

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

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## HOUSE

Friday, December 1, 1961

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

Prayer by Captain Milley of the Salvation Army.

The journal of yesterday was read and approved.

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

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

### Papers from the Senate Non-Concurrent Matter

Resolve Providing for Emergency Renovation of Existing Facilities at the Maine State Prison (S. P. 606) (L. D. 1677) which failed of final passage in the House on November 30.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. DENNETT: Mr. Speaker and Members of the House: I intend to be very brief in my remarks this morning, but I rise here this morning more to protest procedures than question the merits perhaps of a bill. This session in itself is emergent in nature. It was my understanding, and I think the understanding of about everyone in this House, that we were to deal with emergency measures and emergency measures only.

This bill came in as an emergency, at least under the guise of an emergency. It was tried yesterday afternoon in the legislative balances of this House and it was found to be wanting. Today, it returns to us with the emergency preamble removed. In other words, it is now no longer an emergency. If it is not an emergency this morning, it certainly was not an emergency yesterday afternoon. It

is my honest belief that this bill all the way through has been a wolf in sheep's clothing, and I now move that this House adhere to its former action.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House adhere. Is this the pleasure of the House?

The motion prevailed.

### Non-Concurrent Matter

Bill "An Act Providing for Construction of an Educational Television Network for the State of Maine and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing Thereof" (H. P. 1233) (L. D. 1698) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in the House on November 30.

Came from the Senate with Committee Amendment "A" and House Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: I move that we recede and concur.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House recede and concur.

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I wonder very much if this is an emergency. Our people sent us here to enact laws. They didn't send us down here to thrash these things out and can't come to any consideration amongst ourselves, and we want to pass the buck back to the people, and they don't want us to do those things, and as a matter of fact they don't want any bond issues any more. We have got bond issues enough now. I am not in favor of this business. I

think that it is up to us to speak our own minds and not pass the buck back to the people. You know what happens when we go to a referendum; it is only those people who are actually interested in the matter, there is forty or fifty percent of the people that don't know and don't care, and they don't go to the polls; and when we go into our primary election next June there is going to be this sheet there with these referendum articles on it and the most of them up in my town anyway go into the wastebasket, and I don't think that you get a representative — you don't get the minds of the voting population when you put things to a referendum. I don't believe in it and I hope we don't pass this thing.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This will probably be the last chance any of us get ever in the history of the world to blast out against ETV, and the way I feel about it I want to take every opportunity I have to speak out against this.

Since yesterday, however, I don't know but what maybe I might have been speaking wrongly. I have been thinking quite a lot about ETV. It's altogether possible that I ought to change my mind. I should support it. It has the backing of all the big men of the state according to one speaker yesterday. The Governor is four square on it according to another speaker. The people will get a chance to vote for more indebtedness according to another one. Parents can see what their children are getting. Someone else said it puts Maine in the front for once rather than in the customary position of being at the tail-end of everything. Somebody else said, we are not afraid to experiment even with one or two or three million dollars over a period of years. We already have three hundred in-school TV sets in Maine someone else said, and surely I ought to agree with all of that mass of evidence. We can't live without it. We can't afford to be without Educational Television.

But even then there are more reasons why we ought to have ETV.

First, passage of this bill would save towns and cities millions of dollars in teachers. Five years from now when this thing really gets to working and really gets all of the kinks taken out of it and smoothed out, then we can reduce our teaching force. Another good reason why we ought to be for it is that we won't have to build any more new school buildings, for our students all over the State of Maine can watch ETV and take the courses in large classes and rooms such as cafeterias in the schools or in gyms; we can save millions in buildings as is done in Miami, Florida, where they report that they saved \$3,000,000 in one year when they got ETV, they didn't have to build any more.

Well, we ought to be for it because it is going to mean more business for the eye doctors. We ought to be for it because we can save money for the State by recalling the Sinclair Act. No more consolidated schools will be needed. ETV can make for just as good a course in the small one-room school as they can in these big consolidated schools. We can still keep the 199 little red schoolhouses we already have as somebody was so careful to mention yesterday. Seeing as we ought to have a bond issue, why not amend this bond issue and call for \$6,000,000, then we can expand our teachers' colleges and increase our facilities at the University of Maine. We can have the \$250,000 needed for the Vocational Institute at Presque Isle. We could add all the new teaching machines that we wanted and get rid of even more teachers. That is something that they are beginning to think of now.

Even Mr. Russell at the Teachers Association estimated that a ten percent saving in teachers per year which would mean a saving to the State of \$400,000 per year. Yes, friends, we surely need it. The teachers and their salesmen have sold us on it. They can go back to their dishpans, these women. They won't have so much money to spend when they lose their jobs but they will have more time to spend it, and they can look around a little bit more and find better bargains and maybe come

out just as good in the end. Well, we ought to be in favor of ETV.

However, there is another side to it. I picked up this little booklet that you all have "Teaching by Television," a report from the Ford Foundation, and on page 30 I find this: in 29 out of 32 controlled comparisons in seven different courses of ETV there were no significant differences in achievements between students taught by a closed television and those taught in the conventional method. The same teachers were used in each pair of comparisons. In three different courses there was no significant difference between scores on course related aptitude tests taken by students taught by television and those by the same teachers in the conventional way. There were no significant differences in students' achievements found in comparisons of classes of various sizes where they were taught by television. Size of classes ranged from 11 to 119 students and so forth.

Well, apparently ETV doesn't work too good where it has been used. In the Lewiston Sun this morning, if you want to read it, you will find an article there where these four southern states, as somebody said yesterday, were the only states that had state-owned television, Oklahoma, Florida, Alabama and South Carolina. In those states where they have used them for several years they are still way down on the tail end of the ladder. You will find that in the Sun, go read it, way down on the bottom end; we're going to be the fifth one. Well, we've been way down, we'll probably continue to be.

This is about all I want to say this morning. I would urge you folks to vote for it because that is what the people and that is what the high-pressure salesmen want; that is what the stooges of the teachers' colleges have been writing to you about as they have been instructed to do by the high-pressure salesmen that have been telling them to do that. Oh yes, you have been getting all those kinds of letters just as I have. Therefore, it would probably be best if you voted for ETV.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House recede and concur. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER pro tem: The Chair at this time would like to call attention to the presence in the gallery of a group of students from Hartland Academy in Problems of Democracy, accompanied by their teacher, Morton Hamlin, Principal, and Mr. Wayne Libby. The Chair at this time welcomes you to the House and we trust that you will enjoy your experience here today. (Applause)

The SPEAKER pro tem: Is it the pleasure of the House at this time to suspend the rules for the purpose of sending items 1 and 2 forthwith to the Senate? The Chair hears no objection and the rules are suspended and the matters will be sent forthwith to the Senate.

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

At this point, Speaker Good returned to the rostrum.

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

Thereupon, the Sergeant-at-Arms escorted the gentleman from York, Mr. Rust, to his seat on the Floor, amid the applause of the House, and Speaker Good resumed the Chair.

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

An Act to Revise the Laws Relating to Commitment of the Mentally Ill (S. P. 609) (L. D. 1680)

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. 117 voted in favor of same and one against,

and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

### **Emergency Measure Indefinitely Postponed**

An Act to Divide the Town of Enfield, Penobscot County into Two Municipalities (H. P. 1207) (L. D. 1660)

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

The SPEAKER: The Chair recognizes the gentleman from Howland, Mr. Swett.

Mr. SWETT: Mr. Speaker, Ladies and Gentlemen of the House: I am happy to announce that some of the differences between the communities of Enfield and West Enfield have been resolved; a compromise has been effected and I now move for indefinite postponement of this bill. (Applause)

The SPEAKER: The question before the House is the motion of the gentleman from Howland, Mr. Swett, that this bill be indefinitely postponed. Is this the pleasure of the House?

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

Mr. CURTIS: Mr. Speaker, I would like to understand just what has happened. We were called back here this time for some things that happened in the regular session that nobody knew what was happening. I am in hopes we won't have to come back again because we are trying to rush things through. Let someone tell us what really has taken place.

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

The Chair recognizes the gentleman from Howland, Mr. Swett.

Mr. SWETT: Mr. Speaker, the leaders of the two factions involved have got together in a conference and have just decided that they can go along and their differences have been resolved and they at least won't be back until the next regular session.

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

Swett, that this Bill be indefinitely postponed. All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion did prevail. Sent up for concurrence forthwith.

The SPEAKER: The Chair would like to recognize at this time the presence in the gallery of forty-one students from a civic group in Scarborough High School, accompanied by Mr. Dyer. On behalf of the House of the 100th Legislature, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. Their presence here has been sponsored by the Representative from Scarborough, Mr. Coulthard. (Applause)

### **Emergency Measure**

An Act relating to the Economic Development of Washington County (H. P. 1223) (L. D. 1676)

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

### **Emergency Measure**

An Act to Amend the Charter of York Beach Village Corporation (H. P. 1224) (L. D. 1684)

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

### **Passed to Be Enacted**

An Act to Clarify the Election Laws (S. P. 617) (L. D. 1694)

An Act Creating a State Committee on Transportation Needs in Casco Bay (S. P. 628) (L. D. 1704)

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

An Act to Provide for a Legislative Finance Officer (H. P. 1215) (L. D. 1668)

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

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: It is with some reluctance that I arise this morning to speak against this bill. However, I fully realize the interest and what I believe some people are trying to do. That complicates the thing as far as I am concerned. I have been troubled about this bill since it has come into the special session. I do not believe it should have been in a special session. I do not believe it is of an emergency nature by which we should have judged all bills which came into this special session. However it has, and I debated whether I would do anything with it.

Yesterday morning I decided I had probably better examine the bill a little further and I worked on it a great deal yesterday and through the evening last night. I don't know how to approach the bill this morning because actually I have several different versions of what the bill really will do. I doubt if all the sponsors know what the bill is going to do, but perhaps they do. But there is one thing that is dangerous about it. We are passing a bill that we do not know too much about, and we are hiring a man for six years under a personal contract which can only be broken by a court decision on malfeasance; so if we do not like this particular situation we have no recourse, the Legislature has no authority over him and the Personnel Department has no authority over him.

This man as near as I can tell will only be beholden to the Director of Legislative Research. I am told what he might be able to do, but I also have been told that this — that he certainly will not be able to do anything for some time

until he has built up a staff. It now becomes apparent that if you hire this man you will then build up a staff and a director subject at the moment to the Legislative Research Committee only. However, perhaps the intent would be to build up a staff subject to the Legislature and then have that vying with the Budget Department which is subject to the Governor. As it is now, the Budget Office is as responsible to you as it is to anyone, and the least thing that could happen would be constant conflict.

Now I realize that this has been in some other states. I tried to determine how they set up some way of controlling this man, how it has worked, but on such short notice coming into a special session I was unable to do so. I also understand from some that in some instances where they have had this officer their rules would not necessarily apply very well here because we have a little different setup of government. I feel that this bill is not a proper bill for a special session. I don't know what could be done with it. I wondered if the people who wanted it could put in an order to hire a man for a two year period or for some time and then let us evaluate whether we wanted a finance officer in the regular session or not. I realize that is not a very feasible thing but I was trying to find some reasonable way of respecting the wishes of those who are putting this bill in, but I do feel that I would be derelict in my duty to the Legislature if I had not brought to your attention the very serious — what I believe to be very serious nature of hiring a man for six years with no way of dispensing with him and not being really sure of what you are hiring him for.

One more thing. I would remind you who may not understand this, that the Statutes clearly provide that the office of the Budget Director is beholden to the Legislature and to the Executive Branch; that that office is as responsible to answer any question that you ask as he is to answer any question that either the Governor would ask or if you are looking at the Appropriations Committee, the Appropriations Committee. They are

by law the Secretary of the Appropriations Committee, and the only thing that they do not divulge is Committee business. The same holds true of your own secretaries in your own committees, they would not divulge information to me or to any other member of this House. That is the only thing. If you wish to hire a Clerk for the Appropriations Committee, I would think that you certainly have the power to do that. If you wish to curb the Appropriations Committee, you have a way to do that; but I don't know as you realize that that office must answer your questions about any finances or go into the departments and find the information that you want, and by Statute they must do this, and also the other one that has to is the Auditor, those two have it written in the Statutes.

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

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: I too go along with the gentlewoman, Mrs. Smith, on this. I feel that this should be a matter for the next Legislature, and I move for indefinite postponement.

The SPEAKER: The question before the House is the motion of the gentleman from Ellsworth, Mr. Anderson, that this bill be indefinitely postponed.

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

Mr. WHITMAN: Mr. Speaker and Members of the House: As the sponsor of the bill in question, I would like to take a few moments to explain some of the details of the bill and perhaps answer some of the questions that have been brought up here this morning.

At the outset, I would like to say that this is not entirely my own idea. It is not a new idea. I think it was first considered here in the State of Maine by the Joint Select Committee of the 99th Legislature who studied the possibilities of rule changes and procedures to expedite sessions. However, they had considered the proposition but for some reason or other offered no action to instigate this type of thing. During our recent sessions of the

Legislative Research Committee, the sub-committee on rules and procedures studied this proposal and I was requested at that time to introduce this measure. It was the opinion of the Legislative Research Committee that this bill should be introduced at this time.

I say it is not a new idea; it is not only not a new idea in the State of Maine, but it has been used in many states throughout the Union; I think as many as 25 states now have some sort of financial advice strictly within the legislative branch. I think we can all agree that the size and scope of our financial appropriations has become so tremendous that we are absolutely in need of more advice and consultation in arriving at our decisions on financial appropriations.

The reason that the Legislative Research Committee was desirous of having this bill introduced at this special session was primarily to make this service available, if the House and Senate should so desire, to make this service available for the 101st Legislature. Obviously, if we postpone action on this measure until the 101st Legislature, they would not be able to benefit by this legislative finance officer. For that reason, we introduced the bill in the special session, and I think that the confusion that we have recently experienced in our financial appropriations indicates that there certainly is a necessity to make an attempt to keep on top of the situation. For that reason, I personally considered that it is an emergency that we do something to perhaps do a better job and take care of the details of the financial picture.

I would like to explain perhaps some of the things this man can do to benefit us. We know that Roland Berry and the Budget Bureau does a tremendous job. I have no aspersions whatsoever to cast upon the Budget Bureau. We think they do a tremendous job. However, since our appropriations matters have expanded so tremendously in the recent bienniums, we have given the Budget Bureau so many more details to work on, that the job has just become too much for us to expect them to handle properly. We have foisted upon the



Budget Officer many details that have nothing to do whatsoever with the Governor's budget. For instance, he must keep track of all of our legislative LD's, be they related to the budget or otherwise. He must keep track of the details of sending messages to the House and Senate Chairmen as to whether they should be tabled, as to whether they need amendments; these are just some of the many details that he must attend to.

Above and beyond that we find in the legislative session that we have need of many questions answered. I think we are expecting too much of the Budget Officer to handle all of his proper duties and in addition to that answer many of our questions which are totally unrelated to his proper duties.

During the interim, this man would serve as a full time servant of the Legislature by doing research into financial aspects of the State's business. This could be a tremendous asset to the State of Maine and to the Legislature by having a reserve of facts and figures and comparisons and financial studies to refer to by any member of the Legislature. This would prove to be more and more valuable as the years go by when he has built up a reserve library of references for us to look into.

As to the method in which he is hired, there has been mentioned some objections as to employing such a man for a period of six years. I can assure you that the Legislative Research Committee is desirous of hiring the finest caliber man and the best qualified man to fit this job that we can possibly find, and I think we have to offer this man something in the way of job security in order to hire such a man as we are desirous of having.

Furthermore, I would point out to you that the paragraph dealing with the appointment—and I underline appointment—we are not contracting for services, we are making an appointment. This paragraph that deals with that appointment is drafted almost identically to the method in which we—or to the Statute under which we appoint our Legislative Research Director.

Now I doubt very much if anyone in this room has any fears as to what the Director of Legislative Research Committee will do. He is hired in this exact manner, and I have heard no objections as to the performance of his duties. I sincerely hope that the House will give serious consideration to making this effort to improve our performance in the manner of financial appropriations.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I certainly do not wish to be repetitious. The gentleman from Woodstock, Mr. Whitman, I think has covered the subject matter very fully. This bill was heard before the Committee on State Government. There were nine members present, representative of both political parties, and those nine members were unanimous in reporting the bill out "ought to pass." There were no opponents to the measure present. We heard the bill. We feel very strongly that perhaps if this Legislature had had a legislative finance officer we would not have found ourselves involved in many of the situations which confronted us.

I have no feeling at all against the Director of the Budget. I feel that he has done a wonderful job but, on the other hand, it is a tremendous job for one man. I again feel very strongly that this finance officer would be representative of the Legislature and the Legislature alone, and he would be answerable at least to a committee of the Legislature and no one else; and I feel at all times he could provide us with that vital information which we need at many times, and we need it fast. Otherwise, confusion results. We saw many results of that confusion in this past regular session. I truly hope that the motion to indefinitely postpone does not prevail, and when the vote is taken, I ask for a division.

The SPEAKER: A division has been requested.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I have told

you that I feel a great many of these people were very sincere in putting this in. I have also told you that I do not feel that it is a suitable bill for a special session, and I do not feel that it is of an emergency nature, and I will tell you why.

Actually, what this will involve eventually, and I too have nothing against — I as the others feel they have nothing against the Budget Officer, I too have nothing against the Legislative Research Committee or the Director of Legislative Research; but however, I went to his office last night to discuss this bill, and in the course of the conversation I — he told me what this man could do as we have heard this morning, and I said: Where are you going to find a man of this kind? To begin with, if this is an emergency, it will take you some time to find a man of the caliber who can go in and answer these questions. Furthermore, it will take him some time, it will be at least ten years before he gets to the point where he can go into these departments and do what you have just said to me; and the answer was, it certainly will take some time to build up a staff which can do it.

Now what will happen under this, and we might as well face it here if we have to, is that you will set up another agency with staff, comparable to the Budget Office. Roland Berry is not doing this job alone, this is not a one-man job that he is doing now, this is a job that he happens to head up a group of his employees that are there to do the job. Now if that office, with all its personnel, could not keep up with things last spring, I just ask you what one man would do with the same proposition trying to keep up with it and keep it straight. I think we ought to be realistic. I don't know what we can do with this bill. I really honestly don't see that we can do anything but kill it here, but whether you — and I see no sense to refer it to the 101st, because the 101st can bring in its own bill; the Legislative Research Committee can do some more work if they want to and bring in another bill, but this

man is not going to be ready to do work for you.

I also think that some of you are under the illusion that he is going to report to every Legislator that wants to go and ask him anything. Now the gentleman who presented this bill told me last night that he would be at the beck and call of the Appropriations Committee, in other words a glorified clerk; and that he would report to the Research Committee, that he certainly would not have time enough to answer all the questions of all the members of the Legislature. So you are setting up this for one committee only, and of course since that committee is not in session all the time, it would be natural that he would come under the influence or not influence, but jurisdiction somewhat, would have to, of the Director of Legislative Research or someone — in fact the bill doesn't tell you what is going to happen, and that is why I object to hiring a man for six years whom we cannot fire, whom the Legislature cannot even fire, on such short notice without being able to set up any safeguards, and I have not been able to determine how this bill could be amended so we could be sure of it because we do not have enough information.

The SPEAKER: The Chair will interrupt the debate at this time to recognize the presence in the Hall of the House of Congressman Stanley Tupper. The Chair will request that the Sergeant-at-Arms escort Representative Tupper to the rostrum to be the guest of the Speaker at this time.

Whereupon, Honorable Stanley R. Tupper was escorted to the rostrum by the Sergeant-at-Arms amid applause of the House, the Members rising.

The SPEAKER: The question before the House is the motion of the gentleman from Ellsworth, Mr. Anderson, that this bill be indefinitely postponed.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: Ever since I read this L. D. I have been quite concerned with it. I have been

much concerned with it because of what it might do to our government of the people, for the people and by the people. Someone has said that history repeats itself, and we know it does in government. We have had governments similar to ours, although I believe ours is the greatest government there ever was on earth, and they have been pecked away at and pecked away at until finally they have become obsolete and dictatorship or somewhat like it has taken over.

It has not been too long since a bill or resolve at least or a suggestion was made in this House to have a committee set up of some young students who were to present the L. D.'s to the Legislature. I don't think that would be constitutional, it didn't get anywhere anyway; and I am just wondering if this idea is constitutional. What is this House? Who are they? What are they here for? Broadly speaking, you are the cream of the boiled down almost a million people and they come up with 184 Legislators, some in one branch and some in the other, to do this work.

Now as I read this bill, this man is going to take over the things that you should do for yourselves. You are here to represent the people and not simply just some faction. Also, I believe this to be right and constitutional, this man should be appointed by the Governor and confirmed by the Council. I just can't go along. Who is this Legislative Research Committee? I have been a member of the Legislative Research and they are appointed by the Speaker and the President, the Speaker of the House and the President of the Senate, who are just ordinary elected representatives of the people the same as you and I. Now they have the power to go out and hire a man that this Legislature has no power over whatsoever. He is going to be hired for six years, you have got nothing to say about who he is going to be or anything except you are going to give the power to hire him and the power to pay a certain amount. I think it is entirely wrong, and I do hope that you will stand for legislative gov-

ernment such as we have and let's not give any of it away.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I really hesitate to even speak a second time, but I would not for one moment have this House think that this measure is intended to weaken the power of this Legislature; on the contrary, it is intended to strengthen it. It is not to destroy the government but to make it more secure. It is intended to give the Legislature the information that they need. I don't think perhaps with a few exceptions there is a man in this Legislature capable on his own of gathering all the facts that are necessary, particularly as regards financial matters. I feel that this is a thing that by all means will strengthen and not weaken the Legislature.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This matter has been considered by the Committee on State Government in this Legislature and as they have told you, they have come out unanimously in favor of it. As a member of the Legislative Research Committee, I asked many of the same questions perhaps that the committee has asked themselves, that Mrs. Smith, the lady from Falmouth, has asked. However, I have become convinced that this man, this officer proposed in this bill, could be invaluable to the Legislature. I think many of us feel perhaps there are cases maybe where departments of government perhaps have over-extended themselves. We would like an opportunity perhaps, if we had the time, to go in personally and satisfy ourselves that our fears were correct. Certainly we do not have time to do these things. The Legislative Research Committee is set up more or less perhaps for those purposes. However, they—it generally works out that they do not have the time to make the investigations that they want.

I would point out to this body that this man as I see him is set

up as a full time man to look up any information we will say that the Legislative Research Committee might wish to delegate to him to report to them, to report to the next Legislature, to the Appropriations Committee of the next Legislature if you will. I have become convinced that he would be invaluable, and I hope that you will not indefinitely postpone this bill.

There is one other thing. Mrs. Smith has suggested that if we pass this bill, we are tied to this thing with no means of repeal. That I could hardly buy. If the next Legislature felt, or the one following, certainly no bill can be passed by this session or the following session or any other that cannot be repealed in any session. Certainly the Legislature is not tying themselves to something they cannot dispose of. Again, I hope you will think seriously before you vote to indefinitely postpone this bill.

Mrs. Smith of Falmouth was granted unanimous consent to speak a third time.

Mrs. SMITH: Mr. Speaker and Members of the House: I would only remind you, and none of them have been able to refute this, they have all told me that the Legislature is all powerful; but this man is under contract and I am told by good legal authority that under contract he cannot be disposed of in less than six years except by a court order on malfeasance.

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

Mr. BERRY: Mr. Speaker, the point has been well raised as to why this measure is before us at a special session and not a regular session, and I think it is extremely important that it be taken up at this session.

This is the third of three measures designed to facilitate the administration of our State Legislature. Who is better qualified to consider this measure than we here in this Legislature who have had practically six months of a session behind us? We have seen what a man who has the financial ability to present to these committees, the facts that we need.

I think that this is an excellent place to make the decision and an excellent time to make the decision. I can think of no better place. I hope the motion is defeated.

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

Mr. WATERMAN: Mr. Speaker, there is a question still unanswered in my mind, and that is if Roland Berry and his whole finance office cannot answer these questions with the years of experience that they have had, how can one man that is appointed now prepare himself and assimilate all this information and have it ready for the next session? I just can't understand it. Therefore, I will have to go along with the gentlewoman from Falmouth, Mrs. Smith.

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I notice in this bill that it calls for a salary of \$9,000. I question very much that you can hire a man for \$9,000 a year that would be capable of doing that job efficiently.

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

Mr. WESTERFIELD: Mr. Speaker, one question has been raised at least twice from the Floor in regards to this proposition as to whether this man individually can handle the job that occasionally some parts of are overlooked by Roland Berry and his large staff. I think that one of the things that must be brought to your attention in this respect is that it is not his responsibility nor his job to handle the entire work of the office of the finance officer. This gentleman which we are considering hiring at this time is to serve the Appropriations Committee, the Legislature, the Legislative Research Committee in ways which because of the great deal of work which is placed upon the finance officer and his staff, he is unable to attend to to our satisfaction. This new office would be responsible to us to answer the specific questions which we feel have been left unanswered or to delve

more deeply into a problem which we feel only the surface has been scratched. I certainly hope that the motion for indefinite postponement does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Ellsworth, Mr. Anderson, that Bill "An Act to Provide for a Legislative Finance Officer," House Paper 1215, L. D. 1668, be indefinitely postponed. A division has been requested. All those in favor of the indefinite postponement, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

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

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

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An Act to Provide a Reporting System for Payment of Malt Liquor Excise Taxes (H. P. 1230) (L. D. 1695)

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

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An Act relating to Gross Weight and Width of Trucks Hauling Construction Materials (H. P. 1237) (L. D. 1702)

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

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I was quite surprised the other day when the gentleman from Portland, Mr. Berry, spoke in regard to this bill, the redraft of this bill, 1702. As you will well remember, Mr. Berry was a proponent of the trucking interests of the State of Maine at our regular session, but it left me with sort of a funny feeling. I looked at the bill and I couldn't figure it out. Since that time as you can see by

looking at your desks, I still can't figure it out. I had an amendment prepared last night and I had another one prepared this morning, and at this moment I don't think I will attempt to introduce either one of them.

This, as has been said here many times, is a special session of emergency measures, which I will not belabor. I do know that this bill was introduced at this session with a vote of five to three, there were three dissenters. This in itself leaves doubt in my mind.

We have statutes on our books in regard to our highways, and we all know our highways aren't any better than they ought to be. I have no particular argument with the construction boys. I think perhaps they do need a little leeway; but on the other hand, do we want these heavily laden trucks hauling over roads that aren't any better? It was my intention, as you can see, to try to contain this to construction only, but I don't feel that my amendments can do this.

Under this Statute it seems to me that — under this bill it seems to me that present Statutes which control the legal limit on one axle are pretty well exploded, I don't think that you could get a conviction here if a man had practically all of his load on the hind axle, and you have all seen trucks coming down the road teetering along on one axle. I am quite concerned for the safety of our highways and I don't think this is going to add to this feature. I have several old trucks myself and under this Statute I can put eleven inch tires on them and I can haul two ton more than good trucks can haul today.

I will not make a motion at this time because I think there are other interests that have been considering this thing, other people in the House that have been considering this bill. I will say that if this bill is passed, I think it upsets our Errors and Inconsistencies which we have on our desks to act on today. All in all, it leaves me with great doubts; so at this moment I will leave it to other members of the House.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Just to clear up one thing that the gentleman from Hope, Mr. Hardy said. Of personal interest I do not know too much about the trucking bill, but regarding the Errors and Inconsistencies Bill, it did come before the Judiciary Committee, the bill is on your desks now. We were informed and the committee has agreed that if the bill on the dump truck bill so-called passes, the committee is prepared to file an amendment to strike from the Errors and Inconsistencies Bill that portion that refers to truck weights, because Mr. Slosberg, the Director of Legislative Research, informs us that there will be just as many errors and inconsistencies if the dump truck bill passes, and if our amendment to the omnibus bill passes; so as far as that is concerned the Committee is aware of that inconsistency and we are prepared to first, either remove the portion of the omnibus bill in the event this one passes, in order to eliminate any problem that Mr. Hardy, the gentleman from Hope has referred. The merits of the other bill I know nothing about and I do not intend to debate them.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I am glad that Representative Hardy, the gentleman from Hope, is interested in this bill, because I am interested in it and I always have been in regard to the roads. That is why we got the amendment put on.

Now what this bill simply proposes to do, since it is a law now that ordinarily you cannot have more than 96 inches width of a truck, except unless they are hauling pulpwood or logs or something when you can have 102. Now why do you want 102 on the log truck and why do they want it on the dump truck? It is simply because—not to cause any greater weight or destruction to the road, why you can have a larger tire. With only a 96 inch truck you can only have—eight and a half is what they usually use or a nine inch tire; but if you want an eleven inch tire you must put on a three

inch spacer, which will push this tire out to 102 inches and that is what it is all about; and I am as much concerned with the roads, and I have scrapped ever since I have been in here against too much weight on the roads, and I cannot see where we would have a bit more weight on the roads or do a bit more harm to the roads because of this large tire than we would with a little nine inch tire; but we would have to have this bill passed in this form in order to use this eleven inch tire, which as far as I can see, and I am much concerned with it, that it will do the roads no more harm than to haul this extra two tons than it would to haul less with a nine inch tire.

Now why do we want to haul these extra tons? The trouble is when you get a truck large enough to haul the loads that the man can operate it so he can pay his bills, why it weighs so much that—the truck itself—that you can't haul any larger load. In fact we have some big trucks that are operating in New Hampshire that can't haul as large a payload down here in Maine as a small truck can because there is more body to it, there is more weight to it. This is just going to be a help whereby we have some trucks here in Maine that have to go to New Hampshire for a job because they are too big to work here; but by doing this, which I don't think would hurt your road a particle, because you would have an eleven inch tire, why they would be able to stay here and do the work here in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Ladies and Gentlemen: As a member of this Committee I feel I should explain why I supported this bill. I think it is a fair bill. This was introduced to give some relief to the dump truck operators. These gravel truckers are a real problem. They have to haul payloads large enough to be efficient. In order to haul these larger loads today they either have to break the law or they have to use trucks that are light in weight. Under our

present law, some trucks can only haul seventy-five percent of the manufactured rated capacity. Under this bill they will be able to haul the loads they need to, but only if the truck is built to haul such a load, and if it has certain tire sizes to spread the load over the road surface. With this bill the safety on the highway is protected because the trucks hauling these loads will be safe to operate, they will have adequate brakes and adequate power.

This was — in our committee there were twelve proponents and one opponent. We sent out a Committee Amendment as you remember. It was approved by Captain Lincoln of the State Police. This amendment as put on by Representative Curtis the other day, I will read it, Section 111B Limitation. Nothing in Chapter 22 of the Revised Statutes of 1954, as amended, shall permit or validate the use of the Interstate System as defined in the Federal Aid Highway Act of 1956 by vehicles with weights carried on any one axle, tandem axle weights or overall gross weights or maximum widths in excess of the applicable maximum weights or maximum widths permitted by the provisions of Section 103(j) of the Federal Aid Highway Act of 1956. So in no way will we be jeopardizing any federal money. It has been gone over quite thoroughly. I hope the bill passes.

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I wish all of you had been able to attend that hearing the other day on transportation, it was very interesting and I thought that pertinent facts were brought out on it. Captain Lincoln was there and I think that he pretty much agrees with the proponents of the bill. There were only as I remember it, I think two opponents to it, and those two opponents were men who were interested in other means of transportation. They feared that it might interfere with their business, but you find on your desk here that there is a limitation on the distance that these dump trucks

shall operate, and that is—is it thirty miles? I think it is thirty miles it says, and I don't see how that is going to interfere with this other method of transportation. I think it is an honest bill. I think it is a just bill and I think we ought to pass it.

The SPEAKER: The question before the House is on enactment.

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

Mr. HARDY: Mr. Speaker, just to clarify Mr. Cooper's mind, I haven't introduced this amendment for thirty miles. I thought I would this morning, but I don't think I will. I don't see that it would do much good. I was going to move the indefinite postponement of this bill, but I think perhaps it does have some merit. I however think that it should be looked into some more and studied further. Not being what I consider an emergency in every sense of the word. I am going to ask that this be referred to the Committee on Legislative Research and brought back to the 101st session.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: With regard to this bill, this pertinent fact might be brought out, that I contacted a number of small construction and dump truck men, and if you don't pass this bill, they are going to be in trouble. Now they have a hard enough time as it is making a living, without asking them to change equipment and get expensive equipment at this time. I would ask you to carefully analyze this thought in your mind, that this is going to affect a great many of your small construction and trucking men in this State. Thank you. I hope the bill will pass and the motion to refer it to the Legislative Research Committee does not prevail. Do I have to ask for a division on that particular—

The SPEAKER: The gentleman may request a division.

Mr. TYNDALE: I request a division.

The SPEAKER: A division has been requested. The question before the House is the motion of

the gentleman from Hope, Mr. Hardy, that An Act relating to Gross Weight and Width of Trucks Hauling Construction Materials, House Paper 1237, L. D. 1702, be referred to the Committee on Legislative Research for a referral to the 101st Legislature. All those in favor of the motion please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Twenty-seven having voted in the affirmative and ninety-four having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

The SPEAKER: The Chair has been informed by the Majority Floor Leader and the Assistant Majority Floor Leader, that after this morning's enactment of the bills, that the House will only have six more bills to enact. However, I don't know how many of the bills that we have enacted will come back again; but if none of them come back, we would only have six more to enact.

At this point, Honorable Stanley R. Tupper was escorted from the Hall of the House by the Sergeant-at-Arms amid prolonged applause, the members rising.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: Your attention is called to Supplement number 1, additional matters from the Senate that may be taken up out of order if the House so orders. Is there objection to taking this matter up at this time? The Chair hears none.

#### Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act relating to Transportation to Islands in Casco Bay" (S. P. 619) (L. D. 1700) reporting same in a new draft (S. P. 630) (L. D. 1705) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. GILBERT of Kennebec  
EDMUNDS of Aroostook  
BOISVERT of Androscoggin  
— of the Senate.

Messrs. WESTERFIELD of Liberty  
HAM of Brewer  
PIKE of Lubec  
BERMAN of Houlton  
TYNDALE

of Kennebunkport  
— of the House.

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

Report was signed by the following member:

Mr. HAUGHN of Bridgton  
— of the House.

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

In the House: Reports were read.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I have been very quiet during this special session which I hope some of you will appreciate it. It has been very enjoyable for me to be able to do so, but now I am forced because of a problem which to me is of a serious nature, a state nature as well as a county nature. But at the outset I would like to pay my homage, my compliments and the people's compliments I know, to our Governor, to our Executive Council, to the Public Utilities Commission and to our own Public Utilities Committee for the outstanding service they performed on behalf of the people of Maine, for their conscientious efforts, their time, their sincerity in trying to resolve a problem which is now lying before you. And I will say it has been a difficult task — it is one that we hope that we can resolve. It is going to take time to do it. But the bill that is before you, which you know I am the minority signer with one member in absenteeism who will speak for himself, who has not signed the bill because of a death in his family which called him away yesterday when the bill was signed by the Committee.



I would like to state there are several reasons why I have signed the minority report. Number one, as brought out by my good friend from Kittery, Mr. Dennett, this morning in another bill presented before you, this special emergency session was called for purposes of emergency legislation. This bill was presented to the screening committee for consideration as an emergency measure with an emergency preamble on the bill. You now find it has come out of your committee without the emergency preamble on it. Therefore, in my opinion, it is meant that they no longer consider this an emergency before you. If they did, they would not have removed that particular preamble from it; and therefore we have created and brought here for the purpose of emergency legislation for something that is needed direct and immediately. So, therefore, I discredit this bill as emergency legislation here at this proper and right time now.

I will concede to my Committee, to the House, and to the entire Legislature that this issue is so important that it does need clarification and future legislation to be needed. I will concede for a person to operate in any business, whether it be Casco Bay Lines or the State in general on transportation needs, there are areas and conditions existing which does necessitate monopolies to be granted. But if you read the bill, this bill says in Section 10 of L. D. 1705, that this monopoly is asked from a mainland to the several islands, namely, Peak's Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, Bailey Island and Cliff Island, or between said islands.

Now let's find out what the mainland means. Mainland is any shore on the Coast of Maine, not necessarily Portland. On the present charter which they are operating under, namely the Casco Bay Lines or People's Ferry, which was formerly known, which successor is now the Casco Bay Lines, they now do have a monopoly under their charter to operate from Portland to all these islands that I just named.

They are now asking for broad powers to extend under this bill,

in my opinion, to the entire Coast of Maine, saying to the rest of transportation by water that we shall have exclusive rights from any part of Maine on the shores to these islands. That means that they are spreading statewide. You are going into areas which do not now have a problem, but could create a problem by passage of a bill of this nature.

You go down to Section 10 with the words authorizing them as carrier or carriers who would adequately service the problem before us. It has been conceded by the Committee, it has been conceded by the Public Utilities Committee, it has been conceded by the public in general, this word should not be in the bill because it has not been adhered to or used. Because I can name instances whereby the boat would go by a little small island with children who were waiting to go to school, standing out in the cold and what have you. That boat went within 30 feet of those islands where wharves were privately owned and offered for use free of charge to the Casco Bay management. They just went right by and left those kiddoes standing out there in the cold to suffer. They did not get to school.

That is only one instance. The City of Portland had a march on the City Hall because just a few weeks ago the Line refused to transport the children to school. An appeal was made to the Public Utilities Commission which they ordered the Casco Bay Lines to take those children to school. That is how the pressure has had to be brought to even get any service, going back to the word adequately served. They won't give any service, let alone adequate service.

Now the first question raised this morning on the debate on this bill has been raised as a political football. I want to assure every member of this House of either party that this is no politics raised or questioning of this bill at any time or for anybody's individual purposes, but for the right of the Legislature to serve and protect the interests of the people of the State of Maine. That is our job as Legislators regardless of what area of the state we may come from.

And if you will look at the Committee which I have highest due respect for to each and every man regardless of opinion, because it has all been necessary from each and every member regardless of the different opinions, but you will note that I am the only member of that Committee from Cumberland County. Therefore, it shows that I am not pressuring for Cumberland County; if I was, then I would certainly not be in accord to offer help to Aroostook County, help Washington County or other counties on any other measures to come before us which I have repeatedly endorsed and voted for to try to help their cause and needs and their desires because those living in their communities of those counties or those areas know the problems more than I do and their delegation has been able to agree, I have gone along with them because it is not my problem to interfere with problems of their nature except to be of assistance or help for growth expansion for the State of Maine regardless of what area of the state it may be.

So under those conditions, I have met with my own delegation which numbers twenty-seven in the House and four in the other body, and almost without a question there has been unity; there has been the fact that they have all agreed that something in the future should be done with legislation, but they have agreed to oppose this bill.

And I certainly hope that you people will give consideration that when your delegation supports a cause of the majority of a delegation this size, that you consider the facts the same as I have in regards to your delegations and your parts of the state where you have had problems.

Now they raise the point that this would cost millions of dollars with a law that was put on in the 99th Legislature. So for that they have asked to repeal the entire section of Chapter 3, Private and Special Laws of 1929, are repealed and a new chapter revised in 1959. They now ask to repeal that in a special session of the Legislature.

Now I will not reveal anything but what is commonly known I

think by my committee and the public in general, that this amendment or repeal section which at one time I planned to raise the germaneness of, but I believe it has been ruled on by another body, so I will not raise it once again, but I probably should, but I think I will refrain from it because I think you people are open-minded and fair-minded enough to act on the entire bill, not a particular section of it.

This bill has never had a public hearing on a redraft of a new bill entirely. This is not the bill which was presented to the screening committee of the 100th Legislature for emergency session; it is not the same bill that the public had an opportunity to voice and express their views on. Therefore, because of this fact, I hope that you will never deny the people of the State of Maine at any time, which I don't believe is the intent of any legislator, the right to be heard and express their views and obtain the facts and knowledge necessary to qualify you to be able to render a verdict fairly and justly.

And you are faced with a position of where service on the land is much more difficult and different than it would be on the water. Because on the land you have alternatives.

Now in this bill they claim they have corrected that. There is so much to be said; there could be a long lengthy debate, but I don't want to touch the entire bill.

But I think what it boils down to in essence would be this, that the gypsy boats they claim is the cause for the condition of the Casco Bay Lines, of which I might say is one of the most irresponsible managements that I have seen in operation in any business of any type, and it is commonly known and conceded amongst legislators and the public in general, his arrogance, his defiance of the Public Utilities Commission rules and regulations, and I believe lack of strict enforcement of present laws by our PUC, is one of the causes why this man has been able to get away with as much and as long as he has. And when they did buckle down and get tough with him, he then appealed to the Supreme Court trying

to get an appeal to the decision of the PUC Commission or a restraining order.

That Court, in an opinion rendered by Supreme Court Justice Williamson, denied his right of appeal for injunction. Therefore, he started to comply once again, by force, with regulations; so it proves that the regulations now with us, which I believe are not adequate and sufficient enough for future use or correction of the situation, but they are until such time as we can dispose—in lieu of the bill which we have just enacted this morning, the State Committee on Transportation on the Casco Bay needs. Because any bill that we pass now will become a state affected bill of all waterways in the whole state, not just Casco Bay, if you allow this bill to be adopted in a special session.

This Committee I think could better inform, could be more qualified, know the facts which have been denied to us for knowledge and information, to allow us to fairly and adequately prepare our minds and our knowledge for a fair and just passage of legislation or opinions.

I know that my opponents will come up with several measures and I yield to them very graciously on most of the points; but I bring to your attention once again, this bill was created as an emergency measure, this emergency session of the Legislature. We have a committee who is now by your vote and your rights have granted the right for the state to be fully informed of the facts and knowledge and in the past acting so hastily, we have repented since then in many instances because of lack of information and knowledge trying to cure an ill which is really an ill because the doctor says if you keep at it long enough with proper medicine you can cure it, and I think we can; but if you pass this bill now, you are going to say to this gentleman on that waterway, he has got a monopoly from the mainland which in my opinion means any place on the coast of Maine to these islands. And you gentlemen who have private fishing parties, you no longer can make charge for which would not

interfere with his passenger service or you have lobstermen who go out and they take fishing parties out, you can no longer do that unless you come up here to the Public Utilities Commission and each and every one of them get certified and that would be at the discretion of the Commission whether the necessity was there.

You are being deprived of your pleasures, your rights and your privileges under a bill of this nature at this time. So until such time as we can get a complete report from the bill that we passed this morning of the State Committee on Transportation and because of the fact that they have withdrawn their emergency measure in this, I do not feel it is justified and right to pass such a measure but to have some concrete report made to the 101st Legislature. Then we are in position with knowledge, information and facts to be able to do it.

I now move the House adopt the Minority "Ought not to pass" Report and request a division when the vote is taken.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House accept the Minority "Ought not to pass" Report, and a division has been requested.

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

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I think first I should attempt to explain the committee's position, and the reason for the majority of the committee having signed the "Ought to pass" Report on this new redraft.

Now the Committee itself felt that the original bill as introduced had many weaknesses in it, which the good gentleman from Bridgton, Mr. Haughn, has mentioned. The committee felt after a long deliberation, and I wish to remind you that this deliberation has not been only during this special session,—we have had this problem before us during the regular session and during this special session. In this deliberation, the committee decided that something must be done

to alleviate the problem which now exists in Casco Bay.

Now this bill has been generally described from the Floor and in the corridors as the monopoly bill. The impression has been given that through this legislation, we are giving the Casco Bay Lines something which they do not already have. I think it would be more fair to the legislation to describe this bill as re-defining the monopoly which already exists. Under the present charter which Casco Bay Lines is operating under, there is this section, Section 10: maintenance of landings by other companies. No other ferry or steam or power boat line operating between Portland and the islands in Casco Bay, shall make or maintain landing place on Peak's Island, Great Diamond Island, Little Diamond Island, Long Island and Chebeague Island, without written consent of the Public Utilities Commission. But nothing herein shall be construed to interfere or impair with existing invested rights by other transportation companies.

Now this portion of the law is now interpreted as meaning that Casco Bay Lines does now have a monopoly for their service. But these phrases existing in the present law need clarification. It is important that the Public Utilities Commission know within what limits Casco Bay Lines has this monopoly. At the present time and under present interpretation of this law, anybody providing service to these islands is operating illegally. There is no provision in the present law for anybody to have a permit to run a water taxi service, there is no provision in the law for other types of transportation to exist.

In this redraft, it spells out and gives to the Public Utilities Commission definite lines within which to work. It states that the Casco Bay Lines has certain rights, that they perform certain services and so far as those certain services are concerned, they do have an exclusive franchise. This is only fair. Bus lines, trucking firms, other public utilities have exclusive franchises of one sort or another. This revision in this law further provides that the individuals, the islanders in Casco Bay, will have

further protection; because it provides that for any of these services that are needed if Casco Bay Lines is not performing those services, other companies, other forms of transportation may be given a certificate to operate and provide these services. It does provide some protection for Casco Bay Lines, but no more protection than they already have. It merely defines within what limits they do have protection. This for the monopoly portion of the bill.

So far as enforcement is concerned, it defines more clearly to the Public Utilities Commission what they are to enforce, to what extent they must attempt to keep Casco Bay Lines within the limits of their franchise, to make them perform their services which they are supposed to offer.

This condition has existed for three years at least. It has steadily gotten worse. During the regular session, the committee was advised by many members of the Cumberland County delegation that this thing could be improved by other means. No action has been taken that has improved this situation to any extent.

The committee feels that we must provide definite limitations within which the Public Utilities Commission can control and regulate services on Casco Bay and give them further powers. We have given them the power of injunction to be used if there are infringements upon this franchise. There are already on the books, laws which provide for fining the Casco Bay Lines if they do not provide the services; but because of a loose interpretation of the existing laws, there are conflicting ideas as to whether they are capable of providing services or not under present conditions. This, we hope, will be eliminated through the enactment of this measure.

The repeal of this Section 79, I believe it is—Chapter 79, gives or removes the state from being obligated to step in and take over the operation of these Lines. Now the State of Maine has an irrevocable responsibility to Casco Bay. This we cannot repeal. But it does remove from the books, a signed statement that the State of Maine

will purchase Casco Bay Lines. It does remove from the books the obligation and the threat that this can be used as a tool. In the past, this has been used as a club preventing in some respects, the Public Utilities Commission from functioning at greatest efficiency.

For these many and several reasons, I hope that the motion of the gentleman from Bridgton, Mr. Haughn, does not prevail. I hope that the majority report will be accepted by this body; and I hope that this action—that this body can leave these halls having not left something unintended for the lack of initiative, but will have taken firm and constructive steps toward correcting a very difficult situation with respect to Casco Bay and the inhabitants of these islands. Thank you.

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

Mr. HAM: Mr. Speaker, Ladies and Gentlemen of this House: I too, arise in opposition to the motion made by my fellow colleague, Representative Haughn from Bridgton. As you will note, I am one of the signers of the "Ought to pass" report on this bill.

I too agree, however, with my fellow colleague, Representative Haughn from Bridgton, that this is a State of Maine problem. It is a crucial problem. It is a difficult problem. It has a monetary aspect that goes with the problem that could be very serious to one and all sitting in this House today as well as the citizenry of this state. I don't particularly like giving a monopoly to any business; however, in respect to this immediate problem and after great deal of—which I feel—study, a great deal of advice, even a research tour down through the Islands, which our committee went on during the regular session, I do feel and I feel proud to be part of the signer of some bill on this problem; rather than saying, it is too much for us, let's pass it on to another Legislature.

Also I might mention at this time, I was very much in favor of 1704, a bill which we already have passed, I do think there is definitely a need for a committee to

keep a constant eye on this—there can be improvements in this bill I know, but through our own PUC Commission it was stated at the hearing, that if something is not done in regards to this problem, it will end up one place—the Maine Port Authority. Now the figures, if it does end up there, are very difficult to project, but the low estimates would be from three million to a high of five.

Now that is why one major point I think my fellow colleague, Representative Westerfield, has brought out the particular facts of our feelings on this very well. But when you vote, consider the fact that we may not have a chance to, based on the opinion of attorneys and through our Public Utilities Commission, if we do not do something to help rectify the situation, we may not have a chance to rectify it at any later date other than through the Maine Port Authority. And that was one of the determining factors that at least I wanted to try to approach this matter and make a stand as of right now.

Now in closing I might say that there are certain particular cases that have come to people's minds about such things as emergencies and taxi services or chartering—like fishing trips for example. The bill reads that from the mainland to an island like fishing trips. That would be taking out on fishing trips, it has been determined by the PUC, that that would not be from a mainland to an island, I don't believe, because you wouldn't fish on land. It would be from the mainland out into the wharves.

Now as far as taxi services are concerned, to show cause and need, they would be certified to have taxi services. They would, true, have to get approval from the PUC.

But, please, when you do cast your vote, keep in mind—to me those are the two issues. One, are we going to do something now to try to prevent this, or do we want it to come under the Maine Port Authority?

Now I hope and pray there's another angle but better authorities than myself project one of those two ideas. I do think this Com-

mittee will do an excellent job. One year hence this will be a start, we can come back and find out what the inadequacies are in this piece of legislation, correct them or do away with them. But I sincerely hope that it passes, and I know that the committee has put a great deal of study into it. Thank you.

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

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: As a Representative in this body from a group of small islands, I think I know quite a little about island problems. One of the situations that bothers me sincerely on this bill, under Section 10, is the way it is worded to give the monopoly to the Casco Bay Lines. I have no objection whatsoever to seeing a monopoly go to any transportation line for the ferry service, but I think it is very poorly worded in the sense that it includes charters or any other forms of transportation to and from these islands.

Let's pick on Camden which is a boating center down the coast, if somebody wanted to go into Camden, charter a boat and cruise up the coast according to this bill, they would not be allowed to land at one of these named islands if they fulfilled the requirements of this bill as it is written. I don't think that is a wise move, I don't think it is good legislation.

If the old Hillcrest Hotel is still in operation on Chebeague Island and they wanted to send their employees over to a dance, say at Falmouth Foreside, one of the logical things would be to engage one of the boats locally to take their group over to the dance and back again afterwards. It would not be interfering with the ferry service. But according to the way this is written it would be impossible.

I know it is important to have something straightened out in Casco Bay, I am very sympathetic with that, but I still don't think we should pass bad legislation.

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

Mr. KELLAM: Mr. Speaker and Members of the House: Listening to one of the other speakers tell you about the powers which the Casco Bay Lines now has, I couldn't help but wonder, even if I knew nothing else about this particular bill, why they should have to come in and ask for any more power. The existing law provides that no other ferry, with any type of operation whatever—it goes on to enumerate, cannot land to these particular islands and run a ferry service. Therefore it is quite obvious, or it should be quite obvious, that there is no question that no other ferry service is now in operation. The previous bills and these previous laws, and these laws go back to 1885 when the original People's Ferry service was chartered to run between Ferry Village, Portland—Ferry Village being part of South Portland—and the laws have consistently added at the bottom that the line—a ferrying line must maintain safe daily service to the islands of Casco Bay, and that is carried on in the bill that is before you and is used to show that this Bay Line is going to live up to all its promises and the rules and regulations promulgated to it.

I would tell you, ladies and gentlemen, quite frankly, that if they had lived up to this requirement in the past, you would have none of this legislation before you concerning Casco Bay Lines. The Bay Lines could not be run worse if there had been a deliberate attempt to sabotage the successful operation of the Lines. It seems to me that the committee is taking a view on the thing completely opposed to the facts. After you rule out the possibility that there is no other ferry service running, the only complaint that the present management of the Casco Bay Lines has is that there are, what they call gypsy operators. Now I assure you ladies and gentlemen, there is no regularly scheduled run that could be classified as a ferry line between Portland and I was going to say exclusive of CBL, but I think we could probably include them in there too.

I have attempted for several months to get down to Peak's Island and every time I have asked

someone who goes there regularly, I have had no assurance I was ever going to get back. So I have neglected to go down on business of my own, and I think I will wait until spring now.

It is my feeling that this bill is going to be used, if passed, as a club in the hands of the management of CBL to preclude any transportation of any people for any reason to the Casco Bay Islands. Now I would like to cite examples that come to mind over the course of last winter. There are times when the CBL decides it is not going to run its ferry service, there are times when they look out and they can't really see the pier in sight as well as they want to, so they decide they won't try to cross over to the island, which is only a short distance away.

In these circumstances it may be true, that some friendly fisherman, lobsterman, offers to give a person a ride to the islands where they maintain their homes rather than make them stand on the pier until the CBL decides to run. I do not feel that there is anything wrong with this. I feel that their operation—if they refuse to run their line and someone does give someone else a ride, then that certainly should be commended and not be attacked.

If you do read the bill, and as Mr. Kimball has pointed out, the wording of it, to take some of the key words, there's no person of any type for that matter, whether directly or indirectly by any arrangement, and then for compensation does these several things. Well, I feel that language is very, very loose indeed. If they do not want a competing ferry line to sell tickets and to take people to the Casco Bay Islands, that is fine with me, I would be all for it; but that is not the case. When they come in here and ask for these broad, injunctive powers against common fishermen, people who have boats—no one is out buying ferry boats to run service, any boats that transport people are primarily these fishing boats or boats that are now in existence.

I feel that the problem is not of the making of the islanders.

This particular bill, if it passes, it puts them at the mercy of the management of the Bay Lines. It relegates them to the position of second class—I should say third or fourth class citizens. They will not be able to carry on their lives in the way they have done in the past; and as you will note if you have followed the debate on this thing, this ferry boat service runs back to 1885, and this problem did not exist prior to the present management coming into operation of this Bay Line somewhere in the '55's or in that area.

I feel that if this bill is passed, that the benefits to the present management will far exceed anything they have as far as tangible property in their operation, and it seems to me that if the rumors are true that they are trying to sell the Bay Lines, that all they will be selling really is this monopoly franchise.

And I hope that when the vote is taken, that you will realize that if the problem that exists—and there is a problem certainly, could be solved by this bill, then I would be all for passing of the bill. But I feel it is just going to be used for intimidation of the islanders by the management of the Casco Bay Lines.

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

Mr. PIKE: This matter of the Casco Bay Lines has been of great concern and increasing concern to me for something over eight years. It may be worthwhile, I won't bore you with the detailed history, but this was a previously prosperous concern, and in '53 when I went on the Utilities Commission you could see that its prosperity was to a great extent behind it. It was losing business for not repairing its wharves, it was not keeping its boats in very good shape, and it wasn't making much of any money. Things I think over the several years have run down. Then the management changed, and that brought a new thing into the picture. I am not going to call names, but I am going to say that this is a situation which has developed to such great enmity between the

management of the Lines and the people who use it. This—not without some cause on both sides, that the element of sweet reason has entirely disappeared in their relationships. Neither one seems to allow the other one the least bit of leeway for human fallibility, and each one hops with great enthusiasm on every mistake that the other one makes. I am afraid that this thing has gone almost to the point of no return. The service isn't very good; the wharves, even after the work done this summer as near as I can make out, are not sufficient; the patronage in the winter is not enough to break even on; and you have the thing that the Public Utilities Commission is really set up to handle.

You have the question of the maintenance of service by the authorized carrier. When during the few months of prosperity, others get in and take what they call the cream of the business. Now let's not be too frightened of the word monopoly. Our water systems in our communities are monopolies, our railroads where they run as far as railroad transportation are monopolies; even on the roads, the common carriers are regulated very carefully, so that they don't cut into each others business, there being not enough business for both; our bus lines are monopolies. The business of the public service by and large has come to be a business of monopoly. Now how to regulate it, how to assure that the business is properly run, gives decent service, is a real problem; how to protect it from—let's say wildcat or gypsy competition, in this case it gets to be almost insoluble.

My legal friends are fond of the phrase that hard cases make bad laws. Well, ladies and gentlemen, this is a hard case—a really hard case. I am not going to say this is a bad law; I signed this report, and I believe it is the nearest thing to a interim solution that offers itself to us at the moment. I am hoping that the committee which has just been set up by our Legislature, will come up with a better service.

I have to confess to you that the transportation of human beings by carriers of any sort, seems to be less and less profitable. You may note what has happened to our railroad passenger service, you may note what seems to be happening to our passenger airplane service. If any of you ride busses, you may note the decline in the patronage of the busses. I don't think we are going to cure this situation. It is a desperate thing. The management, technically insofar as running a taut ship, you might say was good. The management as far as public relations is concerned, is so abysmally lacking that I just can't explain it. The attitude of the people who ride it, who use it, they have been irritated beyond words and it is hard to blame them for being irritated; but both being irritated and both being fairly short-tempered, I don't believe we are going to cure this thing by legislation; but I do hope that this law will go some way toward improving the situation until the next Legislature—the committee that we have just set up by law, can come in with something that may be better.

Now I would like to say one more word, one of the reasons—I'll say this right out in public—one of the reasons that the contest has got so bitter without any compromise between different views, is that they have all had the comforting feeling that if they came to an open break, Casco Bay Lines could sell its stuff to the state at—I'll say a good price, and that on the other hand, the patrons would be able to get a luxury type of ferry service out of the Maine Port Authority such as now given to some of our islands. If I am not mistaken, this Legislature has had about enough experience with the deficits caused by that type of luxury ferry service that it doesn't want to take any more of them on.

So, I am not completely satisfied with this bill. I do think it offers a measure of protection to the line that is running, it does protect it to a quite a little extent against the quick buck boys, and so I, on the whole, believe that it ought to pass.



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

Mr. DANES: Mr. Speaker, Ladies and Gentlemen of the House: I have listened very intently to the discourse by our various colleagues on their concern in respect to the state taking over this Casco Bay Lines, and that this document 1705 would be a means to prevent that.

I am sorry to disagree with these individuals for this reason. The service has been so poor on the Casco Bay Lines, the peoples of the islands have been unable to get to the mainland, whether it be to school for their children, whether it be to business, or whether it be to their jobs. Of necessity they will be forced, if this law were to be passed, to move to the mainland, thereby causing less and less customers or commuters for the Casco Bay Lines. That, in itself would force the Casco Bay Lines to go out of business, and that would require the state to take it over.

I think their concern is in just the exact opposite. If this bill were to be passed, I am sure that in the very near future this state would be running another ferry service, and I certainly hope that you ladies and gentlemen, in your wisdom, will go along with the Minority Report. Thank you.

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

Mrs. KILROY: Mr. Speaker, this is the first time that I have taken this opportunity to address the House. I shall be very brief. First of all let me state that I am not in favor of the Maine Port Authority taking over Casco Bay Lines.

Secondly, there would be no monopoly if they furnished the service that they have guaranteed.

It has been called to my attention that many people have been late for work, yes, they have even had to stay away from their work, and they have been warned that if it continued that they would lose their jobs.

I feel that the Casco Bay Lines have had an opportunity to do

their job. They have not done that job. They speak of other people giving rides, taxi service — all right, in the City of Portland we have a bus service. I have been very concerned with it; in fact, I have even tried to talk to people to ride the busses more, rather than to use their cars.

We need that bus service, but we do have automobiles to get around, and taxis also. There is no other means of transportation to these islands.

I am concerned about the children getting to school. I am more concerned about the bread-winners, that they get to their jobs. We have enough people now in the City of Portland on relief. If we are going to continue to disregard the people of the islands with transportation, we are running into serious trouble.

I agree with my colleague, Mr. Pike from Lubec, legislation will not rectify this trouble.

I feel that this is a bad bill. We have gone along so far, let us not do anything in haste. Let us consider it very seriously.

I do hope when the vote is taken that the people will consider the people of the islands. Thank you.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen: I want to thank you very kindly for your indulgence for the long debate we have had up to this point, and I do not want to prolong the Special Emergency Session and consider emergency legislation; but I would like to sum up slightly, on the comments of my three members of the Public Utilities Committee for which I have high admiration and respect, for their wisdom, ability and sincerity, but I would like to point out to you some of the statements that they have brought to your attention was, to my opinion, has not been clarified sufficient.

The gentleman from Liberty, Mr. Westerfield, has brought out the charter of rights for the Casco Bay Lines. He is definitely right when he says they now have a monopoly, but it is from Portland to these several islands, the same mentioned in the same bill before

you; but the new bill says, from the mainland, which gives them far excessive powers, all over the state coast line of Maine.

It has been brought out—as far as the interpretation of the law the PUC Commission operates under, I can sympathize, I realize they need additional powers. We can see that fact; but by this new committee as was brought out by Mr. Pike from Lubec, and who I wholeheartedly agree with, except for one particular issue of his debate, I will definitely agree with him, of what exists, what has existed, and what is now at the present moment, but I will disagree with him by passing this legislation prior to a full report of this Committee, which I know this House will have full confidence in, with the powers they will have to be able to get records which not now are available to members of the Legislature, or even to your Commission, and when that report is made then there is time, and the right time because we have the knowledge and complete understanding to form a just and right opinion.

We would act in haste as we have in the past on this issue, and every time we come up we go into it deeper by our blunders, not because of our intent, but because of lack of knowledge and understanding of the problem.

And every time that we have offered a solution, even in the 99th Legislature—the 100th Legislature as you well know that I presented a bill by unanimous consent in this House at the closing moments of a regular session, which in the opinion of all, was the most possible solution we had up to that time. The Committee had passed it out unanimous ought to pass, and I, myself, had to get up and defeat my own bill by asking for an indefinite postponement of the bill; because of the fact of one man who pulled a rug out from underneath the entire Legislature, says, no, I will not discuss your issue, talk your issue or believe in the issue because it's the first step toward state ownership. Just one man, the President of the Casco Bay Lines, through his spokesman the General Manager of the Casco Bay Lines.

Now, I don't want it to be understood here or even given consideration, that we have any personal feelings in this matter in regards to personalities, because it is not the problem before us. The problem is Casco Bay transportation and also which will contain in this bill, transportation of the water rights all over the State of Maine. So I want it clearly understood that we in this Legislature, regardless of the feelings of the people or the management, which is created and has before us, public relations of any type of business I know of, we are not concerned with that problem. We are concerned with the actual facts and the problem before us.

I would even question to this extent, which I have not had answered from legal minds, they may even direct me to request this House to ask the opinion of the Supreme Court before we get through, in regards to the Public Utilities' rights of jurisdiction on federal waters. They are inland waters to be sure, but they are also controlled and operated by the Coast Guard, which is under federal jurisdiction; the State of Maine, the City of Portland, or anyone else cannot build a dock, wharf or repair down there without a federal permit. We come under federal jurisdiction, and I question the right of the Public Utilities Commission, except on the mainland, as to whether they are within their powers and rights for the State of Maine's interest. That is one question I think may have to resort in an opinion from the Supreme Court Justice.

This gentleman has been given a monopoly, as I stated before, from Portland. Had he lived up to that portion of the monopoly granted him, you wouldn't have these gypsy boats operating, because his line would be so good and so nice, the people down there would say, we are happy for transportation, and that is their main problem, regardless of who operates.

It has been brought out to try and impress this House by leaving this Section 3 on the Laws, without repealing as it is doing in this bill, that we are asking for state ownership.

I can assure the members of this House—our delegation from Cumberland County I am sure, do not and will not condone state ownership, but leaving this in here is not a club over Casco Bay Lines to give them the right to say, go ahead take me over, but it does do one thing; it assures the people of the State of Maine that we are looking out for the interests and the rights of people, and this is a stop-gap measure, which temporarily you read, the thing that was stricken out in Section 3 where it says, it must be established by the Public Utilities Commission, before the Port Authority could take any action, and then their action shall be, either through contract with private operators or they can acquire and operate the necessary facilities.

Now we have gone into the potential of state ownership. I don't mind to tell you we have looked into it, that is one of the problems. We haven't evaded it, but I have a copy before me. I won't disclose as to who it was written to, it is a private letter, but I will state the contents in one particular section. Section three on Page 2 on August 14, 1961 and I quote: "... CBL will sell all its property, including wharves, vessels, vehicles, radios, station equipment, tools, furniture and what have you. . ." and it goes on to say, that it names a price of \$415,000 when they thought the State was interested to purchase.

But at the present time they are willing to sell, from information given to me—which I cannot authenticate at the present time, but I believe to be accurate and true from the source I received it, for a sum of \$180,000; and if we passed this bill, if they try to hold the state up for that total amount of \$415,000, you can be assured we will say by monopolistic rights that we can say: Management of Casco Bay, we have given you something that is worth another half a million dollars additional to you; for something now, that can be purchased for \$180,000 to get out from underneath, they are willing to possibly, if we pass legislation of this type, to come up with a million dollar or so figure for actual

—they can receive and these companies would purchase it.

I received a communication from the island people this morning assuring me that they are not interested in state operation, but interested in the transportation problem only. There are differences of opinion down there. Some would like state ownership and some would like this and that. We are not concerned with individual groups, we are concerned with the overall population of the mainland, of the state, so in doing that I assure you and hope that you will go along to accept the minority report and with the facts placed before you—there are plenty more, but I know it is a long debate and I don't want to delay it, and you are getting tired, so am I, because I have heard this as Mr. Pike has said, for several years.

So, with that in mind, I certainly hope that you will support my motion to accept the Minority "Ought not to pass" Report and there is a division requested when the vote is so taken.

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

Mr. WESTERFIELD: I only rise to make one brief point. The statement was made a moment ago that this problem has existed for a long time, and we have gotten along so far. I only want to point out to you that the situation has gotten along so far that it is even with this legislation going to be difficult to retrieve it. I hope that the motion of my good friend from Bridgton, Mr. Haughn, does not prevail.

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

Mr. MOORE: Mr. Speaker, Ladies and Gentlemen: I realize you are sick and tired of listening to this debate, but I am very familiar with this problem. I operate a business in Portland, and everything that Mr. Haughn has said is correct. We will take out a lot of the stuff that we didn't have to listen to, but everything that he says—these other gentlemen speaking against this bill, is correct, the service at that island is

beyond description, there isn't any service; and as companies come before this House to ask for a monopoly which has proved themselves to be anything—they don't have so much interest in the people on that island as you would have for your dog, and I am telling you the truth. I hope that when the vote is taken you will vote with Mr. Haughn on this.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House accept the Minority "Ought not to pass" Report, and a division has been requested.

All those in favor of accepting the Minority "Ought not to pass" Report on Bill "An Act relating to Transportation to Islands in Casco Bay," Senate Paper 630, Legislative Document 1705, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

One hundred eleven having voted in the affirmative and ten having voted in the negative, the motion prevailed.

Thereupon, the Minority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence. Sent forthwith to the Senate.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act Providing for Demolition of Morse Bridge in the City of Bangor" (S. P. 605) (L. D. 1645) reporting that the Senate recede from its action whereby the Bill was passed to be engrossed, adopt Conference Committee Amendment "A", and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; and that the House recede from indefinite postponement of the Bill and Reports; adopt Conference Committee Amendment "A"; and pass the Bill to be engrossed as amended by

Conference Committee Amendment "A", in concurrence.  
(Signed)

COLE of Waldo  
BROWN of Hancock  
FERGUSON of Oxford  
—Committee on part of Senate  
PHILBRICK of Bangor  
WILLIAMS of Hodgdon  
KILROY of Portland  
—Committee on part of House

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

In the House: Report was read and accepted, and the House voted to recede from its action whereby the Reports and Bill were indefinitely postponed, and to accept the Majority "Ought to pass" Report. Thereupon, the Bill was read twice.

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

COMMITTEE OF CONFERENCE AMENDMENT "A" to S. P. 605, L. D. 1645, Bill, "An Act Providing for Demolition of Morse Bridge in the City of Bangor."

Amend said bill by striking out all of the title and inserting in place thereof the following new title:

'An Act Providing for Demolition or Dismantling and Reassembling of Morse Bridge in the City of Bangor.'

Further amend said Bill by inserting at the beginning of the 20th line the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by inserting before the emergency clause the following 2 sections:

#### 'Sec. 2. Dismantling of Morse Bridge in Bangor.

I. The State Highway Commission shall dismantle Morse Bridge in Bangor and move the dismantled sections to land in the vicinity of Harlow Court near the east shore of Kenduskeag Stream, the land to be made available by the City of Bangor without charge to the State.

II. The State Highway Commission is to move the granite blocks

from the existing pier and abutments to the same location.

**III.** If the City of Bangor fails to make land available for storage of the dismantled sections of the bridge and the blocks referred to in subsections I and II by February 1, 1962, then the State Highway Commission shall demolish Morse Bridge in Bangor in its existing location and clean the site by removing the abutments and pier from the banks and stream.

**Sec. 3. Reassembling Morse Bridge in Bangor.** The State Highway Commission shall reassemble the bridge across Kenduskeag Stream in the vicinity of Harlow Court on land made available by the City of Bangor, provided;

**I.** Land is made available by the City of Bangor in accordance with section 2, subsection III for the storage of the dismantled sections and blocks as referred to in section 2, subsections I and II; and

**II.** The City of Bangor assumes responsibility for maintenance of Morse Bridge in Bangor after it is reassembled by the State Highway Commission; and

**III.** If the sum of \$25,000 is deposited with the Treasurer of State to the credit of the State Highway Commission Bridge Maintenance Account by the City of Bangor and interested parties.

If the City of Bangor does not agree by January 1, 1963 to assume maintenance of Morse Bridge after it is reassembled or if the sum of \$25,000 is not deposited in accordance with subsection III by the same date, January 1, 1963, then the State Highway Commission shall dispose of the dismantled sections and granite blocks in such manner as it may deem advisable.

Committee of Conference Amendment "A" was adopted in concurrence.

Thereupon, under suspension of the rules, the Bill was given its third reading and, without reference to the Committee on Bills in the Third Reading, passed to be engrossed as amended in concurrence and sent forthwith to the Senate.

On motion of Mr. Baxter of Pittsfield,

Recessed until three o'clock this afternoon.

### After Recess

3:00 P. M.

The House was called to order by the Speaker.

Mr. WELLMAN: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. WELLMAN: I would inquire if L. D. 1698 is in possession of the House, for the purpose of reconsideration.

The SPEAKER: The Chair would advise the gentleman that L. D. 1698 "An Act Providing for Construction of an Educational Television Network for the State of Maine and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing Thereof," is in the possession of the House.

Mr. WELLMAN: Mr. Speaker, I would move that we reconsider our action whereby we passed this bill to be engrossed earlier today for the purpose of offering a technical amendment.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves the House reconsider its action of earlier today whereby it passed this bill to be engrossed for the purpose of offering an amendment. Is it the pleasure of the House that our act of engrossment be reconsidered?

The motion prevailed.

Thereupon, Mr. Wellman of Bangor offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1233, L. D. 1698, Bill, "An Act Providing for Construction of An Educational Television Network for the State of Maine and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing Thereof."

Amend said Bill in the 6th line of section 12 by striking out the words "the state-wide" and inserting in place thereof the words 'a special'.

House Amendment "B" was adopted, the Bill passed to be en-

grossed as amended by Senate Amendment "A" and House Amendment "B" in non-concurrence and sent up for concurrence forthwith.

The SPEAKER: The Chair will call your attention to Supplement number 3, 3:00 P. M.

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER

December 1, 1961

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

The President of the Senate today 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:

Bill, "An Act Repealing Law Creating a Lien on Real Property of Beneficiaries of Public Assistance" (H. P. 1210) (L. D. 1663)  
Senators:

FARRIS of Kennebec  
MARDEN of Kennebec  
FERGUSON of Oxford

The President also appointed the following conferees on the part of the Senate to join the House on the disagreeing action of the two branches on:

Joint Order Relative to Adding Joint Rule No. 19-D (H. P. 1234)  
Senators:

STANLEY of Penobscot  
COLE of Waldo  
BROWN of Hancock

Respectfully,

(Signed) CHESTER T. WINSLOW  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Joint Order re Adding New Joint Rule No. 19-D (H. P. 1234) reporting that the Senate recede and concur with the House in

passing the order without Amendment.

(Signed)

BAXTER of Pittsfield  
WELLMAN of Bangor  
—Committee on part of House  
STANLEY of Penobscot  
COLE of Waldo  
BROWN of Hancock  
—Committee on part of Senate  
Report was read and accepted and sent up for concurrence.

Mr. SWETT: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. SWETT: Mr. Speaker, it would be greatly appreciated if I could have unanimous consent to briefly address the House.

Thereupon, Mr. Swett of Howland was granted unanimous consent to briefly address the House.

Mr. SWETT: Mr. Speaker, Ladies and Gentlemen of the House: As you know I was the sponsor of L. D. 1660, being an Act entitled to Divide the Town of Enfield, Penobscot County into two Municipalities. As you know, I moved this morning for the indefinite postponement of this bill. As a result of your action, that bill was indefinitely postponed. The reason I asked for indefinite postponement was because the groups representing the two communities had agreed to indefinite postponement of this bill on certain conditions, one of them being that the Private and Special Laws could be amended to permit the Towns of Enfield and Lowell to join a school administrative district with others, notwithstanding the Revised Statutes of 1954, Chapter 41, Section 111-E as amended. I failed to mention this condition when I made the motion for indefinite postponement.

I would subsequently request consent to introduce a bill which will permit the town of Enfield to join a school administrative district.

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

Mr. BAXTER: Mr. Speaker, this is of course a request to introduce a bill notwithstanding the cloture

rule, and in this particular case I feel this is a highly worthy case because a very difficult situation was solved in good faith in the Attorney General's Office and this was part of the condition. Actually of course this probably could with some stretch of the imagination be put upon the original Enfield Bill as an amendment, but it is felt that this is a more proper way to carry out the legislative mechanics which are involved. I hasten to say that in no way does this establish, as far as I am concerned, any precedent for the introduction of any other bills notwithstanding the cloture rule. I do sincerely hope, however, that there will be no objection to the introduction of this bill.

(Conference at rostrum)

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

Mr. FOGG: Mr. Speaker, I wish to state that I have no objection to the introduction of this bill.

The SPEAKER: The Chair recognizes the gentleman from Howland, Mr. Swett.

Mr. SWETT: Mr. Speaker, I now humbly request out of order under suspension of the rules unanimous consent, the cloture rule notwithstanding, permission to introduce a bill at this time.

The SPEAKER: The gentleman from Howland, Mr. Swett, out of order and under suspension of the rules requests unanimous consent, the cloture rule notwithstanding, permission to introduce a bill at this time. The Clerk will read the title to the bill.

The CLERK: Bill "An Act to Authorize Enfield and Lowell to Join a School Administrative District."

The SPEAKER: Is there objection to the admission of this bill? The Chair hears none. The bill is admitted.

Thereupon, without reference to any Committee, the Bill was given its first and second readings. Under suspension of the rules, the Bill was given its third reading and, without reference to the Committee on Bills in the Third Reading,

passed to be engrossed and sent forthwith to the Senate.

The SPEAKER: The Chair will call your attention now to Supplement number 4, and the following matters will be taken up out of order if the House so orders. Does the Chair hear objection? The Chair hears none.

#### **Papers from the Senate Ought to Pass with Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 615) (L. D. 1692) reporting "Ought to pass" as amended by Committee Amendment "A" and Committee Amendment "B".

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

In the House: Report was read and accepted in concurrence and the Bill read twice.

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

**COMMITTEE AMENDMENT**  
"A" to S. P. 615, L. D. 1692, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 172, a new section 172-A, to read as follows:

**"Sec. 172-A. R. S., c. 89, § 106, amended.** The first paragraph of section 106 of chapter 89 of the Revised Statutes is amended to read as follows:

"The clerk of the judicial courts in the counties of Androscoggin, Cumberland, Kennebec and Penobscot court in each county shall appoint a deputy clerk whose appointment shall be approved by a resident justice of the Superior Court or by the Chief Justice of the Supreme Judicial Court. Clerks in the other counties may appoint a deputy to be paid out of the clerk's salary. The clerk in each county shall be responsible for all of the official acts of his deputy. Before entering upon his official duties, each deputy shall be sworn and shall

give a bond to the clerk, approved by the county commissioners and lodged in the office of the county treasurer, in the sum of \$8,000, conditioned that he will faithfully perform all the duties required of his office. Whenever the clerk is unable to perform the duties of his office his deputy shall have all the power and perform all the duties of clerk and be subject to the same penalties for any neglect thereof."

Committee Amendment "A" was adopted in concurrence.

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

**COMMITTEE AMENDMENT "B"** to S. P. 615, L. D. 1692 Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 29 a new section to read as follows:

**"Sec. 29-A. R. S., c. 20-A, § 1, sub-§ I, amended.** Subsection I of section 1 of chapter 20-A of the Revised Statutes, as enacted by section 1 of chapter 394 of the public laws of 1961, is amended by inserting after the paragraph entitled "Board of Registration for Architects" the following paragraph:

**'Insurance Department, but only with respect to the suspension, revocation, refusal to issue or refusal to renew licenses under chapter 60, sections 273-S and 289.'**"

Further amend said Bill by inserting after section 157 a new section to read as follows:

**"Sec. 157-A. R. S., c. 60, § 273-U, additional.** Chapter 60 of the Revised Statutes is amended by adding a new section 273-U, to read as follows:

**'Sec. 273-U. Hearings for suspension or revocation of licenses. Hearings for the suspension, revocation, refusal to issue or refusal to renew the licenses of insurance agents, brokers or adjusters under sections 289 and 273-S shall be held by the Hearing Officer under chapter 20-A, instead of the commissioner. Where there is any inconsistency in procedure, the provisions of chapter 20-A govern.'**"

Committee Amendment "B" was

indefinitely postponed in concurrence.

Under suspension of the rules, the Bill was read the third time, passed to be engrossed as amended by Committee Amendment "A" in concurrence and by unanimous consent sent forthwith to the Senate.

### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act to Provide Aid to Maine Industries to Obtain Government Contracts" (S. P. 601) (L. D. 1641) reporting that they are unable to agree.

(Signed)

LOVELL of York  
NOYES of Franklin  
JACQUES

of Androscoggin

—Committee on part of Senate

MADDOX of Vinalhaven

DUNN of Poland

—Committee on part of House

Came from the Senate read and accepted.

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

### Non-concurrent Matter

An Act relating to Gross Weight and Width of Trucks Hauling Construction Materials (H. P. 1237) (L. D. 1702) which was passed to be enacted in the House earlier in the day and passed to be engrossed as amended by House Amendment "A" on November 29.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. HARDY: Mr. Speaker, I move we recede and concur.

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

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

Mr. TYNDALE: Mr. Speaker, I can't offhand—may I ask a question of the Chair?



The SPEAKER: The gentleman may do so.

Mr. TYNDALE: I believe the motion to insist and ask for a Committee of Conference has precedence over a motion to recede and concur?

The SPEAKER: The motion to recede and concur has precedence. If the motion to recede and concur should be defeated, then a motion to insist would be in order. If that motion is defeated, then a motion to adhere would be in order.

Mr. TYNDALE: I don't believe by the vote of the House this morning that we concur with the Senate in this action and, in view of this, I hope that this motion to recede and concur will be defeated and ask for a division when the vote is taken.

The SPEAKER: Is the House ready for the question? The question is the motion of the gentleman from Hope, Mr. Hardy, that the House recede and concur with the Senate. A division has been requested. All those in favor of receding and concurring with the Senate, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Thirty-eight having voted in the affirmative and seventy-one having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist and request a Committee of Conference.

The Chair appointed the following Conferees on the part of the House:

Messrs. TYNDALE

of Kennebunkport

DUNN of Poland

LANE of Waterville

Sent forthwith to the Senate.

On motion of Mr. Baxter of Pittsfield,

Recessed to the sound of the gong.

#### After Recess

4:50 P.M.

Called to order by the Speaker.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action

of the two branches of the Legislature on

Bill "An Act Repealing Law Creating a Lien on Real Property of Beneficiaries of Public Assistance" (H. P. 1210) (L. D. 1663) reporting that the Senate recede and concur with the House in passing the Bill to be engrossed without Amendment.

(Signed)

WHITMAN of Woodstock

KENNEDY of Milbridge

HINDS of South Portland

—Committee on part of House

FARRIS of Kennebec

FERGUSON of Oxford

—Committee on part of Senate

Report was read and accepted and sent up for concurrence.

On motion of Mr. Baxter of Pittsfield,

Recessed until 8:00 P.M. this evening.

#### After Recess

8:00 P. M.

The House was called to order by the Speaker.

The SPEAKER: Your attention is called to Supplement number 5, the following resolution.

From the Senate: The following Resolution:

#### JOINT RESOLUTION

WHEREAS, the economic condition existing within the potato industry of the State of Maine has reached disaster levels; and

WHEREAS, continued price levels such as are currently being experienced and have been experienced over the last several production years have placed in jeopardy all the equities created within our industry by long years and longer hours of agricultural enterprise; and

WHEREAS, conditions over which our industry and our State have no control are primarily responsible for the continued depletion of our financial capabilities as an industry;

NOW THEREFORE, BE IT RESOLVED that the ONE HUNDREDTH SESSION of the MAINE LEGISLATURE respectfully pe-

titions through such authority as is immediately available within the administrative framework of the United States Department of Agriculture, your immediate attention to the seriousness of our economic plight, using every available means within the powers of your office to aid our industry. We respectfully suggest that immediate attention be given to the following courses of action, as well as exploration of all other possible avenues which hold promise of material assistance to our industry:

(1) Extension of diversion payments at current price levels until the diversion program has accomplished its objectives;

(2) Increased use of promotional programs under departmental jurisdiction to increase the utilization of fresh and processed potatoes, including more emphasis on the nutritive value of potatoes and their necessity in a well-balanced diet;

(3) Increased activity in the enforcement of the Perishable Agricultural Commodities Act to insure the protection of our industry and the consuming public from inferior grades and sizes of potatoes;

(4) Immediate investigation of the ever-widening price gap between prices paid to producers for agricultural commodities and retail prices paid by the consumer for these same commodities.

(5) Inclusion of Irish potatoes in the school lunch program;

(6) Investigation into the competitive advantages enjoyed in certain production areas as a result of government water and land reclamation projects, which work a hardship upon those of us who are less fortunately situated;

(7) Re-evaluation of the provisions of cross-compliance to protect the interests of those areas where acreages to grow government-protected crops are not available;

(8) Immediate action on a national level to devise and initiate such government programs, nationally, as well as give some measure of price protection to the potato producers of the United States.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded by the Secretary of State to the Honorable Orville Freeman, Secretary of Agriculture, Washington, D. C. (S. P. 632)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs be, and hereby is, authorized to report a bill that will provide appropriations for such measures as are enacted by the Legislature without appropriation provisions. (S. P. 631)

Came from the Senate read and passed.

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

The SPEAKER: The Chair will call your attention to Supplement number 6, enactors. Is it the pleasure of the House to take these matters up out of order at this time? The Chair hears no objection. The Clerk will take up the enactors.

#### **Passed to be Enacted Enactor Requiring Two-Thirds Vote**

An Act Providing for Construction of an Educational Television Network for the State of Maine and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing Thereof (H. P. 1233) (L. D. 1698)

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

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I think there has been plenty of discussion on this matter, and I propose now that we vote on that and I ask for a division.

The SPEAKER: A division is mandatory.

Thereupon, in accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a division was had. 98 voted in favor of the same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

#### **Emergency Measure**

An Act Providing for Demolition or Dismantling and Reassembling of Morse Bridge in the City of Bangor (S. P. 605) (L. D. 1645)

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

#### **Emergency Measure**

An Act to Authorize Enfield and Lowell to Join a School Administrative District (H. P. 1244)

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 forthwith to the Senate.

On motion of Mr. Baxter of Pittsfield,

Recessed until the sound of the gong.

#### **After Recess**

**9:00 P. M.**

Called to order by the Speaker.

The SPEAKER: Is there objection to taking a matter up out of order from the Senate at this time on Supplement number 7? The Chair hears none, the Clerk will read the matter.

#### **Non-Concurrent Matter**

An Act Providing for Additional Funds for State Grants to Municipalities for Sewage Treatment Works (S. P. 602) (L. D. 1642) which was passed to be enacted in the House on November 30, and passed to be engrossed as amended by House Amendment "A" on November 29.

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

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

On motion of Mr. Baxter of Pittsfield,

Adjourned until ten o'clock tomorrow morning.