

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 6, 1963

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

Prayer by the Rev. Mr. Francis Spitzer of Hallowell.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate be directed to deposit with the Secretary of State the initiative petitions proposing to the Legislature "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island," (I. B. 1) and be it further

ORDERED, that a certified copy of the report from the Committee on Judiciary relating to (I. B. 1) "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island," be transmitted to the Governor and to the Secretary of State (S. P. 379)

Came from the Senate read and passed.

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

From the Senate:

Bill "An Act relating to Allocation of Funds of Soil Conservation Districts" (S. P. 263) (L. D. 1013)

Bill "An Act relating to Definition of Potatoes and Shipper under the Potato Tax Law" (S. P. 306) (L. D. 972)

Came from the Senate referred to the Committee on Agriculture.

In the House, referred to the Committee on Agriculture in concurrence.

From the Senate:

Bill "An Act to Authorize the Construction of Buildings and Plant Facilities for the University of Maine and the Issuance of not Exceeding Twenty Million Dollar Bonds of the State of Maine for the

Financing Thereof" (S. P. 287) (L. D. 860)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to Continuity of Management of Insurance Companies" (S. P. 288) (L. D. 861)

Bill "An Act relating to Records and Lists of Stockholders" (S. P. 307) (L. D. 973)

Bill "An Act relating to Investment of Municipal Funds" (S. P. 308) (L. D. 974)

Bill "An Act relating to General Penalty for Violation of the Insurance Laws" (S. P. 318) (L. D. 984)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Bill "An Act relating to the Governor Baxter State School for the Deaf" (S. P. 289) (L. D. 862)

Bill "An Act relating to Nonjudicial Involuntary Admission Procedure of Mentally Ill" (S. P. 290) (L. D. 863)

Bill "An Act relating to Place of Residence of Superintendents of State Hospitals" (S. P. 291) (L. D. 864)

Bill "An Act Revising Laws Relating to Juvenile Training Centers" (S. P. 292) (L. D. 865)

Bill "An Act relating to Reporting of Divorces to State Registrar of Vital Statistics" (S. P. 309) (L. D. 975)

Bill "An Act relating to Indian Tribal Elections" (S. P. 310) (L. D. 976)

Bill "An Act relating to Attendance Officers of Passamaquoddy Indian Tribe" (S. P. 311) (L. D. 977)

Came from the Senate referred to the Committee on Health and Institutional Services.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

From the Senate:

Bill "An Act Providing Area Directional Sign for Damariscotta-

Pemaquid Region" (S. P. 312) (L. D. 978)

Came from the Senate referred to the Committee on Highways.

In the House, referred to the Committee on Highways in concurrence.

From the Senate:

Resolve Continuing New York City Public Relations Office and Providing for Contractual Services (S. P. 293) (L. D. 866)

Resolve Appropriating Money for an Additional Public Relations Representative, Department of Economic Development (S. P. 294) (L. D. 867)

Came from the Senate referred to the Committee on Industrial and Recreational Development.

In the House, referred to the Committee on Industrial and Recreational Development in concurrence.

From the Senate:

Bill "An Act relating to Time of Hunting Season on Deer in Zone 3" (S. P. 313) (L. D. 979)

Bill "An Act Regulating the Open Season on Fisher" (S. P. 314) (L. D. 980)

Bill "An Act relating to Definition of Alien under Fish and Game Laws" (S. P. 315) (L. D. 981)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act Directing Review of Maine Criminal Statutes and Model Penal Code" (S. P. 273) (L. D. 787)

Bill "An Act Amending the Rules of Descent" (S. P. 274) (L. D. 788)

Bill "An Act relating to Percentage by Weight of Alcohol of Blood of Operators of Motor Vehicles" (S. P. 275) (L. D. 789)

Bill "An Act relating to Violations of Law by Parolees of Reformatory for Men" (S. P. 295) (L. D. 868)

Bill "An Act relating to Extending Time on Attachments of Real Estate" (S. P. 296) (L. D. 869)

Bill "An Act relating to Civil Actions Against Heads of Institutions under the Control of the Department of Mental Health and Corrections" (S. P. 297) (L. D. 870)

Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure" (S. P. 298) (L. D. 871)

Bill "An Act relating to Habeas Corpus and Post Conviction Procedure in Criminal Cases" (S. P. 316) (L. D. 982)

Bill "An Act relating to the Criminal Sanctions Provisions of the Banking Laws" (S. P. 317) (L. D. 983)

Bill "An Act relating to Evidence of Intoxication and Chemical Tests for Alcoholic Content of Blood of Motor Vehicle Drivers" (S. P. 319) (L. D. 985)

Bill "An Act relating to Search and Arrest for Violation of Fish and Game Laws" (S. P. 320) (L. D. 986)

Bill "An Act relating to Compensation and Expenses of Out-of-State Witnesses in Criminal Cases" (S. P. 321) (L. D. 987)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

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

From the Senate:

Bill "An Act Exempting Firemen from Waiting Period under Workmen's Compensation Act" (S. P. 322) (L. D. 988)

Came from the Senate referred to the Committee on Labor.

In the House, referred to the Committee on Labor in concurrence.

From the Senate:

Bill "An Act Amending the Act of Incorporation of the Associated Hospital Service of Maine" (S. P. 276) (L. D. 790)

Bill "An Act relating to Amount of Property Held by Senior Citizens Association Incorporated of Portland" (S. P. 277) (L. D. 791)

Bill "An Act to Revise the Boating Law and Extend Boat Registration and Safety Law to Cover Coastal Waters" (S. P. 299) (L. D. 872)

Bill "An Act Defining Subdivision of Land for Municipal Regulation" (S. P. 323) (L. D. 989)

Bill "An Act relating to Pecuniary Interest by Municipal Officials in

Municipal Contracts" (S. P. 324) (L. D. 990)

Bill "An Act relating to Proof of Municipal Ordinances" (S. P. 325) (L. D. 991)

Bill "An Act Permitting Hearing Testimony in Liquor Hearings as to Statements by Minors" (S. P. 326) (L. D. 992)

Bill "An Act relating to Penalty for Purchase and Consumption of Liquor by Minors" (S. P. 327) (L. D. 1012)

Bill "An Act relating to Penalty for Furnishing Liquor to Certain Persons" (S. P. 328) (L. D. 993)

Resolve Discharging Town of Liberty from Indebtedness to Maine School District Commission for Preparation of Agreement for Dissolution of School Administrative District No. 3 (S. P. 278) (L. D. 792)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Permitting Sale of Liquor in Hotels and Motels in Certain Municipalities" (S. P. 279) (L. D. 793)

Bill "An Act Providing for Adult Identification Cards under Liquor Law" (S. P. 300) (L. D. 873)

Bill "An Act Providing for Issuance of Warnings to Licensees for Liquor Violations" (S. P. 329) (L. D. 994)

Came from the Senate referred to the Committee on Liquor Control.

In the House, referred to the Committee on Liquor Control in concurrence.

From the Senate:

Bill "An Act to Change the Fiscal Year of City of Lewiston" (S. P. 280) (L. D. 794)

Bill "An Act relating to Town Manager Form of Government" (S. P. 330) (L. D. 995)

Came from the Senate referred to the Committee on Municipal Affairs.

In the House, referred to the Committee on Municipal Affairs in concurrence.

From the Senate:

Bill "An Act to Correct the Name of Heron Lake Dam Company and

Relating to Its Powers" (S. P. 281) (L. D. 795)

Bill "An Act to Create the Maine Power Authority" (S. P. 301) (L. D. 874)

Bill "An Act relating to Sewer Service Charges" (S. P. 331) (L. D. 996)

Bill "An Act relating to Permits for Contract Carriers" (S. P. 332) (L. D. 997)

Bill "An Act to Allow Temporary Authority for Motor Carrier Operations on Assignment and Transfer" (S. P. 333) (L. D. 998)

Came from the Senate referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

From the Senate:

Bill "An Act relating to Credit for Military Service under State Retirement Law" (S. P. 334) (L. D. 999)

Resolve relating to Retirement Benefit for Lona A. Tower of Warren (S. P. 282) (L. D. 796)

Came from the Senate referred to the Committee on Retirements and Pensions.

In the House, referred to the Committee on Retirements and Pensions in concurrence.

From the Senate:

Bill "An Act relating to Unexpended Excise Taxes on Sardines" (S. P. 335) (L. D. 1000)

Came from the Senate referred to the Committee on Sea and Shore Fisheries.

In the House, referred to the Committee on Sea and Shore Fisheries in concurrence.

From the Senate:

Bill "An Act Increasing the Salary of the Commissioner of Labor and Industry" (S. P. 302) (L. D. 875)

Bill "An Act Increasing Aides-de-Camp to Governor" (S. P. 336) (L. D. 1001)

Bill "An Act Increasing Salary of Hearing Examiner for State Liquor Commission" (S. P. 337) (L. D. 1002)

Bill "An Act relating to Quorum of Maine Sardine Council" (S. P. 338) (L. D. 1003)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate:

Bill "An Act relating to Claims of Municipalities Against State for Taxes Lost from Veterans Property Tax Exemptions" (S. P. 339) (L. D. 1004)

Came from the Senate referred to the Committee on Taxation.

In the House, referred to the Committee on Taxation in concurrence.

From the Senate:

Bill "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements" (S. P. 283) (L. D. 797)

Bill "An Act relating to Time of Salary Payments to County Commissioners" (S. P. 284) (L. D. 798)

Bill "An Act Increasing Salaries of Certain County Officials of Somerset County" (S. P. 303) (L. D. 876)

Bill "An Act relating to Municipal Revenue Bonds" (S. P. 340) (L. D. 1005)

Bill "An Act Permitting County Funds for Buildings for Education Programs for Retarded Children" (S. P. 341) (L. D. 1006)

Bill "An Act Increasing Salary of Judge of Western Somerset Municipal Court" (S. P. 342) (L. D. 1007)

Bill "An Act relating to Effective Date for Salary Increase for County Officers" (S. P. 343) (L. D. 1008)

Bill "An Act Increasing Salary of County Treasurer of Washington County" (S. P. 344) (L. D. 1009)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Bill "An Act Authorizing Permanent Registration Plates for Fleet Operated Vehicles" (S. P. 285) (L. D. 799)

Bill "An Act relating to Registration of Motor Vehicles Required to be Registered in Another State by Maine Residents" (S. P. 345) (L. D. 1010)

Bill "An Act to Revise Certain Motor Vehicle Laws" (S. P. 346) (L. D. 1011)

Came from the Senate referred to the Committee on Transportation.

In the House, referred to the Committee on Transportation in concurrence.

Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act to Clarify the Procedure for the Dissolution of School Administrative Districts" (S. P. 142) (L. D. 419) reporting same in a new draft (S. P. 347) (L. D. 419) reporting same in a new draft (S. P. 347) (L. D. 777) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Issuing of Bonds by School Administrative Districts" (S. P. 51) (L. D. 101)

Report of the Committee on Transportation reporting same on Bill "An Act relating to Initial Motor Vehicle Registration Plates" (S. P. 84) (L. D. 191)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on State Government on Bill "An Act Authorizing Maine Forestry Department to Accept Federal Funds" (S. P. 69) (L. D. 119) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 69, L. D. 119, "An Act Authorizing Maine Forestry Department to Accept Federal Funds."

Amend said Bill, at the end of the 10th line, by inserting after the underlined word "**purposes**" the underlined words '**, subject to the approval of the Governor and Council.**'

Further amend said Bill, at the end, by inserting after the underlined word "**department**" the underlined words '**and the Governor and Council**'

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

The SPEAKER: The Speaker at this time is pleased to recognize in the gallery of the House members of the Emerson Junior High School of Richmond, Maine, accompanied by their Principal, George L. Whitten, and teachers Mrs. Barbara Whitten and Mrs. Mary Smith. The group is composed of about thirty-six students.

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

Judiciary Committee Report

Report of the Committee on Judiciary on Initiative Petitions proposing to the Legislature "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" (I. B. 1) reporting as follows:

The Judiciary Committee to which was referred the initiative petitions proposing to the Legislature, Bill "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island", report that said petitions were filed in the office of the Secretary of State. On January 8, 1963 a total number of legal signatures on all petitions on that day filed

proposing the above-mentioned act is 34,183. The number of signatures required is not less than 29,273; therefore, said petitions are sufficient for the purpose of submitting said act to the voters, for their acceptance or rejection; and the Committee recommends that said act, Bill "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" be submitted to the voters of the State in accordance with the provisions of the State Constitution for their action thereon.

(Signed)

RALPH W. FARRIS Jr.
WILLIAM F. BOARDMAN
JOSEPH B. CAMPBELL
EDWIN R. SMITH
MALCOLM BERMAN
MYRON D. RUST
L. ERNEST THORNTON
DANA W. CHILDS
ALAN C. PEASE
JOHN L. KNIGHT

Committee on Judiciary.

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Resolve Regulating Salmon Fishing in Tunk Lake, Hancock County and Nahmakanta Lake, Piscataquis County (H. P. 5) (L. D. 11) which was passed to be engrossed in the House on January 29.

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

In the House: On motion of Mr. Anderson of Ellsworth, the House voted to recede and concur with the Senate.

From the Senate: The following Communication from the Secretary of State: (S. P. 380)

(For complete letter see Senate Record of February 5)

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Tabled

From the Senate: The following Resolution: (S. P. 381)

STATE OF MAINE

Ratification of Amendment to the Constitution of the United States Relating to the Qualification of Electors

(For complete Resolution, see Senate Record of February 5)

Came from the Senate read and adopted.

In the House, the Resolution was read.

(On motion of Mr. Dennett of Kittery, tabled pending adoption in concurrence and unassigned.)

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act relating to Appointment of Local Sealers of Weights and Measures" (H. P. 758) (Presented by Mr. Dostie of Winslow) (Ordered Printed)

Bill "An Act relating to the Restriction Against Carnival Performing Near Agricultural Fairs" (H. P. 759) (Presented by Mr. Mendes of Topsham)

(Ordered Printed)

Bill "An Act relating to Stipend for Agricultural Societies Conducting Non Pari Mutuel Racing" (H. P. 760) (Presented by Mr. Whitney of Winn)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Permitting Certain Corporations to Hold Stockholders Meetings Outside the State" (H. P. 761) (Presented by Mr. Knight of Rockland)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Income from Ministerial and School Fund in Determining Educational Foundation Program Allowance" (H. P.

762) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Bill "An Act relating to Instruction in High Schools on American Freedoms" (H. P. 763) (Presented by Mr. Cottrell of Portland)

(Ordered Printed)

Bill "An Act relating to Secondary School Privileges" (H. P. 764) (Presented by Mr. Finley of Washington)

(Ordered Printed)

Bill "An Act relating to Superintendent of Schools in School Districts Employing Less Than Fifteen Teachers" (H. P. 765) (Presented by Mr. Gallant of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Reciprocal Registration for Pharmacists" (H. P. 766) (Presented by Mr. Roberts of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act Permitting Penobscot Indians a Limited Open Season on Moose on Indian Lands" (H. P. 767) (Presented by Mr. Cookson of Glenburn by request)

(Ordered Printed)

Bill "An Act relating to Legal Size of Salmon Taken from Chain of Ponds, Franklin County" (H. P. 768) (Presented by Mr. Hutchins of Kingfield)

(Ordered Printed)

Bill "An Act relating to the Killing of Bears in Organized Townships" (H. P. 769) (Presented by Mr. Jones of Farmington)

(Ordered Printed)

Bill "An Act relating to Free Public Access to Waters Stocked with Fish Raised by State" (H. P. 770) (Presented by Mr. Plante of Old Orchard Beach)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Repealing Law Requiring Clerk of Courts to Mail Divorce Judgments When Duty to Support" (H. P. 771) (Presented by Mr. Giroux of Brunswick)

(Ordered Printed)

Bill "An Act to Facilitate Proof of No Motor Vehicle Operator's License" (H. P. 772) (Presented by Mr. Mendes of Topsham)
(Ordered Printed)

Bill "An Act to Provide Compulsory Driver Education for Certain Motor Vehicle Law Violators" (H. P. 773) (Presented by same gentleman)
(Ordered Printed)

Bill "An Act relating to Foreclosure of Bonds for Deed and Contracts for Sale of Real Estate" (H. P. 774) (Presented by Mr. Minsky of Bangor)
(Ordered Printed)

Bill "An Act relating to Release of Spouse's Right by Descent" (H. P. 775) (Presented by same gentleman)
(Ordered Printed)

Bill "An Act relating to Public Hearing for Validity of Act of Town Meeting" (H. P. 776) (Presented by Mr. Smith of Bar Harbor)
(Ordered Printed)

Bill "An Act relating to Penalties for Carelessly Shooting a Human Being While Hunting" (H. P. 777) (Presented by Mr. Townsend of Baileyville)
(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Revising the Maine Employment Security Laws" (H. P. 778) (Presented by Mr. Thaanum of Winthrop)
(2,500 copies Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Disposal of Dilapidated Buildings" (H. P. 779) (Presented by Mr. Cottrell of Portland)
(Ordered Printed)

Bill "An Act Repealing Certain Laws Relating to Bowling Alleys and Billiard Rooms" (H. P. 780) (Presented by Mr. Dennett of Kittery)
(Ordered Printed)

Bill "An Act relating to Filing of Approved Subdivisions of Land" (H. P. 781) (Presented by Mr. Dostie of Winslow)
(Ordered Printed)

Bill "An Act Increasing Fee for Solemnization of Marriages" (H. P.

782) (Presented by Mr. Giroux of Brunswick)
(Ordered Printed)

Bill "An Act relating to Notice to Town of Settlement When Persons Found Destitute" (H. P. 783) (Presented by Mr. Hutchins of Kingfield)
(Ordered Printed)

Bill "An Act Authorizing Governor and Council to Regulate Exits in Certain Buildings" (H. P. 784) (Presented by Mr. Smith of Bar Harbor)
(Ordered Printed)

Bill "An Act Repealing the Law Regulating the Solicitation and Collection of Funds for Charitable Purposes" (H. P. 785) (Presented by Mr. Waltz of Waldoboro)
(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Definition of Public Places under Law Relating to Drinking in Public Places" (H. P. 786) (Presented by Mr. Townsend of Baileyville)
(Ordered Printed)

Bill "An Act relating to Public Meetings Held by Liquor Commission" (H. P. 787) (Presented by same gentleman)
(Ordered Printed)

Sent up for concurrence.

Municipal Affairs

Bill "An Act relating to the Assessment of Towns in Aid to Dependent Children Grants" (H. P. 788) (Presented by Mr. Plante of Old Orchard Beach)
(Ordered Printed)

Sent up for concurrence.

Retirements and Pensions

Bill "An Act relating to Retirement of Employee Option by Local Districts under Maine State Retirement System" (H. P. 789) (Presented by Mr. Jalbert of Lewiston)
(Ordered Printed)

Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act relating to Underwater Swimming and Diving" (H. P. 790) (Presented by Mr. Cartier of Biddeford by request)
(Ordered Printed)

Bill "An Act Repealing the Tax on Quahogs" (H. P. 791) (Presented by Mr. Mendes of Topsham)
(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act relating to Use of the Airport Construction Fund for Privately Owned Airports" (H. P. 792) (Presented by Mr. Choate of Windsor)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Exempting Materials Used in Certain Buildings Operated by Nonprofit Corporations from Sales and Use Tax" (H. P. 793) (Presented by Mr. Berry of Cape Elizabeth)

(Ordered Printed)
Bill "An Act Exempting Certain Housing for the Elderly from Taxation" (H. P. 794) (Presented by same gentleman)
(Ordered Printed)
Sent up for concurrence.

Towns and Counties

Bill "An Act Increasing Salary of Sheriff of Aroostook County" (H. P. 795) (Presented by Mr. Albair of Caribou)

(Ordered Printed)
Bill "An Act relating to Compensation of Special Deputy Sheriffs" (H. P. 796) (Presented by Mr. Philbrick of Augusta)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Binders on Pulpwood, Logs or Bolts Hauled in Motor Vehicles" (H. P. 797) (Presented by Mr. Davis of Calais)
(Ordered Printed)
Sent up for concurrence.

Orders

Mr. Tyndale of Kennebunkport presented the following Order and moved its passage:

WHEREAS, on this sixth day of February, 1963, an event is occurring that should receive the interest of all the august members of this body, and

WHEREAS, the three score and ten law has now been proved to be a fallacy, one of our distinguished gentlemen having passed this mark by observing his birthday today, and

WHEREAS, he happens to be one of the most active members of the York County delegation, has made the association a pleasure for all those who come in contact with him, and is an inspiration to all the members of the 101st Legislature, now, therefore, be it

ORDERED, that the members of the House extend felicitations to Mr. Roberts of South Berwick and wish that he not only enjoy the full rewards of having served his community and State for a number of years, but that the future years ahead be full of pleasure and enjoyment for him.

The Order received unanimous passage. (Applause)

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Roberts.

Mr. ROBERTS: Mr. Speaker, somebody must have been talking out of school to tell my birth date.

**House Reports of Committees
Leave to Withdraw**

Mr. Anderson from the Committee on Inland Fisheries and Game on Bill "An Act relating to Number of Catch of Fish in Certain Waters in Aroostook County" (H. P. 36) (L. D. 59) reported Leave to Withdraw.

Same gentleman from same Committee reported same on Bill "An Act Providing Free Hunting and Fishing Licenses for Disabled Veterans" (H. P. 41) (L. D. 64)

Mr. Gustafson from the Committee on Retirements and Pensions reported same on Bill "An Act relating to Benefits for Policemen under the Maine State Retirement System" (H. P. 306) (L. D. 399)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Brewer from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Fred Salem of Millinocket (H. P. 20) (L. D. 45)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Gallant from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse City

of Bangor for Support of Theresa Vallencourt (H. P. 193) (L. D. 262)

Report was read.

(On motion of Mr. Minsky of Bangor, tabled pending acceptance of Committee Report and specially assigned for Tuesday, February 12.)

Mr. Roberts from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Closed Season on Bears" (H. P. 282) (L. D. 376)

Mr. Wade from same Committee reported same on Bill "An Act Providing Free Hunting and Fishing Licenses for Persons Over Sixty-Five Years of Age" (H. P. 42) (L. D. 65)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Blouin from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act to Incorporate Maine Hospital Association, Inc." (H. P. 267) (L. D. 361)

Mr. Scott from same Committee reported same on Bill "An Act to Incorporate the Northern Mortgage Corporation" (H. P. 325) (L. D. 452)

Mr. Hawkes from the Committee on Inland Fisheries and Game reported same on Bill "An Act Designating Mount Desert Island as Game Management Area" (H. P. 208) (L. D. 277)

Mr. Reynolds from same Committee reported same on Resolve Correcting Errors in Certain Fish and Game Resolves (H. P. 288) (L. D. 382)

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

Third Reader Tabled and Assigned

Bill "An Act Permitting Credit Sales for Liquor to be Consumed on the Premises" (S. P. 8) (L. D. 18)

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

(On motion of Mr. Jones of Farmington, tabled pending passage to be engrossed and specially assigned for Wednesday, February 13.)

Passed to Be Engrossed

Bill "An Act relating to Rules and Regulations in Fishing" (S. P. 60) (L. D. 110)

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

Tabled and Assigned

Bill "An Act Requiring Information from Banks for Division of Veterans Affairs" (S. P. 77) (L. D. 184)

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

(On motion of Mr. Smith of Bar Harbor, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Bill "An Act relating to Taking of Alewives in Town of Blue Hill" (H. P. 69) (L. D. 92)

Bill "An Act relating to Purposes and Powers of Bar Harbor School District" (H. P. 126) (L. D. 170)

Bill "An Act relating to Closed Season on Scallops in Bagaduce River" (H. P. 127) (L. D. 171)

Bill "An Act relating to Reciprocity under Financial Responsibility Law" (H. P. 153) (L. D. 204)

Bill "An Act relating to Clerk of Overseers of Poor of Fairfield" (H. P. 159) (L. D. 209)

Bill "An Act relating to Payments by Baxter State Park Authority to Maine Forestry District" (H. P. 162) (L. D. 211)

Bill "An Act relating to Instruction Permits and Fees for Examination to Operate a Motor Vehicle" (H. P. 170) (L. D. 219)

Bill "An Act relating to Directors and Trustees of The King's Academy" (H. P. 228) (L. D. 299)

Bill "An Act Authorizing Transfer of Property and Assets of the Trustees of East Corinth Academy" (H. P. 229) (L. D. 298)

Bill "An Act relating to Taxes on Spirituous and Vinous Liquors Sold to Certain Instrumentalities" (H. P. 237) (L. D. 305)

Bill "An Act Increasing Compensation of Trustees of Gray Water District" (H. P. 244) (L. D. 312)

Bill "An Act relating to Appointment of Directors of Eastport Public Landing Authority" (H. P. 245) (L. D. 313)

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

Tabled and Assigned

Bill "An Act to Repeal the Prohibition Against Use of Seines in Part of Casco Bay" (H. P. 248) (L. D. 316)

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

(On motion of Mr. Coulthard of Scarborough, tabled pending passage to be engrossed and specially assigned for Tuesday, February 12.)

Bill "An Act to Amend the Charter of the Norway Water District to Create a Source of Supply in the Town of Oxford" (H. P. 302) (L. D. 395)

Bill "An Act Repealing Law Permitting Trapping of Eels in Baga-duce River" (H. P. 310) (L. D. 403)

Resolve Opening St. Georges and Little St. Georges Lakes, Wald o County, to Ice Fishing (S. P. 59) (L. D. 109)

Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (H. P. 243) (L. D. 311)

Resolve Regulating Fishing in Sebago Lake and Tributaries (H. P. 757) (L. D. 877)

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

Amended Bill

Bill "An Act relating to Taking of Smelts from Chandler River, Washington County" (H. P. 249) (L. D. 317)

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

**Passed to Be Enacted
Emergency Measure**

An Act relating to Superintending School Committee of City of Ellsworth (H. P. 119) (L. D. 163)

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

Mr. ANDERSON: Mr. Speaker, I would like permission to speak briefly on this enactor.

The SPEAKER: The question is debatable before the House. The gentleman may proceed.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain why this is an emergency. Ellsworth City election is held the first Monday in March. Contestants for the School Board must have their nomination papers in by February 15, so you can see it is quite urgent that this bill be immediately enacted into law. Otherwise, we would be without a school board or school board trustees. I certainly hope my colleagues will go along with me. Thank you.

Thereupon, the Bill 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. 134 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Number of Catch of Fish in Aroostook County (S. P. 34) (L. D. 27)

An Act Permitting Separate Ballot Boxes for Votes on Constitutional Amendments and Referendums (H. P. 29) (L. D. 53)

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

Tabled and Assigned

An Act Providing a State-wide Limit on Certain Fish (H. P. 33) (L. D. 57)

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

(On motion of Mr. Anderson of Ellsworth, tabled pending passage to be enacted and specially assigned for Wednesday, February 13.)

Resolve Regulating Ice Fishing on Drew Lake, Aroostook County (H. P. 44) (L. D. 67)

Resolve Regulating Fishing on Tim Pond and Mud Pond, Franklin County (H. P. 48) (L. D. 71)

Resolve Relating to Black Bass Fishing in Certain Kennebec County Waters (H. P. 49) (L. D. 72)

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

Orders of the Day

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

Bill "An Act relating to Redistribution of Axle Loads on Commercial Vehicles" (S. P. 206) (L. D. 516) — Comes from the Senate referred to the Committee on Highways)

Tabled — January 30, by Mr. Minsky of Bangor.

Pending — Reference in concurrence.

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

Mr. MINSKY: Mr. Speaker, I move this matter be referred to the Committee on Transportation in non-concurrence.

The SPEAKER: The gentleman from Bangor, Mr. Minsky, moves that this item be referred to the Committee on Transportation in non-concurrence. The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, the Committee on Reference of Bills felt that this item, and others similar to it, should go to the Committee on Highways. The reason for that is that it feels that this problem of weights and axle loads and so forth is a problem that directly affects the problem of road construction and maintenance. Therefore, I would hope that the motion to commit to the Transportation Committee is defeated.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: I highly concur with the gentleman from Bangor, Mr. Wellman. We

went over this thoroughly in the Reference of Bills Committee, and due to the fact that we have already assigned similar bills to the Committee on Highways, I must support the decision of the Reference of Bills Committee, so I hope the motion of the gentleman from Bangor, Mr. Minsky, does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Minsky, that this be referred to the Committee on Transportation in non-concurrence. It came from the Senate referred to the Committee on Highways. Is the House ready for the question? All those in favor of the motion of the gentleman from Bangor, Mr. Minsky, that it be referred to the Committee on Transportation, please say aye; those opposed, no.

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

Thereupon, the Bill was referred to the Committee on Highways in concurrence.

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

HOUSE REPORT — Ought not to pass — Committee on Natural Resources on Bill "An Act Repealing Law Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations" (H. P. No. 163) (L. D. No. 212)

Tabled — February 5, by Mr. Viles of Anson.

Pending — Acceptance.

On motion of Mr. Viles of Anson, the Report and Bill were recommitted to the Committee on Natural Resources and sent up for concurrence.

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

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

Mr. SMITH: Mr. Speaker, I would inquire of the Chair if L. D. 89 is still in the possession of the House?

The SPEAKER: The Chair would inform the gentleman that the paper is in the possession of the House.

Mr. SMITH: Mr. Speaker, recently this bill, "An Act relating to Sale of Beverages in Returnable Bottles" was passed out of the Committee on Liquor Control with an "Ought not to pass" Report.

The SPEAKER: Would the gentleman make a motion so that the matter will be before the House? Then the gentleman may debate.

Mr. SMITH: I will move that this bill be reconsidered for the purpose of amendment or recommitment.

The SPEAKER: The gentleman may proceed.

Mr. SMITH: Thank you. It was returned out of Committee by a vote of 7 to 3 "Ought not to pass." This bill yesterday, the Committee Report was accepted and looking it over and speaking with most of the members of the Liquor Control Committee, I found that the real difficulty here could be taken care of in an amendment. The difficulty seemed to be over the fact that the returnable containers included everything from glass to tin cans, and also that charge of five cents.

Now this bill affects carbonated and malt bottles only. If that charge of five cents were on the carbonated bottles, for instance, it would make it real difficult for children to go in and buy and pay a deposit of a nickel every time they bought anything; and also this bill was a poor bill in that you would have to pay a nickel deposit on a tin can that you would ultimately destroy, and yet most of us feel that this bill does have some degree of merit, especially if you run over a bottle on the highways. But actually, I believe the only thing that we are trying to get at here, those that were trying to get at it, was the subject of glass.

I had prepared an amendment which is on your desks, that would substitute the word "glass" before the word "container" and also after the word "returnable" making this bill — limiting this bill only to glass containers and knocking out the five cent deposit altogether.

However, due to the fact that this amendment will change the meaning actually of the bill and substitute a new bill here, it is now my desire, if you gentlemen will permit this to be reconsidered, to have this recommitted to the Liquor Com-

mittee to take care of these necessary things. I have already moved that this be reconsidered. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Strong, Mr. Smith, that we reconsider our action whereby we accepted the "Ought not to pass" Report.

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

Mr. CHILDS: Mr. Speaker, I am not rising to object to having the matter reconsidered for the purpose of recommitment, but I see something else in the bill which I hope if it is recommitted, there will be some changes made. As I read this bill, it says it shall be unlawful for any person or persons to transport or have in possession any carbonated beverages which is not in a non-returnable bottle. I foresee this situation; assuming John Brown and his wife leave Massachusetts and they decide to come to Maine and they are going there for the weekend and they take with them four bottles of orangeade and a couple of sandwiches. They have with them two teenage children. They stop at one of our picnic areas to have a lunch, and while they are there, they are stopped by a police officer, and he sees that they have in their possession four bottles of orangeade. So therefore, under this bill, it says person or persons having in their possession, Mr. Jones would be guilty of a crime, Mrs. Jones would be guilty of a crime, two teenage children would both be guilty of juvenile delinquency. Now I hope that that is not the intent of this bill.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Corinna, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker, I would like to make a few remarks in regard to this. I introduced this bill. At the beginning, I didn't consider it very important, but since its introduction I have received so many complaints from farmers who have been plagued by this menace, that I believe that it should receive consideration.

I am not out to hurt anybody, but I believe these farmers are due

some consideration from this body. Now there are plenty here who can testify to their experiences as to damage to their farm machinery and their domesticated animals.

This is not a liquor bill. This is a litter bill, and was intended as such. Now there are plenty of people here, if they will get on their feet, can tell of their experiences with glass. I will accept those amendments that have been offered here, but I would like to make it plain that it isn't a liquor bill. Therefore, I feel that it should come before the Agricultural Committee where it was intended it should go. I am a freshman here and therefore that on my part was overlooked.

Now they can break the tires on farm machinery such as balers, tractors and others besides. I have evidence that those bottles have been raked up into windrows, gone into bales, which breaks the bottles going through into the baler, and a great many of them have been found and eliminated. Some of them get by. Animals have gotten them into their stomachs and have died as a consequence. Now I feel that that is a litter problem. These farmers of course, they pay — well, they're paying us, they are helping to pay us; they are helping to pay this — the revenues to the state, and a good big bunch of them, and I feel that the least we can do, if we can save them a little money along with the other taxpayers of the state, I think we are remiss if we don't do it.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I would like to ask one small question through the Chair. Was it the intent of this bill to cover such bottles as olive bottles, pickle bottles, milk bottles and many others, or is it discrimination against one industry?

The SPEAKER: The gentleman from Enfield, Mr. Dudley, poses a question to anyone in the House who cares to answer.

The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think my two months are quite

up from what I was informed in Bangor, but I do want to say just a little bit in regard to this bill.

As many of you know, I am a dairy farmer, and this has been a problem for us every year. The first thing that happens before we start to harvest our hay crop, especially on a main travelled road, we have to go and do the best we can to pick these bottles out of the hay. Many is the time that I have driven along beside the road mowing hay and heard the bottle under a tractor tire go "crunch."

Now as the gentleman said a few moments ago, these can be raked up into the windrows of hay. If there could be some way that this could be amended. I don't think it is possible to even eliminate the hazard altogether because regardless if there were some bottles that had a returnable charge of 50 cents they would still be thrown away, but it would eliminate part of it, and I assure you that this is a problem for every farmer in our whole state, and quite a serious problem. I add this to go along with this reference because I believe the bill really has merit and could be amended. Thank you.

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

Mr. SMITH: Mr. Speaker, due to the fact there is a little difference of opinion maybe here, I would ask for a division.

The SPEAKER: Is the House ready for the question? A division has been requested. All those in favor of reconsideration of our action on Bill "An Act relating to Sale of Beverages in Returnable Bottles," House Paper 65, Legislative Document 89, will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The question now before the House is on the acceptance of the "Ought not to pass" Report.

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

Mr. SMITH: Mr. Speaker, I move we accept the Minority "Ought to pass" Report.

The SPEAKER: There is a pending motion, the "Ought not to pass" Report. The pending motion, after reconsideration, is the "Ought not to pass" Report. All those in favor of accepting the "Ought not to pass" Report will say aye; those opposed, no.

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

The SPEAKER: Now the Chair understands that the gentleman moves to accept the Minority "Ought to pass" Report. Is it the pleasure of the House to accept the Minority "Ought to pass" Report?

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

Mr. CHILDS: Mr. Speaker, I was under the impression that there was going to be a motion that this be recommitted to Committee.

The SPEAKER: The question before the House is to accept the Minority Report. All those in favor say aye; those opposed, no — the Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: I move this lay on the table until tomorrow.

Thereupon, the Report and Bill were tabled pending acceptance of the Minority "Ought to pass" Report and specially assigned for tomorrow.

On motion of the gentleman from Bucksport, Mr. Pierce,

Adjourned until one-thirty o'clock tomorrow afternoon.