooper, Coulthard, Danes, Davis, Drake, Dunn, Durgin, Edwards, Finley, Hanson, Bradford; Hanson, Lebanon; Hardy, Hartshorn, Haughn, Hutchins, Johnson, Smithfield; Jones, Kennedy, Kimball, Knapp, Linnekin, Merrill, Minsky, Morrill, Perry, Philbrick, Augusta; Philbrick, Bangor; Prince, Roberts, Shaw, Smith, Bar Harbor; Smith, Falmouth; Storm, Tweedie, Walker, Waltz, Westerfield, Williams, Wood.

NAY — Albair, Baxter, Beane, Augusta; Beane, Moscow; Bearce, Bedard, Berman, Auburn; Berman, Houlton; Bernard, Berry, Cape Elizabeth; Binnette, Boissonneau, Boothby, Bradeen, Bragdon, Brewer, Brown, So. Portland; Buckley, Burns, Bussiere,

Choate, Crockett, Curtis, Cyr, Dennison, Dodge, Dostie, Lewiston; Dostie, Winslow; Edgerly, Estey, Fogg, Gallant, Gardner, Gill, Hague, Ham, Hancock, Harrington, Hendricks, Hichborn, Hinds, Hopkinson, Hughes, Humphrey, Jalbert, Jameson, Jobin, Johnson, Stockholm; Karkos, Kellam, Kilroy, Knight, Lacharite, Lane, Lantagne, Letourneau, Levesque, Lincoln, Littlefield, Lowery, MacGregor, Maddox, Matheson, Mathews, Maxwell, Morse, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Pike, Plante, Poirier, Prue, Rust, Schulten, Sevigny, Shepard, Sirois, Smith, Strong; Sproul, Stevens, Stewart, Swett, Tardiff, Thaanum, Thornton, Turner, Tyndale, Vaughn, Wade, Walls, Waterman, Wheaton, Whitman, Whitney, Winchenpaw, Young.

ABSENT — Anderson, Greenville; Briggs, Brown, Fairfield; Carter, Chapman, Gardiner; Dennett, Malenfant, Moore, Wellman.

Yes 44; No 97; Absent 9.

The SPEAKER: Forty-four having voted in the affirmative, ninety-seven in the negative, with nine absent, the motion to reconsider does not prevail.

Upon request of Mr. Bragdon of Perham, Bill "An Act relating to State Retirement Benefits for Teachers," S. P. 204, L. D. 537, was removed from the Special Appropriations Calendar.

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

Mr. BRAGDON: Mr. Speaker, the reason for this reconsideration is that this figure which has been given us as a cost of this bill was figured on the basis originally of it being an emergency measure. It is not an emergency measure, so now we are given a new set of figures which obviously require that the Act be effective ninety days less than the original figure submitted to us. That is the reason for this reconsideration.

And with that explanation, Mr. Speaker, I now move that the rules be suspended in order that I may move to reconsider our action whereby we passed this Act to be engrossed as amended by Senate

Amendment "A" on April 13 and whereby we adopted Senate Amendment "A" on April 12.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the rules be suspended in order that the House may reconsider its action whereby it passed this bill to be engrossed on April 13 as amended by Senate Amendment "A", and also for the purpose of reconsidering the action of the House whereby it adopted Senate Amendment "A" on April 12. Is it the pleasure of the House that the rules be suspended for this purpose?

The motion prevailed.

The SPEAKER: The rules are suspended.

Mr. BRAGDON: Mr. Speaker, I now move that we reconsider our action of April 13 in passing this bill to be engrossed.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now moves that the House reconsider its action of April 13 whereby it passed this bill to be engrossed; and the Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, could I ask indulgence of the Speaker to permit the gentleman from Perham, Mr. Bragdon, and myself to approach the rostrum?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, and the gentleman from Perham, Mr. Bragdon, may approach the rostrum and the House will be at ease.

(Conference at rostrum)

The SPEAKER: The House will be in order.

Thereupon, the House voted to reconsider its action of April 13 whereby it passed the bill to be engrossed; and also to reconsider its action of April 12 whereby it adopted Senate Amendment "A."

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

Mr. BRAGDON: Mr. Speaker, I now move that Senate Amendment "A" be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Perham, Mr. Bragdon, that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

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

Mr. BEARCE: Mr. Speaker, I would like to have a little time to find out what Senate Amendment "A" is.

The SPEAKER: The gentleman from Bucksport, Mr. Bearce, has asked a question through the Chair of the gentleman from Perham, Mr. Bragdon, who may answer if he chooses.

Mr. BRAGDON: I will try to answer the question, Mr. Speaker. I think that this is the—if you will refer to your bill, the original bill, I don't have Senate Amendment "A," but if you will look at your original bill before this arrived in the House, in the Senate an amendment was attached to it which revised the amount. That amendment, I believe, did revise the amount down and this is again revising the amount down. Senate Amendment "A" is filing S-100 evidently. That is all the explanation that I can give, this here is the matter of the Senate revising the figures in the first instance. Then when it arrived on our table, it arrived with the Senate amended figures.

Now neither the Senate amended figures or the original figures are correct according to the Bureau of Retirements and Pensions and for the reason that I have just given, because in the second instance they figured on the basis of it being an emergency measure, which it is not; so there are ninety days less time for the cost to accumulate on. Now that is as good as I can do, Mr. Speaker.

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

Mr. HAUGHN: Mr. Speaker, may we have the Clerk read Senate Amendment "A"?

Thereupon, the Clerk read Senate Amendment "A."

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

(Conference at rostrum)

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

Mr. BRAGDON: Mr. Speaker, in further explanation to the gentle-



man, Mr. Bearce, I would explain that what I am trying to do at this time is to correct. I am not trying to kill this bill or any part of it, if that is the fear that the gentleman has. I merely wish to get this back to where it can again go back to the engrossing department with the correct figures, so that in the last hours of the session we will not have to go through this. I am satisfied myself now that these are the correct figures, I have no intention—this will be back before us again with those figures, if that would satisfy the gentleman. That is my intention.

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

Mr. BEARCE: Mr. Speaker and Members of the House: I wish to thank the gentleman. I thought the old steamroller was going to roll pretty fast, so I wanted to find out what was going to happen to that pension bill. Thank you.

Mr. BRAGDON: Not at this time, Mr. Bearce.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

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

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

HOUSE AMENDMENT "A" to S. P. 204, L. D. 537, Bill, "An Act Relating to State Retirement Benefits for Teachers."

Amend said Bill in section 2 by striking out, in the 3rd line, the figure "\$10,000" and inserting in place thereof the figure '\$2,359.70'; and by striking out in the 4th line the figure "\$10,000" and inserting in place thereof the figure '\$2,359.70'

House Amendment "A" was adopted.

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

Upon request of Mr. Bragdon of Perham, Bill "An Act relating to

Amount of State Retirement Benefits for Teachers," S. P. 205, L. D. 538, was removed from the Special Appropriations Calendar.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The explanation is the same on this bill, and I would now move that the rules be suspended in order that I may move to reconsider our action whereby we passed this Act to be engrossed as amended by Senate Amendment "A" on April 13 and whereby we adopted Senate Amendment "A" on April 12.

Thereupon, the House voted to suspend the rules.

Mr. BRAGDON: Mr. Speaker, I now move that we reconsider our action of April 13 in passing this bill to be engrossed.

Thereupon, the House voted to reconsider its action of April 13 whereby it passed the bill to be engrossed.

The SPEAKER: The Chair now understands that the same gentleman moves that the House reconsider its action of April 12 whereby it adopted Senate Amendment "A." Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now understands that the gentleman from Perham, Mr. Bragdon, moves that the House indefinitely postpone Senate Amendment "A." Is this the pleasure of the House?

The motion prevailed.

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

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

HOUSE AMENDMENT "A" to S. P. 205, L. D. 538, Bill, "An Act Relating to Amount of State Retirement Benefits for Teachers."

Amend said Bill in section 3 by striking out, in the 3rd line, the figure "\$200,000" and inserting in place thereof the figure '\$150,194'; and by striking out in the 4th line the figure "\$200,000" and inserting in place thereof the figure '\$150,194'

House Amendment "A" was adopted.

Thereupon, the Bill was passed to be engrossed as amended by

House Amendment "A" in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair would like to state that there will be a caucus of the House Republicans in this House this afternoon at 1:30.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House briefly.

Mr. JALBERT: Mr. Speaker and Members of the House: I am going to address my remarks to the Special Appropriations Calendar. There are up to now, with the two that have gone over to be engrossed on the other side, seventy matters on the table, and listening to the remarks of the gentleman from Bucksport, Mr. Bearce, mentioning steamrollers, I know that that is not the intention of the committee at all. However, those things have happened before, so he was perfectly justified in making his remarks.

I noticed also in looking around this morning when the gentleman from Perham, Mr. Bragdon, asked you to refer to the bill itself, everybody reached under their desks and most of you were interested. I am going to try to explain myself. Probably this might be done if there is any mood for it by indicating so to the leaders of both parties, Mr. Baxter and Mr. Fogg, in that they either do it by order or do it through the Appropriations Committee or whatever the wish would be, just to expedite matters so that we might be able to look at some of these items that we are interested in, as there is a lot of time involved in these things, it might be an idea, and you might indicate your wishes to both leaders about it, it might be an idea that we would have a special list of these resolves made by number and title, the title of the resolve and the amount of money involved, so that you are interested; and I speak that way because we had such a special calendar a few years ago when I was on the Appropriations Committee and we did make up such a list and it proved to be very helpful. I would like to ask

whether my suggestion is sound or unsound?

Mr. Baxter of Pittsfield was granted unanimous consent to address the House briefly.

Mr. BAXTER: Mr. Speaker, the gentleman's suggestion as usual in matters of this type is sound. We have prepared the list and we are keeping it up to date. However, we felt because of the number of people in the House and the clerical problem involved, that we should wait until all bills are out of the Appropriations Committee. The table will then be complete. We will then have what we are keeping mimeographed and distributed to everyone.

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

Mr. FOGG: Mr. Speaker, I would like to inquire of the Chair if there is in possession of the House L. D. 358, Resolve Closing Hayden Brook, Somerset County, to All Fishing?

The SPEAKER: The Chair will inform the gentleman from Madison, Mr. Fogg, that this Resolve is in possession of the House.

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

Mr. FOGG: Mr. Speaker and Members of the House: Now here is the story on this bill. Anybody who has ever attended the Lakewood Theater which is about six miles north of Skowhegan, it is in the Town of Madison, just before you swing to go down into the road to the theater, you cross a small stream, it is sort of a small meandering stream that runs down through among the cottages down back of the theater and eventually into the lake. They have been having a problem there every spring by young people catching suckers, which come up in that stream, and it is of course a fish they don't want to keep, so they throw them up on the banks and let them lie there. After awhile they get in a very unsavory situation and it continues a good many times until after the theater opens.

Now the people around that section asked the town officers in Madison if they would see me about putting a bill into the Legislature

to close this book briefly while the sucker season is in progress so that this condition can't exist. I put the bill in and it came up before the Fish and Game Committee and it came out of the committee unanimous ought to pass. It went through the House without any argument or any opposition but it was indefinitely postponed in the Senate. When it came back here I thought well it wasn't too important, but when I went home last night I talked with some people, and they are very anxious to get this bill through. For that reason I would like to move that we reconsider our action of yesterday where we did recede and concur with the Senate on indefinite postponement.

The SPEAKER: The gentleman from Madison, Mr. Fogg, moves the House reconsider its action of yesterday, whereby it receded and concurred. All those in favor of reconsidering the action whereby

the House receded and concurred, please say aye; those opposed, no.

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

The SPEAKER: Now we are back to the position where we were yesterday; therefore, the Chair will have to put the motion to recede and concur, and the Chair understands if that motion does not prevail, then that the gentleman will have another motion to offer. All those in favor of receding and concurring say aye; those opposed, no.

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

Thereupon, on motion of Mr. Fogg of Madison, the House voted to insist and request a Committee of Conference.

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On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.