

# 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

Tuesday, March 5, 1963

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

Prayer by the Rev. Mr. Gordon F. Parlin of the Methodist Church, Dexter.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

### Papers from the Senate Senate Reports of Committees Leave to Withdraw

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Open Season for Fishing During Month of October in Washington County" (S. P. 361) (L. D. 1027) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

### Ought Not to Pass

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to General Penalty for Violation of the Insurance Laws" (S. P. 318) (L. D. 984)

Report of the Committee on Liquor Control reporting same on Bill "An Act Permitting Sale of Liquor in Hotels and Motels in Certain Municipalities" (S. P. 279) (L. D. 793)

Came from the Senate read and accepted.

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

### Ought to Pass in New Draft

Report of the Committee on Election Laws on Bill "An Act to Revise the Election Laws" (S. P. 54) (L. D. 104) reporting same in a new draft (S. P. 518) (L. D. 1425) under same title and that it "Ought to pass"

Report of the Committee on Towns and Counties on Bill "An Act Permitting County Funds for Buildings for Education Programs for Retarded Children" (S. P. 341)

(L. D. 1006) reporting same in a new draft (S. P. 521) (L. D. 1429) under title of "An Act Providing for Oxford County Funds for Buildings for Education Programs for Retarded Children" and that it "Ought to pass"

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 Education on Bill "An Act relating to Conferring Degrees by Thomas College" (S. P. 175) (L. D. 474) 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. 175, L. D. 474, Bill, "An Act Relating to Conferring Degrees by Thomas College."

Amend said Bill by striking out all of the 8th and 9th lines and inserting in place thereof the following: 'degrees of Bachelor of Science in Business Education and Bachelor of Science in Business Administration, and such honorary degrees as are usually'

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

Report of the Committee on Education on Bill "An Act Repealing the Teaching of Military Tactics at the University of Maine" (S. P. 245) (L. D. 619) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Reports read and accepted and the Bills 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. 245, L. D. 619, Bill, "An Act Repealing the Teaching of Military Tactics at the University of Maine."

Amend said Bill by striking out in the title the word "Repealing" and inserting in place thereof the words "Relating to"

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

#### Refer to 102nd Legislature Tabled and Assigned

Report of the Committee on Business Legislation on Bill "An Act relating to Continuity of Management of Insurance Companies" (S. P. 288) (L. D. 861) reporting that it be referred to the 102nd Legislature.

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

(On motion of Mr. McLeod of Brewer, tabled pending acceptance of Committee Report in concurrence and assigned for Wednesday, March 13.)

The SPEAKER: The Chair is very pleased this morning to recognize in the balcony, 34 pupils from the fifth grade of the South Grammar School of Waterville, accompanied by Albert Hall, the Principal; Mrs. Janet Weymouth, Teacher; and parents, Mrs. Charles Hickox, Mrs. Bradford Ellingwood, Mrs. Harold Alfond and Mrs. Raymond Michaud. These young people are the guests of Representative Arthur Baldic of Waterville.

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

#### Referred to Committee on Legal Affairs

Report of the Committee on Judiciary on Bill "An Act relating to Compensation and Expenses of Out-

of-State Witnesses in Criminal Cases" (S. P. 321) (L. D. 987) reporting that it be referred to the Committee on Legal Affairs.

Report of same Committee reporting same on Bill "An Act relating to Penalty for Violation of Liquor Laws" (S. P. 389) (L. D. 1092)

Report of same Committee reporting same on Bill "An Act relating to Restraint of Vicious Dogs" (S. P. 425) (L. D. 1168)

Report of same Committee reporting same on Bill "An Act relating to Placing Objects on Utility Poles Without Consent" (S. P. 450) (L. D. 1279)

Report of same Committee reporting same on Bill "An Act Requiring Liability Insurance for Liquor Licensees" (S. P. 454) (L. D. 1281)

Report of same Committee reporting same on Bill "An Act relating to Interference or Destruction of Transit Points and Monuments" (S. P. 474) (L. D. 1326)

Report of same Committee reporting same on Bill "An Act Providing for Permanent Identification Cards to be Issued by the Secretary of State" (S. P. 475) (L. D. 1327)

Came from the Senate with the Reports read and accepted and the Bills referred to the Committee on Legal Affairs.

In the House, the Reports were read and accepted and the Bills referred to the Committee on Legal Affairs in concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Creating a Bureau of Corrections within Department of Mental Health and Corrections" (S. P. 124) (L. D. 351)

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook  
— of the Senate.

Messrs. DENNETT of Kittery  
BERMAN of Houlton  
THANUM of Winthrop  
SMITH of Strong  
DOSTIE of Lewiston

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. WHITTAKER of Penobscot  
LOVELL of York

— of the Senate.

Messrs. BERRY of Cape Elizabeth  
CARTIER of Biddeford

— of the House.

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

In the House, the Reports were read.

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

Mr. BERRY: Mr. Speaker, I move that the House concur with the Senate in accepting the Minority Report. When this matter was heard before the State Government Committee, the point was very well taken that Maine should assume its responsibilities in the matter of corrections, and the coordination of the correctional activities in the five state institutions would be met in the beginning by this appropriation and the passage of this Act. This has been recommended by the Advisory Committee to the Department of Mental Health, and it seems to me a modest step that we might well take.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that we recede and concur with the Senate.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the motion made by the gentleman from Cape Elizabeth, Mr. Berry, for a simple reason. The simple reason is this: that I do not believe that at this time we should create another department within this Department of Mental Health and Corrections. For a great number of years, this department was administered in a capable manner and contained both mental health and corrections. I see no reason why it cannot be continued to be managed in the same manner without the creation of another department.

Now I think you all know what the creation of other departments means. It means the building of

another empire. I think in these days when we are faced with many problems, particularly in a financial sense, I can see absolutely no reason to increase the burden on the taxpayers of the State of Maine and accomplish nothing more than has been previously accomplished. I certainly hope that you will vote not to accept the Minority "Ought to pass" Report.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House concur. Is that the pleasure of the House? All those in favor—

Mr. Dennett of Kittery thereupon requested a division.

The SPEAKER: A division has been requested. The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, I would like to support Representative Berry's motion. I was on the committee that studied mental health problems and changed the whole state setup. I feel that we need continual changes because mental health is a very very deep problem and we have to go along with changes to make progress. And I hope that Representative Berry's motion will prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House concur with the Senate in the acceptance of the Minority "Ought to pass" Report on Bill, "An Act Creating a Bureau of Corrections within Department of Mental Health and Corrections," Legislative Document 351.

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

A division of the House was had.

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

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

On motion of the gentlewoman from Guilford, Mrs. White, House

Rule 25 was suspended for the remainder of today's session in order to permit smoking.

#### Non-Concurrent Matter

Bill "An Act relating to Open Fishing Season in Cumberland, Oxford and York Counties" (H. P. 650) (L. D. 906) which was passed to be engrossed in the House on February 26.

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

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

#### Non-Concurrent Matter

An Act to Correct Errors and Omissions in the Public Laws Relating to Sea and Shore Fisheries (H. P. 308) (L. D. 401) which was passed to be enacted in the House on February 20 and passed to be engrossed on February 12.

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

In the House: The House voted to recede and concur in the adoption of Senate Amendment "A" and to pass the Bill to be engrossed as amended by Senate Amendment "A" in concurrence.

#### Petitions, Bills and Resolves Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, was received and referred to the following Committee:

#### Public Utilities

Bill "An Act to Create the Waldoboro Sewer District" (H. P. 993) (Presented by Mr. Waltz of Waldoboro)

(Ordered Printed)  
Sent up for concurrence.

The following Resolve which implements a report of the Constitutional Commission was received notwithstanding Joint Rule 19-B, in accordance with Joint Order (S. P. 26), and referred to the following Committee:

#### Constitutional Amendments and Legislative Reapportionment

Resolve Proposing an Amendment to the Constitution Clarifying the Manner of Authorizing the Issuance of Bonds on Behalf of the State (H. P. 994) (Presented by Mr. Ber- man of Houlton)

(Ordered Printed)  
Sent up for concurrence.

#### Orders

On motion of Mrs. Kilroy of Portland, it was

ORDERED, that Miss Susan Michaud and Miss Debbie Grenier, both of Waterville, be appointed to serve as Honorary Pages for today.

The SPEAKER: The Sergeant-at-Arms will please retire to the rear of the Hall of the House and escort Susan Michaud and her girl friend, Debbie Grenier, to serve as Honorary Pages for the day. One young lady is the granddaughter of Representative Baldic of Waterville.

At this point, the Misses Susan Michaud and Debbie Grenier were escorted to the well of the Hall of the House by the Sergeant-at-Arms. (Applause)

On motion of Mr. Benson of South-west Harbor, it was

ORDERED, that Mr. Tardiff of Lewiston be excused from attendance for the duration of his illness.

On motion of Mr. Wight of Presque Isle, it was

ORDERED, that Mr. Binnette of Old Town be excused from attendance for the duration of his illness.

#### House Reports of Committees Leave to Withdraw

Mr. Coulthard from the Committee on Agriculture on Bill "An Act Increasing Consumer Membership on the Maine Milk Commission" (H. P. 890) (L. D. 1297) reported Leave to Withdraw.

Mr. Hanson from the Committee on Health and Institutional Services reported same on Bill "An Act Relocating Boys Training Center at Presque Isle" (H. P. 438) (L. D. 643)

Mr. Ewer from the Committee on Labor reported same on Bill "An Act relating to Disability from Improper Use or Handling of Pesticides" (H. P. 820) (L. D. 1207)

Mrs. Kilroy from the Committee on Municipal Affairs reported same on Bill "An Act to Incorporate the Town of Caribou School District" (H. P. 540) (L. D. 757)

Reports were read and accepted and sent up for concurrence.

#### Tabled and Assigned

Mr. Hammond from the Committee on Retirements and Pensions reported "Leave to Withdraw" on Bill "An Act relating to Retirement Allowance of Policemen and Firemen under State Retirement System" (H. P. 612) (L. D. 847)

Report was read.

(On motion of Mr. Hammond of Paris, tabled pending acceptance of the Committee Report and specially assigned for Thursday, March 7.)

The SPEAKER: The Chair is very pleased at this time to recognize in the gallery of the House, a group of 48 students from the Martel School of Lewiston, accompanied by their teachers, Miss Beattie and Mrs. Bates; and parents, Mrs. Bouchard, Mrs. Gordon, Mrs. Sprague and Mrs. Hodgkins.

On behalf of the House, the Chair extends to you young people a warm and cordial welcome, and we trust that you will enjoy and profit by your visit with us here this morning. (Applause)

Mr. Osborn from the Committee on Transportation reported "Leave to Withdraw" on Bill "An Act relating to Snow Tires or Chains for Motor Vehicles" (H. P. 559) (L. D. 774)

Report was read and accepted and sent up for concurrence.

#### Ought Not to Pass

Mr. Cookson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act Changing Name of Inland Fish and Game Wardens to Conservation Officers" (H. P. 587) (L. D. 825)

Mr. Hawkes from same Committee reported same on Bill "An Act Regulating Trapping on Reynolds Brook, Washington County" (H. P. 643) (L. D. 899)

Mr. Reynolds from same Committee reported same on Bill "An Act

Providing for a Bounty on Bears" (H. P. 585) (L. D. 823)

Mr. Roberts from same Committee reported same on Bill "An Act Prohibiting Use of Any Electronic Device While Hunting Deer" (H. P. 812) (L. D. 1199)

Mr. Cartier from the Committee on State Government reported same on Resolve Authorizing Treasurer of State to Convey Certain Island in Penobscot County (H. P. 614) (L. D. 849)

Mr. Smith from same Committee reported same on Bill "An Act Providing for Disposal of Unnecessary Real Estate and Appurtenances Belonging to State of Maine" (H. P. 508) (L. D. 710)

Reports were read and accepted and sent up for concurrence.

Mr. Waterman from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Eliminating Certain Exemptions under Sales Tax Law" (H. P. 513) (L. D. 715)

Report was read.

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

Mr. MacLEOD: Mr. Speaker, Item 13, "An Act Eliminating Certain Exemptions under Sales Tax Law," I would like to make a motion and make a few comments first.

When I introduced this bill, I felt that there was in fact a need for \$9,000,000 approximately of additional revenues per year for the next two years. I felt that rather than increase the sales tax from three to four percent, we should broaden the tax base and remove some of the current exemptions.

Since filing this bill, several things have happened which have caused me to change my mind, not on broadening the tax base but on the actual needs. First of all, I went to the University of Maine for two afternoons recently and made a door-to-door survey of the utilization of our classroom space up there. You have before you on your desks, the results of that survey. Of the classroom survey, 53 percent of these classrooms—these classrooms are vacant 53 percent of the time of a normal 40-hour five-day class week. Also while go-

ing through these buildings, I noticed beautiful self-service automatic elevators. I checked the cost of one. It was over \$17,000 for installation. This is in a building that only goes up two floors. There is a sign on the elevator that says for the use of staff only. I suggest that if the staff of the University of Maine is so feeble and senile that they can't walk up two flights of stairs, we should lower the retirement age.

Also since I have been in this Legislature, we have been virtually inundated with pamphlets, brochures, reports from various state departments. The Majority Floor Leader put in a bill to at least have the source of these funds published or the authority of these funds. This bill did not pass. I am sorry that it did not. Incidentally, that bill was recommended by the Legislative Research Committee.

Another item, employees. The Legislative Research Committee furnished us with this very nice brochure on the study made of state employees and costs. It distresses me to see that since 1950, we have had about a 60 percent increase in the number of state employees, and yet our population has remained virtually static. It bothers me that the dollars per resident of this state in the last ten years has more than doubled. It bothers me that the number of employees per thousand of residents in this state has more than doubled in the last fifteen years.

I do considerable shopping for my neighbors in the State Liquor Stores. Probably no one uses the one near my home more than I do. It distresses me to go in there and see four men leaning over the counter doing nothing, or when I go in the I.G.A. store next door to see these same employees pushing their carts up the aisles doing their shopping in the middle of the afternoon.

We have approximately 150 state liquor stores. Let us assume we could get rid of one employee per store; that is three-quarters of a million dollars per year or a million and a half dollars in the biennium saving right in that one department.

In the Exchange Street store in Bangor, they have eight employees which is the same number they had

five years ago when they only had one store in the area. Today they have three stores.

These are some of the reasons and some of the factors that have led me to believe that if this Legislature accepts the responsibility put upon them by their voters, and really scrutinizes the cost of the state government, that there is no need for any major tax revenue-producing bill this session. I am convinced we can get a million and one half from liquor. I am convinced we can get two or three million perhaps from some other nuisance taxes which will carry us for another two years, and leave the tax base where it is.

Another factor in my making the motion that I am going to make, was that the Taxation Committee reported this bill out ten to nothing "Ought not to pass." I feel those odds are too much for me. So, I therefore move that the House accept the Majority "Ought not to pass" Report.

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

Mr. Wood from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation of Corporate Franchise Tax" (H. P. 556) (L. D. 771)

Report was read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft New Draft Printed

Mr. Finley from the Committee on Transportation on Bill "An Act relating to License Plates for Disabled or Paraplegic Veterans" (H. P. 140) (L. D. 183) reported same in a new draft (H. P. 995) (L. D. D. 1436) under same title and that it "Ought to pass"

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

#### Ought to Pass Printed Bills

Mr. Treworgy from the Committee on Education reported "Ought to pass" on Bill "An Act to Authorize the Municipalities of Eagle Lake, Fort Kent, New Canada Plantation, St. Francis Plantation and



Wallgrass Plantation to Suspend the Operation of Community School District No. 1 and Reorganize as a School Administrative District" (H. P. 327) (L. D. 454)

Mr. Ross from the Committee on Highways reported same on Bill "An Act Providing for Rental Fees to Convert Subdivisions of State with the State Police Teletypewriter System" (H. P. 579) (L. D. 817)

Mr. Choate from the Committee on Municipal Affairs reported same on Bill "An Act Amending the Charter of the City of Portland Concerning Election Districts" (H. P. 541) (L. D. 758)

Mr. Dudley from same Committee reported same on Bill "An Act relating to Registrar of Voters of Town of Rumford Holding Other Town Offices" (H. P. 386) (L. D. 585)

Mrs. Kilroy from same Committee reported same on Bill "An Act Increasing Salaries of Members of Council of City of Portland" (H. P. 604) (L. D. 839)

Mr. MacGregor from same Committee reported same on Bill "An Act relating to Purchase of Equipment and Vehicles by City of South Portland" (H. P. 476) (L. D. 679)

Mr. Wellman from same Committee reported same on Bill "An Act Repealing Law Relating to Appointment of Members of Police Force of the City of Brewer" (H. P. 484) (L. D. 686)

Mr. Sahagian from the Committee on Natural Resources reported same on Bill "An Act relating to Licenses for Discharge into Classified Waters" (H. P. 241) (L. D. 309)

Mrs. Hendricks from the Committee on Retirements and Pensions reported same on Resolve to Repeal Certain Special Resolve Pensions (H. P. 397) (L. D. 596)

Mr. Maddox from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to Closed Season for Scallops" (H. P. 681) (L. D. 937)

Mr. Young from same Committee reported same on Bill "An Act Regulating Taking of Smelts in Town of Surry" (H. P. 554) (L. D. 769)

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

### Ought to Pass with Committee Amendment

Mr. Anderson from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Certain Waters in Washington County (H. P. 591) (L. D. 829) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 591, L. D. 829, Resolve, Regulating Fishing in Certain Waters in Washington County.

Amend said Resolve by striking out all of the 13th line which reads "Chalk Pond, Twp. 22"

Further amend said Resolve by striking out all of the 25th and 26th lines which read "Fourth Machias Lake, Twp. 42 and Twp. 5"

Further amend said Resolve by striking out all of the 28th and 29th lines which read "Gardner Lake, E. Machias, Marion, Whiting"

Further amend said Resolve by striking out all of the 56th line which reads "Possum Pond, Twp. 26"

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

Mr. Hardy from the Committee on Municipal Affairs on Bill "An Act to Incorporate the Town of Waldoboro School District" (H. P. 548) (L. D. 764) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 548, L. D. 764, Bill, "An Act to Incorporate the Town of Waldoboro School District."

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

"To procure funds to carry out the purposes of this act and to cover necessary expenses, the district may issue bonds and notes, the debt not to exceed \$1,000 until

the preliminary building plans have been approved by the town and after approval of the plans may not incur a total debt exceeding \$600,000.'

Further amend said Bill in that part designated "Emergency clause; referendum; effective date" by striking out in the 5th line the word "selectmen" and inserting in place thereof the words 'registrar of voters'; and by striking out in the 7th line the word "selectmen" and inserting in place thereof the words 'registrar of voters'

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

Mr. MacGregor from the Committee on Municipal Affairs on Bill "An Act relating to Portland High School Athletic Commission" (H. P. 482) (L. D. 733) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 482, L. D. 733, Bill, "An Act Relating to Portland High School Athletic Commission."

Amend said Bill by striking out in the 4th line the underlined word "Personality" and inserting in place thereof the underlined word 'Appointment'

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

Mr. Pitts from the Committee on Public Utilities on Bill "An Act to Incorporate the West Paris Water District" (H. P. 392) (L. D. 591) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 392, L. D. 591, Bill, "An Act to Incorporate the West Paris Water District."

Amend said Bill by adding at the end of section 2 the following: 'For the purpose of further carrying out

this section the said district may purchase water from any source within a radius of 8 miles from the said district and may take by purchase or otherwise any real estate or interest therein for the production of water or essential for erecting dams, reservoirs or for preserving the purity or quantity of the water and for laying and maintaining aqueducts and pipes for the taking, conveying, discharging and disposing of said water and said district is further authorized to acquire by purchase or otherwise any existing water system or rights which may be available for the purposes contained herein.

The said district shall be liable for all damages sustained by any person, corporation, state or political subdivision thereof or thereby in the operation of said district. If the amount of the damages cannot be mutually agreed upon, then the claimant may cause his damages to be ascertained in the manner prescribed in the case of damages in laying out highways.'

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

Mr. Taylor from the Committee on Public Utilities on Bill "An Act relating to Rules and Regulations for Length of Duty of Drivers of Vehicles for Hire" (H. P. 677) (L. D. 933) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 677, L. D. 933, Bill, "An Act Relating to Rules and Regulations for Length of Duty of Drivers of Vehicles for Hire."

Amend said Bill by striking out everything after the amending clause of section 2 and inserting in place thereof the following:

"Such authority shall include the right to make rules and regulations relating to the length of duty of drivers operating any motor vehicle for the transportation of freight for hire on the highways of this State. Any carrier operating motor vehicles for the transportation

of freight or merchandise for hire on the highways of this State who is required to comply with the length of duty of drivers regulations of the Interstate Commerce Commission shall be deemed in compliance with this section if they are in compliance with the aforesaid regulations of the Interstate Commerce Commission.' ”

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

#### Divided Report

Majority Report of the Committee on Highways reporting “Ought not to pass” on Resolve Providing for a Traffic Blinker in the Town of Orland (H. P. 368) (L. D. 541)

Report was signed by the following members:

Messrs. COLE of Waldo  
FERGUSON of Oxford  
— of the Senate.

Messrs. ROSS of Brownville  
NADEAU of Biddeford  
TURNER of Auburn  
CARTER of Etna  
DRAKE of Bath  
CROCKETT of Freeport  
— of the House.

Minority Report of same Committee reporting “Ought to pass” on same Resolve.

Report was signed by the following member:

Mr. BROWN of Hancock  
— of the Senate.

Reports were read.

On motion of Mr. Turner of Auburn, the Majority “Ought not to pass” Report was accepted and sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation on Bill “An Act Providing for Safety Seat Belts for Motor Vehicles” (H. P. 13) (L. D. 9) reporting same in a new draft (H. P. 996) (L. D. 1437) under title of “An Act Providing for Safety Seat Belts for Automobiles and School Busses” and that it “Ought to pass”

Report was signed by the following members:

Messrs. STILPHEN of Knox

JOHNSON of Somerset  
— of the Senate.

Messrs. WHITNEY of Winn  
OSBORN of Presque Isle  
LINNEKIN of Limington  
FINLEY of Washington  
DAVIS of Calais  
LAUGHTON of Ripley  
— of the House.

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

Report was signed by the following members:

Mr. PHILBRICK of Penobscot  
— of the Senate.  
Mr. BUSSIÈRE of Lewiston  
— of the House.

Reports were read.

(On motion of Mr. Wellman of Bangor, tabled pending acceptance of either Report and specially assigned for Thursday, March 14.)

#### Passed to Be Engrossed

Bill “An Act to Change the Name of Serpentine Stream, Somerset County, to Harlow Stream” (S. P. 251) (L. D. 625)

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

#### Third Reader Tabled and Assigned

Bill “An Act relating to Retirement Allowances for Certain State Employees after Restoration to Service” (S. P. 517) (L. D. 1424)

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

(On motion of Mr. Jobin of Rumford, tabled pending passage to be engrossed and specially assigned for Tuesday, March 12.)

Bill “An Act relating to Expending Aroostook County Funds for Maine Potato Blossom Festival” (H. P. 72) (L. D. 34)

Bill “An Act Placing Employees of Maine Port Authority under Personnel Law” (H. P. 504) (L. D. 706)

Bill “An Act relating to Expending Aroostook County Funds for Ricker College” (H. P. 557) (L. D. 772)

Bill "An Act Increasing Number of Medical Examiners in Aroostook County" (H. P. 707) (L. D. 963)

Bill "An Act to Reduce the Cost of Renewal Fees for Cinematograph Operators' Licenses" (H. P. 720) (L. D. 1049)

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

### Third Reader Tabled and Assigned

Bill "An Act relating to Number of Signatures on Nomination Papers for Town Officers" (H. P. 984) (L. D. 1426)

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

(On motion of Mr. Oberg of Bridgton, tabled pending passage to be engrossed and specially assigned for Wednesday, March 13.)

Bill "An Act relating to Appointment of Director of Transportation and General Counsel under Public Utilities Commission" (H. P. 985) (L. D. 1427)

Bill "An Act Increasing Number of Superintending School Committee of Town of Baileyville" (H. P. 986) (L. D. 1428)

Resolve Regulating Fishing in St. Croix River, Washington County (H. P. 372) (L. D. 545)

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

### Amended Bills

Bill "An Act to Correct Inconsistencies and Inequities in the Maine State Retirement Law" (S. P. 187) (L. D. 486)

Bill "An Act Amending the Charter of the City of Presque Isle" (S. P. 184) (L. D. 483)

Bill "An Act relating to Fees of Quasi-Public Corporations" (H. P. 630) (L. D. 886)

Resolve Regulating Fishing in Moose River, Somerset County (S. P. 247) (L. D. 621)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read

the second time, all passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

### Third Reader Tabled and Assigned

Resolve Regulating Fishing in Upper and Lower Range Ponds, Dumpling Pond and Ingalls Pond, Androscoggin and Cumberland Counties (H. P. 447) (L. D. 651)

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

(On motion of Mr. Burns of Westbrook, tabled pending passage to be engrossed and specially assigned for Thursday, March 7.)

Resolve Regulating Fishing in Howard Pond, Hanover, Oxford County (H. P. 534) (L. D. 751)

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

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. O'Leary.

Mr. O'LEARY: Mr. Speaker and Members of the House: Last week we passed a resolve here closing Mill Brook, Hanover, to children sixteen and under. On this L. D. 751, this would close this pond to just the campowners and such because it would be impossible for anyone else to fish there. The Northeastern Oxford County Fish and Game Association, with a membership of over a thousand men, stock this pond each and every year. I have here a letter from Thomas H. Grace, who has been a past president for ten years; he isn't at this time. I would like to read it to you.

"Dear Sir: Regarding Legislative Document 751, this bill would practically close Howard Pond to the fisherman at large. Howard Pond in Hanover has been stocked heavier than most ponds in this area as it opens two to three weeks before the Rangeley Chain of Lakes. As it is the only pond open in this area at that time, it gets a very heavy play from the fishermen in the area and has a five fish limit.

"Due to the forced feeding and growth of these two year old trout,

there is practically no survival beyond the same year they are stocked. As there is no public boat landing and no boats for hire on Howard Pond, if this bill is passed all that will be left is a private pond for a few campowners.

"All stocking of Howard Pond for the past twenty-five years has been done by the Northeastern Oxford County Fish and Game Association. We maintain our own tank truck and drivers." And such.

"Yours truly, Thomas H. Grace."

So at this time I would like to have the House concur with me and indefinitely postpone this.

The SPEAKER: The question before the House is the motion of the gentleman from Mexico, Mr. O'Leary, that item seventeen be indefinitely postponed.

And the Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the executive committee of the Fish and Game Association and it doesn't close the pond entirely to fishing; it simply restricts Howard Pond, Hanover, Oxford County to fly fishing and trolling only. It is simply a conservation measure and I certainly hope that the motion of the gentleman to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. O'Leary.

Mr. O'LEARY: Mr. Speaker, a few comments on the remarks of the gentleman from Ellsworth, Mr. Anderson. He says it is strictly a conservation measure. This bill would eliminate all outside fishermen from using this pond and it is stocked by the Northeastern Oxford County Fish and Game Association by about twelve hundred trout each spring. To fly fish, there is a road along one side that you have to fly fish from and it would be impossible because it is a number of feet higher than the level of the pond. The camps are on the other side of the pond and it is only possible for the average angler to spin cast or such off the road. He cannot fly fish, it is impossible. And there are no boats for hire,

there is no public launching ramp there. There is no way that any ordinary man can get a boat onto the pond. Thank you.

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

Mr. ANDERSON: Mr. Speaker, we took all these things into consideration that the gentleman has just mentioned and we still felt that it is absolutely necessary that this bill ought to pass, that it is strictly a conservation measure.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, it seems mighty strange that these people that object to this, that no one appeared at the hearing. There wasn't anyone that appeared in opposition whatsoever.

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

Mr. MCGEE: Mr. Speaker, I would like to ask a question of the gentleman from Mexico, Mr. O'Leary, through the Chair if I might. I would ask Mr. O'Leary if he or any of his Association did appear at the hearing or made any contact with the committee in opposition to this bill.

The SPEAKER: The gentleman from Auburn, Mr. McGee, poses a question through the Chair to the gentleman from Mexico, Mr. O'Leary, who may answer if he so desires.

Mr. O'LEARY: Mr. Speaker, in answer to the question of the gentleman from Auburn, Mr. McGee, there was no one that I know of, but there was a reason for it. The day that this hearing was held, this Thomas Grace informed me that he wanted to be present, but you can recall on that date we had a large snowstorm and he isn't well and he couldn't get shoveled out in time to get down here.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Mexico, Mr. O'Leary, that this item seventeen, Resolve Regulating Fishing in Howard Pond, Hanover, Oxford County, House Paper 534, Legislative Document 751, be indefinitely postponed.

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

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

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

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

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

An Act Appropriating Funds for Renovation of Buildings and Purchase of Equipment at Northeastern Maine Vocational Institute (H. P. 173) (L. D. 242)

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

#### **Emergency Measure**

An Act to Authorize the Municipalities of Eastbrook and Waltham to Form a School Administrative District (H. P. 329) (L. D. 456)

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. 118 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act relating to Classifying Part of Medomak River and Certain Waters In and Bordering Waldoboro (H. P. 390) (L. D. 589)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being neces-

sary, a division was had. 117 voted in favor of same and one 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 Enlarging the Territory of the Parsonsfield Kezar Falls Village Corporation (S. P. 119) (L. D. 347)

An Act relating to Fees and Exceptions Under Law Regulating Nursing (S. P. 145) (L. D. 422)

An Act to Incorporate the Maine Ski Council (S. P. 178) (L. D. 477)

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

#### **Enactor**

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

An Act Increasing Fees and Clarifying Barber Licensing Law (H. P. 30) (L. D. 54)

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

(On motion of Mr. Hanson of Gardiner, tabled pending passage to be enacted and specially assigned for Tuesday, March 19.)

An Act Exempting Swine Under Four Months of Age from Taxation (H. P. 135) (L. D. 178)

An Act relating to Stuffed Toys (H. P. 420) (L. D. 573)

An Act Providing for Penalty for Violating Ordinances for Protection of Pedestrians (H. P. 596) (L. D. 834)

An Act relating to Change of Purposes of Mutual Insurance Companies (H. P. 626) (L. D. 882)

An Act relating to Insurance by Mutual Companies (H. P. 627) (L. D. 883)

An Act Increasing License Fee for Insurance Rating Organizations (H. P. 628) (L. D. 884)

An Act Revising the Laws Relating to Employee Benefit Plans of Domestic Insurance Companies (H. P. 629) (L. D. 885)

#### **Finally Passed**

Resolve, in Favor of Arthur J. Valley, Sr. of Bethel for Damage to Water Supply (H. P. 269) (L. D. 363)

Resolve, Limiting Carrabassett River to Fly Fishing Only (H. P. 289) (L. D. 383)

Resolve, Authorizing the Building of a Private Road Across Portion of Mousam Lake, York County (H. P. 446) (L. D. 800)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all 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:

HOUSE MAJORITY (6) REPORT — Ought to pass — MINORITY (3) REPORT — Ought not to pass — Committee on Election Laws on Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities." (H. P. 97) (L. D. 141)

Tabled — February 21 by Mr. Dennett of Kittery.

Pending — Acceptance of Either Report.

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

Mr. DENNETT: Mr. Speaker, I now move the acceptance of the Majority "Ought to pass" Report.

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

Mr. ANDERSON: Mr. Speaker, I am very sorry to oppose my good friend, the distinguished gentleman from Kittery, Mr. Dennett, but I have no alternative. This bill, L. D. 141, was soundly defeated the last session of Legislature. The state is already in the television and real estate business, and I certainly hope that we will not go into the banking business. This will mean another bureau with added personnel and that is exactly what we are trying to eliminate. The cities, towns, counties and the state should stand on their own feet, forget the bargains, doles and matching funds that are destroying the initiative of our people.

If the municipalities want voting machines, I think they would do well to dicker directly with the manufacturers or the banks, and I

am sure they would get just as good a deal as they would with the state. I certainly hope that the motion of the gentleman from Kittery does not prevail.

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

Mr. BROWN: Mr. Speaker, I too hesitate to take issue with my good colleague, Mr. Dennett, but as a signer of the Majority "Ought not to pass" Report, I cannot concur with him in his motion not to accept that.

It is our feeling that the present arrangements between the towns and the companies from whom they purchased the machines can be extended for a period of ten years. Under the state's provision of this act, the length of time will be extended to twenty years and the interest rate would be less due to the borrowing power of the state. However, I feel as though if you pay a higher rate of interest for ten years and then a lower rate of interest for twenty years, the thing more or less balances out. It is also my feeling that we should not become enmeshed in the banking business and I feel as though that if these towns really wanted voting machines, that they have ample power to purchase them on their own.

The SPEAKER: Is the House ready for the question?

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

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen of the House: You need not tell me, I well know that I have no business trying to debate this or any other question with our eloquent and esteemed friend from Kittery, Mr. Dennett, but I feel it is imperative to call to your attention a few items relative to this bill. I would like you all to take a pencil and notate the memo which is L. D. 141. In that manner, you won't have to look it up. Before this comes to third reading, if it does, I would like you to examine this quite carefully. To me, it is a very very unsatisfactory bill as written, and I would like you all to examine it very carefully. It doesn't say who is to pay the charge of floating these bonds which represent about \$700 per issue whether

you float a bond issue for \$100,000 or for the entire million and more. It doesn't say who is to absorb and do the enormous amount of paper work involved in collecting from the towns and the interest pertaining thereto, and I would like to make a motion that the bill be indefinitely postponed.

The SPEAKER: Did the gentleman make a motion?

Mr. CHAPMAN: A motion to indefinitely postpone.

The SPEAKER: The question now before the House is the motion of the gentleman from Norway, Mr. Chapman, that this matter be indefinitely postponed.

The Chair recognizes the gentleman from Anson, Mr. Viles.

Mr. VILES: Mr. Speaker, I was a member of this committee that heard the bill, and due to the fact that it carries approximately one million and one half dollar bond issue and the fact that towns can make their own arrangements perhaps more satisfactorily than the state could, I would certainly agree with the gentleman from Norway and ask for a division.

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

Mr. DENNETT: Mr. Speaker, Members of the House: I have no intention to stand before you this morning and make any attempt of delivering any eloquent oration. Rather this morning, I would attempt to appeal to your reasoning. I have heard the speakers who have preceded me. They are all good friends. As a matter of fact, in general, our ideas and our objects are not very far apart. On most questions, I believe I heartily concur with them. However, I think this morning I can reasonably meet their objections. I feel that their objections to this bill are based mostly on misunderstanding.

This bill is simply a bill to help your towns and your cities in the purchase of these machines if you desire to buy them. It is not forcing anything upon you. The Elections Division of this State passed through quite a horrible experience in the last election. You are all very much aware of it. Votes were close. The counts were miscounted in some places. It was quite an

ordeal all the way through, and there is no sense of entering into that because you all know what occurred.

The point behind this bill is to enable those towns and cities who desire to purchase, to purchase these machines through the state and thus ease their own burdens at these elections.

Now presently, there is nothing to prevent the towns from purchasing voting machines, but the best they can do is a ten-year basis. This would extend it to twenty years. The interest rates the towns would have to pay would necessarily be much higher than the state bonds. Now while these bonds pledge the faith and credit of the State of Maine, in reality they only act as guarantors for the municipalities that would seek to buy the machines. It is not an inflationary measure and neither at any time will any state tax money be needed to pay off these bonds.

Now while it calls for \$1,526,000, the issuance of these bonds would be based simply on what the towns want to buy. If the towns didn't buy any machines, there would be no bonds issued. Now another thing that was mentioned was setting up a department. This would set up no department. There is certainly enough help available, and what little work would be entailed in the issuance of these bonds would simply not call for any additional monies in any way, shape or manner. There is probably no one in this entire body that stands in opposition to the raising of and spending of new money any more than I do myself. I would not for one moment entertain a bill that might be called to levy an additional tax or throw us away off balance.

The bonds, as stated before I believe, would only be sold as needed. They are merely to help the towns and cities. They will not plunge the state into debt and I think, in the final analysis, will be very beneficial to all concerned. And I would, with this, oppose the motion by the gentleman from Norway, Mr. Chapman, to indefinitely postpone.

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



Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: You know as well as I that over the years the communities will want other things, and the state will be only too ready to float a bond issue to arrive at this. I certainly hope that this bill does not pass. It will simply mean the building up of another over-staffed empire.

The SPEAKER: The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, I hesitate to be in disagreement with my colleague, Mr. Dennett too, but at the time of the public hearing, I was a member of that committee. I posed a question to the Assistant Secretary of State which in essence was this, was under the bill whether or not the total cost of this bond issue would be borne only by those towns and cities that purchase the machines. At first he indicated that that was so, the total cost would be borne only by those that bought them. However, he receded from that position and in checking with the State Auditor, I found that it was possible that the cost would not be borne only by those that purchased. Because of this, the State Treasurer would not issue a bond for \$5,000 if only a few towns or one town wanted a machine. They would issue bonds for one hundred or two hundred thousand, and then only use that amount for the towns that wanted to purchase them. But in the meantime, those bonds that have been issued and not used, interest is being paid on, and that interest is not going to be paid for in the end by those towns only that buy these machines. So I support Mr. Chapman's motion.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of the House: Apparently Mr. Dennett is standing pretty much alone, but I signed the Majority "Ought to pass" Report and I intend to vote so. And the reason for doing so, Mr. Dennett very capably covered.

The SPEAKER: Is the House ready for the question? The Chair

recognizes the gentleman from Windham, Mr. Watkins.

Mr. WATKINS: Mr. Speaker, may I ask of the Chair how much a machine would cost and how many machines would be needed in a town of three or four thousand?

The SPEAKER: The gentleman from Windham, Mr. Watkins, poses a question through the Chair and any member may answer if he so desires.

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

Mr. BROWN: Mr. Speaker, it is my understanding that these machines can be purchased for \$1700 and over a period of ten years.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Norway, Mr. Chapman, that both Reports and Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities", House Paper 97, Legislative Document 141, be indefinitely postponed. All those in favor — the Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, when the vote is taken, I request a division.

The SPEAKER: A division has been requested. And the question before the House is the motion of the gentleman from Norway, Mr. Chapman, that both Reports and the Bill be indefinitely postponed. All those in favor of the motion, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

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

HOUSE REPORT — Ought not to pass — Committee on Inland Fisheries and Game on Inland Closing Fowler Brook, Kennebec County, to All Fishing." (H. P. 456) (L. D. 660)

Tabled — February 26, by Mr. Kent of Benton.

Pending — Acceptance.

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: In regards to L. D. 660, I have conferred with some of the members of the committee and the Commissioner of Inland Fisheries and Game, and I feel that an amendment can be offered which will overcome their objections. Therefore, I would ask at this time that the bill be substituted for the report so that this may have its two several readings so that the amendment can be offered.

The SPEAKER: The gentleman from Benton, Mr. Kent, moves that the Bill be substituted for the Report. Is that the pleasure of the House?

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

A viva voce vote being taken, the motion prevailed.

Thereupon, the Resolve was substituted for the "Ought not to pass" Report, the Resolve read once and assigned for second reading the next legislative day.

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

Bill "An Act relating to the Duties of Department of Labor and Industry Regarding Industrial Safety." (H. P. 503) (L. D. 705) (Amendment Filing H-52) In House Read the Third Time.

Tabled — February 26, by Mr. Dennett of Kittery.

Pending — Passage to be Engrossed.

Thereupon, on motion of Mr. Dennett of Kittery, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

Resolve Authorizing State Highway Commission to Construct Certain Highway Facilities on Interstate Highway 95 in the Towns of Kittery and York. (H. P. 975) (L. D. 1347) — In House Read the Second Time.

Tabled — February 26, by Mr. Turner of Auburn.

Pending — Passage to be Engrossed.

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

Mr. TURNER: Mr. Speaker, I move this Resolve be passed to be engrossed.

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

Mr. BERRY: Mr. Speaker and Members of the House: I think the gentleman from Auburn, Mr. Turner, thinks he may be going to get off a little easy on this one. The matter which we are focusing our attention on here, L. D. 1347, was mentioned by myself several weeks ago when I raised several questions on the matter, and I had hoped that they and others would be answered, and perhaps they will be.

A perusal of the L. D. would indicate that we are being asked to eliminate toll collections on that portion of the Maine Turnpike from Kittery to York. This in itself is no insignificant step.

Secondly, we are being asked to approve the construction of an interchange at York to provide for the York area to be serviced by the turnpike. We are being asked to transfer to the State of Maine from the Turnpike Commission, five miles of turnpike to be maintained out of State funds, not out of turnpike funds as is presently being done. We are in addition being asked to provide our part of \$400,000 to pave this five-mile strip of turnpike out of State funds. And we are being asked to provide for the residents of the York area toll free rides from York to Kittery. These, ladies and gentlemen of the House, are the provisions of L. D. 1347, and it is my contention that the members of this House deserve a very thorough explanation of why such a significant piece of legislation is up for our consideration.

Now what is the basic problem being handled by this Legislative Document? What is the problem? We all seem to find a problem behind our L. D.'s and our Resolves and our Acts, trying to create the solution to inequities, to make something better that needs

to be improved. What do we have here? Well frankly, with the exception of the provision of an interchange at York, with which I am in hearty accord and have been ever since the turnpike was constructed, I see little, if anything, which will benefit the State of Maine as a whole by the passage of this legislation.

I would invite the attention of the members of the House to the Wilbur Smith Associates Report which was distributed in somewhat abbreviated form to every member of the House, and when it came out, it was acclaimed by the State Highway Commission as being an exemplary form of an engineering Report, and with this I wholeheartedly concur. This Report has to do in part with the major subject of the interstate bridge at Kittery and Portsmouth. However, in the Report, and under Proposal A, the up-river high level bridge, on page 45, I invite your attention to the location of the proposed toll booth. Ladies and Gentlemen of the House, the toll booth as recommended by this Report is 400 feet from the present toll booth. This is a long way from five miles up the road at Kittery, and I might say that this Report has cost someone, and the taxpayers of both the Federal Government and the State of New Hampshire and Maine, over \$100,000, and a lot of care and thought and analysis and research went into it, and I feel it deserves a very fine place in our consideration of this L. D. I might add again that the State Highway Commission heartily approved of the provisions of the Report when it came out.

We have had and will have raised here in these Halls the matter of the 90-10 financing for those facilities which lead traffic onto the turnpike, and it will also be a thorny issue when it comes up, but this L. D. provides that 90-10 financing will be made for interchanges at York. The good question that I would raise: Will this be available or will it not? We are being asked to approve this legislation primarily because as far as Route 1 and Route 95 are concerned, that the State is faced with a \$2,000,000 reconstruction bill on present Route 1. I have a question:

Are we abandoning Route 1? I doubt it. I think that Route 1 will continue to be in existence; I think it will have to be maintained; I think it will have to be reconstructed, regardless of what happens, and that this is no thing to be thrown out as a bone to take us off the track. Route 1 has got to be maintained; the State, no matter what happens, is going to have to pay for the cost of reconstructing Route 1. I think the release of five miles of the turnpike from under the present bond indenture certainly should raise legal and financial questions. What are the rights of the present bondholders? Are they being protected? This is a very important question because the State of Maine is behind these bonds, and we want to maintain their integrity, not only because of these bonds, but because of future financing of this nature.

Let us think of the matter of tolls for a minute. There seems to me to be something unfair that we are to propose free toll roads for a significant segment of the State's population. I think that the people in Gardiner would be very happy to ride free on the toll road to Augusta, and I think the people all along the turnpike and throughout the State who do use the turnpike, would be delighted if we could have less or no tolls on the toll road. This is an extremely important point because we as Legislators are asked to determine matters on the State's welfare as a whole and not for any particular segment of the State.

I feel that we have considerable traffic coming into this area that would be served by the proposed interchange, and I think that traffic which of course is mostly from out of state would be very happy to pay the relatively small toll charge from Kittery to York to use Route 95. I think they would not expect to have 95 turned over to them for toll-free travel. I think there were many unanswered questions to this L. D. I do feel however, that we want to keep alive the possibility and the desirability, and study it carefully, of the interchange at York. Consequently, Mr. Speaker, I would hope that the motion of the gentleman from Auburn, Mr. Turner, does not prevail, and I shall

move recommitment to the Highway Committee for further consideration.

The SPEAKER: The question before the House now is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this matter be recommitted to the Committee on Highways.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Cape Elizabeth, Mr. Berry, and in support of the motion of the gentleman from Auburn, Mr. Turner.

Now to give you a little bit of background on this particular piece of legislation, let me say that it has had the unanimous report of the Committee on Highways. This particular piece of legislation was supported by the Highway Commission. This particular piece of legislation has further been approved by the Federal Bureau of Public Roads in Washington. This bill has had serious consideration, and the reason that it has had this serious consideration is that the merits of the bill are warranted.

Now the gentleman from Cape Elizabeth has pointed out a few things regarding the bill which would indicate to you that this is possibly a piece of private legislation for the Town of York. This is not a fact. I would also like to give you a few facts of why this particular piece of legislation has come about.

The town officials of the Town of York for a long time have been interested in obtaining access onto the Turnpike or what is known as Interstate 95 in York. The local Chamber of Commerce has supported the same proposition along with businessmen and public-spirited citizens. Now the Town of York in particular, if it had had a different attitude fifteen years ago when the turnpike was built, we would have had access to the turnpike. However, I won't go into that because it involves a matter of personalities more than the merits one way or the other. But in working up this particular proposition, I myself had discussions with the Highway officials: I myself had discussions with

the attorney for the Maine Turnpike Authority, and also a delegation from the Town of York met with the turnpike officials, and we presented our case to them. And then to support this we introduced a series of bills here in the Legislature covering the problem in general.

Now this bill is not all that it appears to be as indicated by the gentleman from Cape Elizabeth, Mr. Berry. It will do nothing until two things are met. I should say three things are met. First, that the so-called high level bridge report as supported by the Wilbur Smith Associates Report, and as approved by the Interim Committee on Legislative Research is approved. If the high level bridge is not built, this bill will never take effect, point 1.

Point 2. The 90-10 financing which is provided in this particular piece of legislation will not take effect unless another so-called piece of legislation passes here at this session which would provide that the Turnpike Authority could issue no more bonds, so that when the bonds are paid off, the turnpike will become a free road. Point 2.

Point 3. The road from York to Kittery will not be given up by the turnpike unless and until the Turnpike officials are willing to do so and the State Highway Commission and the Turnpike officials agree on the terms and the conditions. Now there is some precedent for doing that because the same thing was done out here in Augusta on that portion of the turnpike where the toll plaza originally existed to where it is today. That was turned over for a dollar, and this probably would be the same type of a proposition if it were passed.

Now whether the turnpike would or would not give up the five miles of road, which in fact are four and not five stated in the bill, depends upon revenue conditions on the turnpike. To determine the effect of this on the turnpike revenues a survey will be carried out by the State Highway Department to determine whether this is feasible or not. This is point 3.

So this bill, although it seems like a lot, is based on three big

'ifs,' and I hope they are all met and I hope the bill receives passage. Now that is the background.

Now let's look at it from the local people in the Town of York. The last fifteen years the population of the Town of York has increased something like sixty percent. We now have a year-around population of around 5,000 as opposed to some 2,400 or 2,500 back in 1947. In the summertime, during the season, we have a population of 30,000 people. We are a large seasonal resort area.

Now let's look at the needs of the community in regards to access to the turnpike in relation to other towns existing on the turnpike today. If you follow the road from Kittery to Augusta, there are four towns through which the turnpike passes which do not now have direct or convenient access to the turnpike. One is the Town of York. We are eight miles from Kittery and twelve miles to Wells. Now the Town of York, as I have indicated, is a town of 5,000 population; 30,000 people in the summertime, and we pay the fourth highest county tax in the County of York, so we have some very valuable property. The next town on the turnpike which has no access is also in York County, and that is the Town of Dayton. Now the Town of Dayton has a population of less than a thousand people. It is rural and agricultural. It is within four miles of the Kennebunk exit on the turnpike. The next town is Cumberland in the County of Cumberland. This is another rural community, and it is about three miles from the Falmouth exit. The next town is the Town of Webster in Androscoggin County, just outside of Lewiston, and it is within three miles of the turnpike exit.

Now the Town of York already has an emergency exit or entrance to the turnpike for police and ambulance facilities, and it is there for a special purpose, because the turnpike officials recognize the need for it since the Town of York has two hospitals, one has approximately forty beds and the other is around thirty beds. This is very convenient for any accidents which happen on the turnpike and if we

had an accident it would also be very convenient for persons and emergencies coming from as far as Kennebunk, Sanford, Wells, North Berwick, South Berwick into the hospital facilities in our area.

Now point 3. This particular interchange at York will not benefit the Town of York alone, because it is proposed to tie the interchange into State Route 91, which is the main traffic artery from the Town of York up into the Town of South Berwick over into Dover, New Hampshire, up into Berwick, Maine, up into Somersworth and Rochester, New Hampshire. This would open up the upper part of the county to a more direct and a more convenient entrance or exit onto or off the turnpike for people coming southbound or going northbound. This traffic which would be generated through this particular artery would in a large measure offset any loss of revenue of tolls between Kittery and York.

In the discussions which the local officials of the Town of York had with the Turnpike Authority, I say this in all sincerity, we definitely came away with the impression and the understanding that the turnpike was very sympathetic to moving the toll gates from Kittery to York and to the elimination of the tolls, because it would be beneficial to them based again on the fact of the revenue problem which will be produced or resolved by a highway study.

Now let's look at the financing of this project. If the high level bridge is approved by this session of the Legislature, and if the elimination of the bonds of the turnpike is approved by this session of the Legislature, the things which this bill proposes and which have been approved by the Highway Department and the Federal Bureau of Public Roads, the interchange facility in the Town of York which will cost approximately \$300,000 will be paid for by 90-10 financing, that means \$30,000 of State money. The shift of the toll plaza from Kittery to the Town of York four miles up the road will cost the State nothing, because in connection with the high level bridge

the toll plaza must be moved in any event, so that is no cost to nobody. Now the third point here is the change in the road conditions from Kittery to York on the turnpike and from Route 1 to York — from Kittery to York on the turnpike — from Route 1 rather. The four or five miles of the turnpike, or Interstate 95 from Kittery to York, to meet Interstate 95 standards would have to be repaved at an estimated cost of \$40,000, \$40,000 a mile. This would be done by 50-50 federal financing, so that is going to cost the State something like \$200,000 of State money.

So this overall package, if it were to go through, would cost the State no more than \$230,000. Now where is the \$230,000 to come from? It is coming from two sources. The first source it is coming from, the Town of York itself, because the Town has agreed to give up a highway project which the State has already committed itself to at a cost of \$95,000. This leaves us with \$135,000 difference at a maximum amount of money. This would come from highway funds or from a potential saving on the construction of the high level bridge, because when the toll plazas are moved from Kittery to York, it is very possible that a road relocation job in the Town of Kittery at a cost of \$175,000 will be saved. That takes care of your financing on those two bases right there. Now the reason that the Highway Department is interested in opening up Interstate 95 from Kittery to the Town of York is primarily based on a projection of traffic conditions. If my memory serves me right, the Wilbur Smith Report indicates that there will be something like 18,000 vehicles a day coming northbound into the State of Maine, 11,000 of these vehicles would continue northbound on Interstate 95, or the turnpike, whichever you choose to call it. This is a two-lane divided highway, so you are pouring 11,000 vehicles a day up two lanes of highway all going the same way. Now they also indicate that there will be 8,000 vehicles a day of traffic coming off the high level bridge approaches

in Kittery and going up north on Route 1. These would be joined with 8,500 vehicles of local traffic. Now we have got 16,500 vehicles a day going up Route 1 as it exists today. Now Route 1 from Kittery to York is basically a two lane highway, one lane north and one lane south.

Now if we free the turnpike from Kittery to York for that extra five miles — four miles, we are going to take some of the traffic burden off of Route 1 and shift it onto the turnpike for safety reasons, because you can't push 16,000 vehicles a day over a two-lane divided highway and let 11,000 vehicles go up a two-lane one-way road, so this would shift the burden there. Now if the State were to do the work on Route 1 between Kittery and York, the estimated cost of resurfacing the highway is \$2,000,000. That is 50-50 money, 50 State and 50 Federal, so by shifting some of the traffic from Route 1 over onto the four or five miles of the turnpike as a free road to the Town of York, you are saving, for the time being, a million dollars of State money at no cost to the State, because the turnpike or Interstate 95 would substitute the facilities until the work was done on Route 1 as conditions absolutely warrant.

Gentlemen, these are all the remarks I would like to make at this time. I have tried to explain the pros and the cons of this proposition. I would like to point out to you again that this bill does absolutely nothing unless and until three points are met: the high level bridge is approved, the elimination of bonds of the turnpike is approved and the Turnpike Authority is willing to give up those four or five miles of road.

Now I will reiterate, I hope the motion of the gentleman from Cape Elizabeth, Mr. Berry, does not pass, and that the motion of the gentleman from Auburn, Mr. Turner, does pass.

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

Mr. DENNETT: Mr. Speaker, I rise in support of the motion made by the gentleman from Cape Elizabeth, Mr. Berry. I am going to be

very brief because I think a little later on, perhaps tomorrow, we will really touch on this turnpike subject.

I would like the members of this Legislature to know there is far more here than meets the eye. I wonder if you know since the inception of the Maine Turnpike in 1941, not one dime has been paid off on the bonds. There are \$78,000,000 in Maine Turnpike Bonds. It doesn't seem very likely that the Maine Turnpike is going to give up anything unless somebody pays. Ultimately I am very fearful that if this continuous harassment of the Maine Turnpike Authority is continued, that the State of Maine is going to have to pay \$78,000,000 in bonds. Now as these bonds stand, they are not a direct obligation of the State of Maine. They do not pledge the faith and credit of the State, but the Turnpike Authority is a quasi-state authority. If the revenues of the Turnpike Authority fail and they cannot meet their interest, their bonds start to go down.

Of course it might be a good idea. It might be a scheme by some to buy these bonds at twenty-five or fifty cents on the dollar, but I don't think for one moment the State of Maine is going to participate in any scheme to become a robber of widows and orphans of institutions and charitable organizations and I think they would feel that they would be obligated to meet these bonds in their entirety; and if you don't leave the Maine Turnpike Authority alone, somebody is going to have to pay \$78,000,000, and I don't think that we should be considering it. I sincerely hope the motion made by the gentleman from Cape Elizabeth to recommit will prevail.

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

Mr. RUST: Mr. Speaker, I would just like to reiterate one point which my brother, Mr. Dennett from Kittery, has brought out. He said that this bill might affect the revenues of the Turnpike Authority. Now that is not a fact because unless the Turnpike Author-

ity itself is willing to give up the four or five miles of road involved, this bill will never go into effect. So we are not affecting the revenue on the Turnpike; we are not affecting their bonds.

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

Mr. TURNER: Mr. Speaker, I think that my good friend Mr. Rust has explained the situation far better than I could, and I can see no reason in returning this to the Committee. I think we had better let it rise or fall on its merits. Personally, it doesn't mean much to me, but our committee went along unanimously that this bill "Ought to pass."

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this bill, Resolve Authorizing State Highway Commission to Construct Certain Highway Facilities on Interstate Highway 95 in the Towns of Kittery and York, House Paper 975, Legislative Document 1347, be recommitted to the Joint Committee on Highways.

Mr. RUST of York: I would request a division.

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

A division of the House was had.

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

Thereupon, the Bill was recommitted to the Committee on Highways and sent up for concurrence.

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

Bill "An Act Designating Mount Desert Island as Game Management Area." (H. P. 208) (L. D. 277) In House Engrossed on Feb. 19th — In Senate Engrossed as amended by Senate "B" in non-concurrence—(Filing S-25)

Tabled—February 28, by Mr. Benson of Southwest Harbor.

Pending — Further consideration.

On motion of Mr. Benson of Southwest Harbor, the House voted to recede and concur with the Senate.

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

Bill "An Act to Provide Aid to Blind Persons in Voting." (H. P. 206) (L. D. 275) — In House Read the Third Time with House Amendment "A" (Filing H-75)

Tabled—February 28, by Mr. Smith of Strong.

Pending—Passage to be Engrossed

On motion of Mr. Wellman of Bangor, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

Under Orders of the Day, the Speaker would remind the mem-

bers of the House to take care of their invitations to their predecessors on the annual "Welcome Back Day" of past legislators. This is a reminder to you because I believe that date is March 13.

On motion of Mr. Anderson of Ellsworth, the House voted to take from the table the fourth tabled and unassigned matter:

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

Tabled—February 20, by Mr. Anderson of Ellsworth.

Pending—Passage to be Enacted.

On further motion of the same gentleman, the Bill was indefinitely postponed and sent up for concurrence.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.